THE PUBLIC HEALTH ACTS

VOL. III

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THE
PUBLIC HEALTH ACTS

ANNOTATED

TOGETHER WITH

The Various Incorporated Statutes and Orders of the Minister of Health, etc.

FIRST EDITION, PUBLIC HEALTH ACT, 1875, BY

W. G. LUMLEY, LL.M., Q.C., AND EDMUND LUMLEY, B.A.

Counsel to the Local Government Board. *Of the Middle Temple, Barrister-at-Law.*

ELEVENTH EDITION

IN FIVE VOLUMES

BY

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Of the Inner Temple, Barrister-at-Law

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PUBLISHERS' NOTE TO VOLUME III

THE difficulties of producing a work of this magnitude und war conditions require no explanation. The Publishers hav however, been fortunate in some respects. Mr. Erskir Simes, the senior editor, has, as the result of disabilities co tracted in the last war, been found unfit for active servic and consequently has not been called up as a member of th Emergency Reserve of Officers. Mr. Charles Scholefiel although he was commissioned far in advance of the date o which he could have been called upon to register under th National Service (Armed Forces) Act, 1939, was available fc some months, and was responsible for a substantial proportio of this volume. Mr. A. N. C. Shelley, who in September, 193 was recalled from practice to resume his former position in th Local Government Division of the Ministry of Health, wa nevertheless authorized by H.M. Government to continue givin such time as he could find to work as one of the editors c Lumley.

There can be no question about the vital importance c Local Government in normal times, and that importanc has increased greatly in these war days. "Lumley," as th standard work for local government, must comprehend th subject in the fullest detail, and to deal with it in a less com plete manner would be a fundamental mistake and unworth of its standing as the great reference work to which all officer of Local Authorities turn. The Publishers, therefore, feel the are interpreting the wishes of all the subscribers in sparing n pains to make "Lumley" complete and comprehensive.

The Editors referred in their prefaces to Volumes I and I to the problems attendant on the production of this edition while the work of consolidating the Local Government statute was still in progress. At the time of the outbreak of wa they had made some progress with the editing of the forme Appendix I (subsidiary statutes) and the former Appendix I (Statutory Rules and Orders, etc.). It soon became apparen however, that the original scheme of four volumes woul not meet the case, as that number of volumes could nc contain the statutes, the Statutory Rules and Orders, and th consolidated index. The Editors and Publishers, after fu

consideration, decided upon the following plan for the publication of the work. The Statutory Rules and Orders, formerly Appendix II, were obviously most urgently needed, as many of them are supplemental to statutes in Volumes I and II; they are published in the present Volume III. It was then proposed to print in chronological order the remainder of the statutes whether formerly contained in the main text or in Appendix I; the distinction between the Public Health Acts and the subsidiary statutes had often been hard to draw and it was felt reasonable to abandon it for the present. These statutes, together with the consolidated index, it was proposed to issue in two volumes, IV and V.

Since those decisions were made, early in 1940, the war situation has entirely changed, and in addition, as stated at the beginning of this note, Mr. Scholefield's services are no longer available. For these reasons no undertaking can be given as to the date of publication of these further volumes, although every effort is being made to expedite them; but it was necessary to indicate the plan in order that the modification of the cross-references in earlier volumes might be understood. The cross-references in Volumes I and II must be adapted as follows: References "*post*," or to "Appendix I, *post*," should be read as references to Volume IV or V, according to the date of the Act; references to "Appendix II, *post*," should be read as references to the present Volume III.

This volume may be regarded as containing all Statutory Rules and Orders, Circulars and Memoranda, relevant to the subject, issued up to January 1, 1940, though one important Order since that date is included in the Addenda. In considering the relevance of Orders to "Lumley" the Editors have as a rule excluded material of a temporary nature, arising out of war conditions. For this reason portions of the Defence (General) Regulations, 1939, which affect Public Health have not been included; these and other emergency orders can be referred to in Butterworth's Emergency Legislation Service (Annotated).

In conclusion the Publishers would like to repeat the invitation of the Editors in the previous volume, welcoming corrections or criticisms.

BUTTERWORTH & CO. (Publishers), LTD.

September, 1940.

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THE ENGLISH AND EMPIRE DIGEST

The citation of each case in the text and Table of Cases is followed by a reference to the volume, page and number at which the case appears in the Digest. Thus:

Hill v. *Wallasey L. B.*, [1894] 1 Ch. 133; 26 Digest 270, *97*

HALSBURY'S COMPLETE STATUTES OF ENGLAND

Each reference to a public Act of Parliament, not printed in full in this work, or to a section of such an Act in the text or Table of Statutes is followed by a reference to the volume and page at which the Act or section appears in Halsbury's Statutes. Thus:

Interpretation Act, 1889, s. 5 (18 Halsbury's Statutes 993)

THE ALL ENGLAND LAW REPORTS

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THE PUBLIC HEALTH ACTS.

STATUTORY RULES AND ORDERS, CIRCULARS, ETC.

ARRANGED IN ALPHABETICAL ORDER OF SUBJECTS.

Reference may also be made to the annual volumes of "Local Government" issued by Messrs. Butterworth, containing all official documents relating to matters, included in this work, which have appeared during each year since 1908.

ACCOUNTS AND AUDIT.

See also RATING AND VALUATION.

By s. 235 (1) of the L. G. A., 1933, *ante*, p. 1082, the Minister of Health may make regulations generally with respect to the preparation and audit of accounts which are subject to audit by a district auditor, including (*inter alia*) the mode of keeping the accounts of the authority and their officers, and the form of those accounts. Although this provision is a re-enactment of previous powers (see *ante*, p. 1082), the only regulations which have been made relate only to the accounts of boroughs and metropolitan boroughs (S. R. & O., 1930, No. 30, *post*, p. 2350), although it is understood that the form of accounts there prescribed have been followed, in whole or in part, by other authorities. As regard district councils, the Local Government Board stated in a circular of December 24th, 1894, that, pending the issue of an Order for Accounts, rural district councils should keep their accounts in the form adopted by their predecessors the rural sanitary authorities. As regards the accounts of urban district councils, in previous editions there has been included the General Order of March 22nd, 1880; this order is still applicable to urban authorities, but is, for all practical purposes, now obsolete and it has accordingly been omitted.

PURCHASE OF PERIODICAL PUBLICATIONS—MEMORANDUM.

MEMORANDUM AS TO THE LEGALITY OF EXPENSES INCURRED BY LOCAL AUTHORITIES IN PURCHASING PERIODICAL PUBLICATIONS.

The Local Government Board have recently had under consideration the question of the legality of the purchase by local authorities, at the cost of the funds under their control, of periodical publications which contain reports of decisions of the courts of law, or other information connected with matters subject to their jurisdiction

Hitherto the Board have generally considered that the local rates could not legally be expended in the purchase of the publications referred to.

Recently, however, they have seen reason to doubt whether this view could be supported, and they have therefore consulted the law officers of the Crown upon the point. The effect of the opinion given by the law officers is, that if the publications referred to contain information so immediately connected with the discharge of

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their duties by the local authorities as to be likely to enable them to discharge those duties more efficiently than they could without such publications, the local authorities may legally make the purchase at the cost of the rates.

* * * * * *

See also L. G. A., 1933, s. 267, *ante*, p. 1147.

CIRCULAR OF MINISTRY OF HEALTH TO LOCAL AUTHORITIES, DATED DECEMBER 20TH, 1921.

I.—AUDIT STAMP DUTY.

SIR,—I am directed by the Minister of Health to forward the enclosed copy of an Order made by the Lords Commissioners of His Majesty's Treasury in pursuance of section 61 (1) of the Finance Act, 1921, fixing a new scale of stamp duty to be charged on local authorities in respect of the audit of their accounts by District Auditors. The Associations representing the principal classes of local authorities have been consulted on the subject.

The Order, which is termed the Audit Stamp Duty (Local Authorities) Order, 1921, comes into force on the 24th instant, and, with the exception specified in Article 3 (*b*), will apply to the accounts of local authorities for any financial period ending on or after the 30th September last. The old scale will apply to all accounts for periods ended before that date.

It will be observed that under the new scale deduction may be made from the expenditure comprised in the financial statement, as audited and allowed by the district auditor, of the following items in calculating the net expenditure on which stamp duty is payable:—

(1) Sums paid in pursuance of a precept;
(2) Grants paid to other local authorities in conformity with a statutory requirement or direction of a Government Department;
(3) Repayment of loan made out of money reborrowed or out of funds which will be replaced by money reborrowed;
(4) One half of any expenditure (exclusive of any repayment of loan as in (3)) met by loan during the period to which the financial statement relates; and
(5) Payment to the Motor Tax Account of sums payable into the Exchequer by virtue of the Roads Act, 1920.

No deductions other than the above are allowable.

II.—STATUTORY FINANCIAL STATEMENT.

In connection with the new scale of audit stamp duty it has been found necessary to revise the form of statement in which the expenditure of the principal classes of local authorities should be presented to the district auditor for certification. After consultation with representatives of the Institute of Municipal Treasurers and Accountants, a new Order, entitled the Financial Statements Order, 1921, has been made by the Minister, a copy of which is enclosed. This Order, which comes into operation on the same date as the Audit Stamp Duties (Local Authorities) Order, 1921, prescribes the form of financial statement to be used by local authorities in respect of such of their accounts as are audited by the District Auditor, and, with the exception mentioned in Article 3 (4), will apply to any statement for a financial period ending on or after 30th September last.

The only instructions appended to the form of statement in the new Order are as follows:—

(1) For the purpose of ascertaining the figures to be entered in the financial statement, the officer responsible for the statement shall make up from the ledger a schedule setting out the total amount credited and debited to each account, but so that no one item is included more than once in such Schedule, and shall include all the expenditure under each heading without deduction of any income connected therewith.
(2) The schedule shall be submitted to the District Auditor at the audit, and preserved for future reference.

The direction in these instructions that the same item is not to be included more than once is of importance in connection with deduction items, which appear as credits in expenditure accounts, such as—

(*a*) correcting or adjusting transfers,
(*b*) recoveries of overpayments, or
(*c*) discounts obtained.

On the other hand, the direction that expenditure is to be entered in full without deduction of income connected therewith, will preclude the deduction of credit entries appearing in expenditure accounts when the items represent actual income arising out of the expenditure, and not transfers of expenditure to other accounts or corrections of overpayments. Thus, items of the following classes which sometimes appear as *contra* credits are to be treated as income—

(*a*) charges for work executed,
(*b*) contributions in aid of expenditure, or
(*c*) proceeds of sale of any kind.

There does not appear to be any difficulty in applying these principles in distinguishing between the cases which demand net entry and those which demand gross entry. The same principles should be applied on the income side. Thus, abatements of charge should always be treated as deductions from income, but costs connected with income and its collection should be treated as expenditure.

Under the Financial Statements Order, 1918, now rescinded, contributions to sinking funds and other similar funds, as well as payments out of such funds, were treated as expenditure. The new Order contemplates that transfers from one fund to another fund of the same authority should not be regarded as expenditure of the authority, and therefore provides that only the final payments out of the fund shall be treated as expenditure. The change will secure uniformity in the treatment of contributions to reserve funds, sinking funds, pension funds, trading revenue accounts, housing (assisted scheme) revenue accounts, &c., where there is now great diversity of treatment. The effect of the change will be that in all cases stamp duty will be charged only on the final expenditure of the funds, and not, as hitherto, sometimes on the contributions to the fund, sometimes on the fund expenditure, and sometimes on both.

Payments in respect of rate or rent charges, services rendered, or supplies made by one fund to another, should not be treated as contributions but should rank as expenditure of the authority.

The new form of financial statement has been so arranged as to provide for the exclusion of any duplication, while at the same time allowing the charges falling upon the several funds or revenues to be shown at their correct amounts.

Moneys invested and remaining as part of the unexpended balances of the authority, including loans advanced by them, should not be treated as expenditure. Conversely, the proceeds of sale of investments and the repayment of loans advanced by the authority should not be treated as income. Profits and losses on such transactions, however, should be treated as income or expenditure, as the case may be, and costs connected with the transactions should also be treated as expenditure.

Where the new form of epitome of accounts is in use for the purposes of the Local Taxation Returns it will take the place of the schedule referred to in the instructions. It will be found that the totals required for the financial statement can be readily extracted from the epitome.

In connection with the stamping of the statement the Commissioners of Inland Revenue require that in every case, where the duty chargeable exceeds £5, it shall be denoted by an impressed stamp. In no such case should an adhesive stamp be used for the purpose.

S. R. & O., 1922, No. 899.

THE ACCOUNTS (ANNUAL AUDIT) ORDER, 1922, DATED AUGUST 11TH, 1922, MADE BY THE MINISTER OF HEALTH.

* * * * * *

2. Where any accounts subject to audit by district auditors have hitherto been made up and audited half-yearly but will in future by virtue of the Audit (Local

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Authorities &c.) Act, 1922, be made up yearly to the 31st day of March, or such other date as the Minister may by General or Special Order direct, and audited once in every year, any provisions of any General or Special Order made by the Poor Law Commissioners, the Poor Law Board, the Local Government Board or the Minister which relate to the form, period, closing date, making up, balancing and audit of such accounts, or to the form and preparation of any financial, statistical or other statement connected with such accounts, or to be submitted therewith, shall apply with the necessary modifications as though they referred to the annual making up, balancing and audit of the accounts therein mentioned to the 31st day of March (or other prescribed date) in every year.

S. R. & O., 1922, No 1404.

THE ACCOUNTS (PAYMENT INTO BANK) ORDER, 1922, DATED DECEMBER 28TH, 1922, MADE BY THE MINISTER OF HEALTH.

* * * * * *

3.—(1) Where money is received by an officer of a local authority for payment by him into a banking account of the local authority or of their treasurer, the local authority shall secure that a paying-in book is provided for the use of the officer.

(2) Every such book shall contain a number of paying-in slips, for the entry of money paid into the bank, together with either a counterfoil or a duplicate of each paying-in slip.

4. Every officer who pays any money into a banking account of a local authority or of their treasurer shall, unless the Minister otherwise directs, enter on a paying-in slip, and on the counterfoil or duplicate thereof, particulars of such payment, including in the case of each cheque paid in :—

(*a*) the amount of such cheque and

(*b*) some reference (such as the number of the receipt given or the name of the debtor) which will connect the cheque with the debt or debts in discharge or partial discharge of which it was received :

Provided that where any cheque paid in was not received in discharge or partial discharge of a debt due to the local authority the officer shall note the fact on the counterfoil or duplicate of the paying-in slip.

5. Any officer of a local authority by whom a paying-in book is used in pursuance of this Order shall produce the book for examination as and when required by the local authority or the district auditor.

6. Where a portion only of the accounts of a local authority is subject to audit by a district auditor, this Order shall apply to the local authority and their officers in relation to that portion of those accounts.

7. In the application of this Order to overseers—

(*a*) Any collector of poor rates, assistant overseer or other person duly authorised to collect the poor rate, or any other local rate levied by overseers in any parish or part of any parish, shall be deemed an officer of the overseers ;

(*b*) Any overseer by whom money is paid into the account of the overseers at a bank shall be subject to the same obligations as an officer of a local authority.

S. R. & O., 1922, No. 987.

THE CLERK OF THE PEACE (TAXATION ALLOWANCE) ORDER, 1922, DATED SEPTEMBER 1ST, 1922, MADE BY THE MINISTER OF HEALTH.

Whereas by an Order dated the 21st day of November, 1844, issued in pursuance of section 39 of the Poor Law Amendment Act, 1844 (hereinafter referred to as "the Act of 1844"), the Poor Law Commissioners declared that the Clerk of the Peace of every county or place in England and Wales should be allowed for the taxation of

every bill due to any solicitor in respect of business performed on behalf of any parish or union after the rate of fourpence per sheet or folio of seventy-two words;

And whereas by an Order dated the 20th day of April, 1877, issued in pursuance of section 249 of the Public Health Act, 1875 (hereinafter referred to as "the Act of 1875"), the Local Government Board made similar provision in regard to the taxation of every bill due to any solicitor in respect of legal business performed on behalf of any local authority whose accounts are required by the Act of 1875 to be audited;

And whereas the Master of the Crown Office has fixed the rate of allowance to Clerks of the Peace in respect of taxations under section 39 of the Act of 1844 and under section 249 of the Act of 1875 as herein declared in lieu of the rate hereinbefore recited:

Now therefore the Minister of Health in pursuance of his powers under the Act of 1844, the Act of 1875 and any other statutes in that behalf, hereby orders and declares as follows:—

1. This Order may be cited as "The Clerk of the Peace (Taxation Allowance) Order, 1922," and shall come into operation forthwith.

2. A Clerk of the Peace shall be entitled to remuneration after the rate of sixpence per folio of seventy-two words for the taxation of bills under section 39 of the Act of 1844 and section 249 of the Act of 1875.

3. The said Orders of the 21st day of November, 1844, and the 20th day of April, 1877, are hereby rescinded.

THE LOCAL GOVERNMENT ACT, 1933.

(Section 229 *et seq.* [*ante*, p. 1074])

DECISIONS OF A DISTRICT AUDITOR.

INSTRUCTIONS AS TO THE MODES OF APPEALING AND OF APPLYING FOR A DECLARATION.

A.—*Appeals or Applications to the High Court or the Minister of Health.*

1.—(*a*) Any person aggrieved by a District Auditor's decision on any matter with respect to which he made an objection at the audit, and any person aggrieved by a disallowance or surcharge made by a District Auditor may appeal, where the decision relates to an amount exceeding five hundred pounds, to the High Court and, in any other case, to the High Court or to the Minister of Health. The Court or Minister, as the case may be, upon the receipt of the appeal is empowered to confirm, vary or quash the Auditor's decision.

(*b*) Any person surcharged by a District Auditor, whether or not he appeals as above, may apply to the High Court or to the Minister of Health, as the case may be, for a declaration that in relation to the subject matter of the surcharge he acted reasonably or in the belief that his action was authorised by law, and the Court or Minister, if satisfied that there is proper ground for doing so, may make a declaration to that effect and may, if satisfied that the person surcharged ought fairly to be excused, relieve him either wholly or partly from personal liability in respect of the surcharge.

(*c*) In any case in which an appeal is made to the Minister of Health, he may, and shall, if so directed by the High Court, state in the form of a special case for the opinion of the Court any question of law arising in the course of the appeal, but otherwise the decision of the Minister shall not be subject to appeal to any Court. An appellant may apply to the Court to direct the Minister of Health to state a special case.

2. The procedure in respect of appeals and applications to the High Court, including applications to that Court for an Order directing the Minister of Health to state a special case in accordance with paragraph 1 (*c*) above is laid down by Rules of Court. The general effect of these Rules is as follows:—

(i) Appeals and applications are to be made to a Divisional Court of the King's Bench Division by an originating notice of motion.

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(ii) The evidence is to be by affidavit except so far as the Court may otherwise direct.

(iii) The notice of motion is to be served within 6 weeks after the District Auditor's decision, and is to be served upon him and upon the Local Authority to whose accounts the matter relates, if they are not themselves the appellants.

(iv) The notice of motion is to state the grounds of the appeal or application, and the date mentioned in the notice for the hearing shall be not less than 28 days after the service of the notice.

(v) Within 7 days after the service upon the District Auditor of the notice the appellant or applicant is to file at the Crown Office a copy of the notice and an affidavit setting out the reasons stated by the Auditor and the facts on which the appellant or applicant intends to rely. If this is not done either the Local Authority or the District Auditor may apply for an order discharging the notice of motion.

(vi) In the case of an application (but not an appeal) notice is to be published by the applicant in a local newspaper in two successive weeks, one publication at least to precede the filing of the notice of motion. The published notice is to state the nature of the application, the right of local government electors to be heard upon it, and the address from which copies of the relevant documents may be obtained.

(vii) Local government electors may be heard or may file affidavits.

(viii) Copy of any affidavit by appellant or applicant to be furnished to the Local Authority and to the District Auditor, and of any affidavit in opposition to be furnished to appellant or applicant.

(ix) Notice of appeal and of application in respect of the same surcharge may be combined in one notice of motion, and the facts relevant to either may be contained in one affidavit.

(x) An application for an Order directing the Minister to state a special case is to be made to a Divisional Court of the King's Bench Division by way of an *ex parte* motion for a rule *nisi* supported by affidavit. Motion not to be entertained unless the Minister has been asked to state a case before decision and has declined. The motion must be made on one of the first three days on which the Court sits for hearing *ex parte* motions after the Minister's refusal to state a case has been communicated to the appellant.

(xi) A copy of any special case stated by the Minister is to be served on each party to the appeal and filed at the Crown Office.

The Rules form an addition to Order LV.B. of the Rules of the Supreme Court, 1883, and are included in the Rules of the Supreme Court (No. 1), 1928, dated the 19th March, 1928, as amended by the Rules of the Supreme Court (No. 747), 1934, dated the 17th July, 1934.

They are printed in Statutory Rules and Orders and may be obtained (price 2*d.*) from His Majesty's Stationery Office at any of the following addresses: York House, Kingsway, London, W.C.2; 120, George Street, Edinburgh; 26, York Street, Manchester; 1, St. Andrew's Crescent, Cardiff; 80, Chichester Street, Belfast; or through any Bookseller.

[*These Rules are set out at p.* 2349, *post.*]

B.—*Appeals or Applications to the Minister of Health.*

3. Any person appealing or applying to the Minister of Health under paragraphs 1 (*a*) or 1 (*b*) above should do so within six weeks from the date of the Auditor's decision. He may also apply for a personal hearing by a person appointed for the purpose by the Minister.

4. Any person desiring to appeal, should, unless the Auditor has already entered his reasons in the book of account in which his certificate is entered, apply to him to enter his reasons in that book; and for this purpose the book should be submitted to the Auditor.

5. When the Auditor has entered his reasons, an exact copy of them and also a copy of his certificate, including his signature and the date of the entry, should be forwarded to the Ministry with the appeal.

An application for a declaration under paragraph 1 (*b*) above, in any case in which an appeal is not made, should also be accompanied by these documents.

6. The appeal and/or application should be by letter on foolscap paper, addressed to the Secretary, Ministry of Health, Whitehall, London, S.W.1, and must be signed by the appellant in his own handwriting. Where two or more persons are mentioned in the Auditor's certificate, the appeal and/or application should be signed by each of those desirous of appealing or making an application.

7. The appeal and/or application should contain a full statement of the facts which the appellant or applicant may desire to lay before the Minister; and the grounds upon which the appeal or application is made should be explicitly set out. If there are any documents bearing upon the matter, they should be forwarded to the Ministry; and where there are resolutions of the local authority with reference to the subject-matter of the expenditure, copies of the resolutions should also be sent.

Unless an appeal and/or application be made against the Auditor's decision, the sum certified by him to be due should be paid within fourteen days from the date of his certificate, to the Treasurer of the Authority, or, in the case of an Authority having no Treasurer, to the person or persons who receives money on their behalf.

MINISTRY OF HEALTH.

[LOCAL GOVERNMENT ACT, 1933, PART X.]

Appeals and Applications to High Court. R. S. C., Order 55 B, rr. 59–70, as amended by R. S. C. (No. 3), 1934 (S. R. & O., 1934, No. 474, L. 20).

59. An appeal to the High Court under sub-section (1) of [section 229] of the Act and an application to the High Court under [sub-section (1) of section 230] shall be made to a Divisional Court of the King's Bench Division by an originating notice of motion.

60. The evidence upon the hearing of an appeal or application shall be by affidavit except in so far as the Court at the hearing may direct oral evidence to be given.

61. The notice of motion shall be served, before the expiration of six weeks after the date of the decision to which it relates, upon the district auditor for the time being in charge of the audit district in which the matter has arisen, and also on the local authority in relation to whose accounts or to the accounts of whose officer the decision was given, if that authority is not the appellant.

62. The notice of motion shall state the grounds of appeal or the grounds for the application, as the case may be, and the date mentioned in the notice for the hearing of the appeal or application shall be not less than twenty-eight days after the service of the notice.

63.—(1) The appellant or applicant, as the case may be, shall within seven days after service upon the district auditor of the notice of motion file at the Crown Office a copy of the notice and an affidavit or affidavits setting out the reasons stated by the auditor for his decision and the facts upon which the appellant or applicant intends to rely at the hearing and thereupon the motion shall be set down for hearing in the Crown paper.

(2) If the notice of motion is not set down in accordance with this Rule, either the local authority or the district auditor may apply to the Court, upon notice to the appellant or applicant, as the case may be, for an order discharging the notice of motion and for the costs of the application.

64. In the case of an application under [subsection (1) of section 230] of the Act—

(*a*) The applicant shall cause notice of his intended application to be published once at least in each of two successive weeks in some newspaper circulating in the area of the authority [whose accounts were subject to the audit], and one at least of such publications shall be made before the date on which a copy of the notice of motion is filed at the Crown Office;

(*b*) The notice shall set out the nature of the intended application and shall state that any [local government elector for] the area may, upon payment at the usual rate, obtain at an address to be specified in the notice copies of the notice of motion and of any affidavit intended to be used in support

thereof, and may appear at the hearing of the application and may, whether he so appears or not, file an affidavit in opposition to the application;

(c) Upon the hearing of any application any [local government elector for] the area may appear and be heard in opposition thereto;

(d) Any such [local government elector], in lieu of appearing in opposition to the application, may, not less than four days before the hearing, transmit by post to the Crown Office, together with a fee of 5s., an unstamped affidavit setting forth the grounds of his opposition and any facts which he may consider to have a material bearing upon the application, and the Court shall take into consideration the contents of such affidavit;

(e) No order shall be made for the payment of costs by or to a [local government elector] who files an affidavit, or appears in opposition to the application;

(f) An affidavit proving compliance with paragraphs (a) and (b) of this Rule shall be filed at the hearing of the application.

65. The appellant or applicant, as the case may be, shall deliver forthwith to the authority and to the district auditor a copy of any affidavit filed under Rule 63 in support of the motion, and any person (including a [local government elector]) intending to oppose the motion shall, four days at least before the hearing, deliver to the appellant or applicant, as the case may be, a copy of any affidavit intended to be filed by him in opposition to the motion. Except by leave of the Court an affidavit shall not be used at the hearing unless a copy or copies thereof have been delivered in accordance with this Rule.

66. Notice of appeal against a surcharge and notice of an application in respect of the same surcharge may be combined in one notice of motion, and facts relevant either to the appeal or to the application may be set out in one affidavit.

67. Where under Rule 61 a notice of motion is served upon a district auditor other than the auditor who gave the decision, that auditor may appear in opposition thereto in all respects as if he were the auditor by whom the decision was given, and these Rules and any statutory provisions as to costs or otherwise shall apply accordingly.

68.—(1) An application for an Order directing the Minister of Health to state a special case under [subsection (3) of section 229] of the Act shall be made to a Divisional Court of the King's Bench Division by way of an *ex parte* motion for a rule *nisi* supported by affidavit.

(2) No such motion shall be entertained by the Court unless—

(a) application was made to the Minister to state a special case before his decision upon the appeal was communicated to the appellant; and

(b) the motion is made on one of the first three days on which the Court sits for hearing *ex parte* motions next after the date on which the Minister's refusal to state a special case is communicated to the appellant.

69.—(1) A special case stated by the Minister of Health under [subsection (3) of section 229] shall be signed by him or by such person as he may authorise in that behalf.

(2) The Minister shall deliver copies of the special case to each party to the appeal and shall file it at the Crown Office and it shall thereupon be set down for argument in the Crown paper as if it were a case stated by justices.

70. In this Part of this Order "the Act" means the [Local Government Act, 1933].

S. R. & O., 1930, No. 30.

THE ACCOUNTS (BOROUGHS AND METROPOLITAN BOROUGHS) REGULATIONS, 1930, DATED JANUARY 23, 1930, MADE BY THE MINISTER OF HEALTH.

The Minister of Health, in exercise of the powers conferred on him by Section 5 of the District Auditors Act, 1879, and of all other powers enabling him in that behalf, hereby makes the following regulations:—

For the District Auditors Act, 1879, see 10 Halsbury's Statutes 571.

PART I.—PRELIMINARY.

SHORT TITLE AND COMMENCEMENT.

1. These regulations may be cited as the Accounts (Boroughs and Metropolitan Boroughs) Regulations, 1930, and shall come into force on the first day of April, 1930.

INTERPRETATION.

2.—(1) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(2) In these regulations, unless the context otherwise requires—

"borough" means a municipal borough or metropolitan borough;

"council" means the council of a borough or metropolitan borough;

"chief financial officer" means the officer charged with the keeping of the accounts of the council, and where the council have allocated to another officer the keeping of a section of their accounts the duties imposed by these regulations upon the chief financial officer shall in relation to that section of the accounts be deemed to have been imposed on that other officer;

"district auditor" means a district auditor appointed under the District Auditors Act, 1879;

"money" includes bank notes, currency notes, cheques, postal orders, money orders, stamps or vouchers of monetary value;

"officer" includes any agent acting on behalf of the council;

"statutory borrowing power" means any power of borrowing or re-borrowing money for the time being available under any existing or future Act of Parliament or provisional order or under any order or sanction of any Government Department made or given by authority of any existing or future Act of Parliament or provisional order;

"trading undertaking" means a revenue-producing undertaking in respect of which separate accounts of the financial transactions are kept or are required to be kept, but does not include any housing undertaking of the council;

"year" means the financial year ending on the 31st day of March;

"the Minister" means the Minister of Health.

APPLICATION.

3. These regulations shall, subject to any departure from them to which the Minister may from time to time assent, be observed in regard to those accounts of any council of a municipal borough or metropolitan borough which are subject to audit by a district auditor and of the officers of any such council which are so subject.

PART II.—CHIEF ACCOUNTS OF THE COUNCIL.

LEDGER SYSTEM.

4.—(1) The chief financial officer shall be responsible for the punctual keeping of a balancing system of double-entry ledger accounts recording all transactions which should be recorded in the accounts of the council.

(2) The ledger accounts shall be kept in the manner prescribed in the first schedule to these regulations.

(3) Save as otherwise provided in these regulations the ledger accounts shall as respects each council include the following personal accounts impersonal accounts final accounts and balance sheets—

(a) *Personal Accounts.*

Cash Book.—An account or accounts of the council's bank transactions.

Officers.—An account for each officer who collects or receives money on behalf of the council, each officer who disburses money on behalf of the council, and each officer charged with the receipt and issue of stores or material.

Debtors.—An account for each person or group of persons from whom money is due and owing to the council during the year.

Creditors.—An account for each person or group of persons to whom money is due and owing by the council during the year.

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(b) *Impersonal Accounts.*

Income.—An account of the income under each head of account which appears in the epitome of accounts or other return which is required to be furnished to the Minister together with such further classification under subheads as may be deemed necessary by the council.

Expenditure.—An account of the expenditure under each head of account which appears in the epitome of accounts or other return as aforesaid or is needed for the purposes of preliminary classification together with such further classification under subheads as may be deemed necessary by the council.

(c) *Final Accounts.*

Revenue.—An account bringing out a balance between the income and expenditure of

(*a*) the General Rate Fund, other than income and expenditure of which separate account has to be taken as hereinafter provided;

(*b*) each undertaking or service in respect of which separate account is by law required or is needed for the purposes of the council;

(*c*) each part of the borough for which a separate account of income and expenditure is needed; and

(*d*) each reserve pension or other fund of which continuous account has to be kept.

Loan and Capital.—An account of the cost of each work or property treated as a capital asset, in these regulations referred to as a "Capital Asset Account."

An account or accounts of the provision made otherwise than by loan in respect of the cost of capital assets, in these regulations referred to as a "Capital Provision Account."

An account of each authorised loan expenditure other than that which is included in a Capital Asset Account, in these regulations referred to as a "Deferred Charge Account."

An account of each receipt or group of similar receipts of a capital nature other than loan receipts, in these regulations referred to as a "Capital Receipts Account."

An account of each fund provided for the purpose of loan repayment.

(d) *Balance Sheets.*

Balance sheets showing the assets and liabilities and the financial position of each of the funds or revenues of the council at the close of the year.

PERSONAL ACCOUNTS.

5.—(1) The Cash Book shall contain an account of the sums received on behalf of the council by their bankers, and of the payments ordered to be made thereout in respect of which a cheque or other authority has been issued to the payee, and, at each date when the account is balanced, a statement reconciling the balance with that appearing in the bank account or pass book.

(2) Where the items of which account has to be taken in a ledger personal account are duly classified and summarised in a primary account, the entries in the ledger personal account may be confined to the classified totals periodically shown in the primary account and ledger personal accounts thus kept are in these regulations referred to as "control accounts."

(3) Where two or more officers have similar transactions to be brought into account, their accounts may be aggregated in one control account.

(4) The balance shown on each control account shall be identified with the corresponding balance or balances appearing in the primary accounts.

(5) Where a control account relates to transactions of more than one person the balance thereof shall be analysed either in the ledger or in the primary account in such manner as to show the part thereof due from or to each person concerned.

IMPERSONAL ACCOUNTS.

6.—(1) The ledger impersonal accounts shall include all items of income and expenditure which fall due within or at the close of the year. In the case of material or provisions taken into store the amount included as expenditure shall be the cost of the material or provisions issued and used during the year.

(2) The classification of the council's income and expenditure in these accounts

shall in all cases be such as will show separately the income and expenditure in respect of—

(*a*) each head of account;

(*b*) each area of charge;

(*c*) each institution;

(*d*) each work chargeable to capital or loan account; and

(*e*) each work or service the cost of which is chargeable to other persons.

(3) Such preliminary classification accounts shall be kept as are necessary for a proper allocation of labour charges, cost of supervision, use of plant, handling of material, services of workshops and any other matters in which more than one head or subhead of expenditure is concerned.

FINAL ACCOUNTS.

Revenue Accounts.

7.—(1) The final account of each fund shall show each income of the fund without any deduction of expenditure connected therewith, and each expenditure without any deduction of income connected therewith, but where correction or abatement of charge has occurred the income or expenditure concerned shall be shown at its reduced amount and credits in respect of old material sold or placed in stock awaiting disposal at a future date may be shown as deductions from the expenditure out of which they arise.

(2) The final account of each trading undertaking may be divided into a revenue account and a net revenue account, and where in order to arrive at an accurate statement of the profit or loss arising out of each year's transactions in relation to an undertaking it is desired that there should be an apportionment of the loan service, rent, and other recurring items of income and expenditure in respect of the undertaking which relate in part to the year of account and in part to the succeeding year, or which have been paid during the year in respect of a period extending beyond the close of the year, provision may be made in the final account of the undertaking showing the net amount by which the income and expenditure entered in accordance with the foregoing provisions of these regulations should be decreased or increased in order to include all the amounts so apportioned to the year.

Loan and Capital Accounts.

8.—(1) Each Capital Asset Account shall be so kept as to maintain and carry to the balance sheet a correct record of the cost of the property or work to which it relates.

(2) Each Capital Provision Account shall be so kept as to maintain and carry to the balance sheet a correct record of the extent to which the cost of the capital assets to which it relates—

(*a*) has been defrayed directly out of revenue; or

(*b*) has been defrayed out of capital receipts appropriated for the purpose; or

(*c*) is covered by loan repayment or by provision of a sinking fund.

(3) Each Deferred Charge Account shall be so kept as to show the extent to which the loan expenditure to which it relates remains to be provided out of revenue.

(4) Each Capital Receipts Account shall be so kept as to show how the receipts to which it relates have been appropriated, and to what extent they remain unappropriated.

(5) The following regulations in relation to loan and capital accounts shall apply where properties or works are treated as capital assets—

(*a*) A clear description of the properties or works which are treated as capital assets shall be set out in the account;

(*b*) Where any properties or works which are not realisable assets are treated as capital assets the capital provision in respect thereof shall be separately stated in the accounts and upon the balance sheet;

(*c*) Where any property or any part of any property treated as a capital asset passes out of the possession of the council, or ceases to be serviceable as such to the council, an amount equal to the cost thereof shall be written off the Capital Asset Account concerned, and the balance of the Capital Provision

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Account shall be written down by deduction of the capital provision included therein in respect of the property or part concerned;

(*d*) Where any part of the cost thus removed from the Capital Asset Account is still borne by loan, such part shall be treated in the accounts as a deferred charge as long, and to such extent, as the loan debt in respect thereof remains undischarged;

(*e*) For securing that the paragraphs (*c*) and (*d*) of this regulation shall be observed, such records shall be kept as will make it possible to determine the cost included in the accounts in respect of any property and of any part thereof treated as a capital asset and the extent to which such cost is still borne by loan.

(6) Where moneys have been borrowed by the council for the purpose of lending money to other persons, or of defraying the cost of work done for or of goods supplied to other persons, the payments received from such other persons in respect of the loan, work or goods shall be carried to a separate account which shall show how those payments have been applied and the extent to which they remain unapplied.

GENERAL LOANS.

9. The provisions contained in the second schedule to these regulations shall be observed in all cases where loans have been raised by the council in the exercise of their statutory borrowing powers by mortgages or bonds which are available in law for the purpose of—

(*a*) all or any of their statutory borrowing powers; or

(*b*) all or any of their statutory borrowing powers under a particular enactment;

and are in either case treated as being so available and all such loans are referred to in that Schedule as "general loans":

Provided that in regard to the loans described in paragraph (*b*) of this regulation the direction to deal with them in the manner prescribed in the second schedule to these regulations shall be restricted to loans raised under one and the same enactment and with reference thereto the expression "general loans" shall be read as extending only to each such group of loans.

BALANCE SHEETS.

10.—(1) The balances of the ledger accounts shall be carried in the ledger to as many separate balance sheets as may be desirable or necessary.

(2) Where more than one balance sheet is thus kept an aggregate balance sheet summarising the balances appearing in the separate balance sheets shall be entered in the ledger.

(3) On each balance sheet other than an aggregate balance sheet the loan and capital account balances shall be grouped together so as to form a separately balancing section of the balance sheet.

(4) On each balance sheet the entries shall be so arranged, grouped and described as to provide a clear and self-explanatory statement of all matters connected with the financial position of the fund or funds to which it relates.

(5) A clear distinction shall be maintained, on one side of each balance sheet, between liabilities and fund surpluses, and on the other side between assets and fund deficiencies or deferred charges.

PART III.—PRIMARY RECORDS, STATEMENTS AND ACCOUNTS.

OFFICERS' ACCOUNTS.

11. Subject to the provisions of these regulations—

(1) Each officer who receives money on behalf of the council or money of which account has to be rendered to, or for the purposes of, the council, shall keep an accurate and chronological account of such money and of the deposit or disposal thereof:

(2) Each officer who receives money of the council for disbursement on their behalf shall keep an accurate and chronological account of such moneys and of the payments made thereout.

INCOME ACCOUNTS.

12.—(1) Debtors' accounts in appropriate form shall be kept in respect of those sources of income (in these regulations called "credit income") where the sum receivable by the council may not in all cases be received by them at the time when it falls due.

(2) Each account of credit income shall contain a punctual and detailed record of—

(*a*) The amounts receivable by the council;

(*b*) The amounts received in respect thereof;

(*c*) The number or date of each receipt given in respect thereof;

(*d*) The items (if any) written-off as irrecoverable;

(*e*) The authority and, either by reference or by entry, the reason for each such writing-off;

(*f*) The items carried forward as recoverable arrears.

(3) Each account of credit income shall be summarised and duly balanced at the close of each year and at such other times as may be required and the results thus shown shall be reproduced in the corresponding debtors' account in the ledger: Provided that for the purpose of reproduction in the ledger the council shall not treat as credit income sums due in respect of relief declared to be on loan or contributions due under any order or agreement made under the Poor Law Act, 1927 (*a*), towards the maintenance of any person.

(4) In each income account the total of the amounts received shall agree with the total of the corresponding receipts appearing in the collecting officers' accounts.

(5) A separate account shall be kept in respect of each other description of income (hereinafter referred to as "cash income").

(6) In the case of each credit income or cash income, the completeness and correctness of the charge entries shall be established in detail, and where possible in total, by reference to appropriate records or vouchers available for the purpose.

(*a*) 17 & 18 Geo. 5, c. 14.

EXPENDITURE AND COST ACCOUNTS.

13.—(1) Such primary records, statements and accounts shall be kept as will provide promptly and in convenient form all such information as is necessary—

(*a*) for classifying the council's expenditure in the ledger accounts in conformity with these regulations;

(*b*) for charging and when necessary apportioning to the several debtors expenditure the cost of which is recoverable.

(2) Where the council require separate statements to be prepared of the cost of works for which special estimates have been submitted or of other specified works, the primary records, statements and accounts shall be elaborated or supplemented to such extent as is necessary to meet the council's requirements.

(3) The records and statements in regard to labour charges shall include—

(*a*) time sheets or other records duly authenticated showing for what time each workman was engaged upon each work;

(*b*) wages sheets or books showing, in respect of each workman and each period, the wage earned, the amount paid and the amount retained as a contribution to any insurance or pension fund, also the contribution due from the employer to such fund if it differs from that of the workman;

(*c*) a complete classification of the wage charges of each period so summarised as to show the charge in respect of each work, institution or service of which separate account has to be taken for the purposes of these regulations, and to bring out a total agreeing with the total of the gross wage charges for the period.

(4) The records and statements in regard to subsidiary services shall include such records of the daily services of horses, motor vehicles, rollers and other important plant, and of the work done in workshops and depots, as will form a proper basis for charging or for apportioning the cost of these subsidiary services.

(5) The records, statements and accounts relating to articles, materials and provisions shall include—

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(*a*) store accounts showing the quantities of the several articles, materials or provisions received into store, issued from store, returned into store, and remaining in store;

(*b*) stock-taking returns showing side by side the quantity of the several articles, materials or provisions found in store and the quantity which according to the store account should be in store at the time of the stock-taking;

(*c*) a summary account showing the total cost of articles, materials and provisions received into store, issued from store, and remaining in store.

(6) The entries in respect of articles, materials or provisions received into store shall be brought into agreement in total with the items invoiced to store in the creditors' accounts and the balance of each store account shall on the occasion of each stocktaking be brought into agreement with the quantity then found to be in store by such adjustments of the issue entries as appear to accord with the facts, after the cause of the difference has been properly investigated.

LOAN AND CAPITAL ACCOUNTS.

14. The following records, statements and accounts shall be kept—

(1) A tabular and summarised account of each group of stockholders, mortgagees, annuitants or other lenders to whom debts of the same order are owing;

(2) A statement as to moneys borrowed under statutory borrowing powers showing in respect of each borrowing power, and in appropriate columns—

(*a*) The date, authority, purpose, period and amount of the borrowing power;

(*b*) The amount borrowed in each year in the exercise of the borrowing power;

(*c*) The amount repaid during the year, the amount outstanding and the sinking fund (if any) held at the end of the year;

and this statement may be extended to include the prescribed particulars in respect of a series of years;

(3) A statement showing in respect of each capital asset and each deferred charge the exact correspondence of the balances connected therewith at the close of each year;

(4) A sinking fund record in respect of each sinking fund or redemption fund which has to be compiled for the discharge of loan debt, showing year by year in parallel columns—

(*a*) the total amount of the debt repaid out of the fund up to the end of the year; and

(*b*) the amount remaining in the fund invested or uninvested;

together with such other information as is necessary for the compilation of any return required to be made to the Minister.

PART IV.—GENERAL.

DIRECTIONS OF COUNCIL.

15. Subject to the provisions of these regulations and of any regulations of the Minister or his predecessors other than those relating to the accounts of poor law authorities, the several records, statements and accounts prescribed by these regulations shall be kept in such form and by such officers, supported by such vouchers and records, and shall be examined by such officer in such manner and at such times as the council, or the chief financial officer acting under the authority of the council, may direct.

SUBMISSION TO COUNCIL OF ACCOUNTS.

16. The chief financial officer shall as soon as may be after the close of each year present to the council the final ledger accounts duly balanced, and subject to such amendment, if any, as the council may direct, the accounts so presented shall be deemed to be the accounts of the council and shall be submitted as such to the district auditor.

ACCOUNTS LIABLE IN PART ONLY TO GOVERNMENT AUDIT.

17. Where the council's accounts are subject in part only to audit by a district auditor—

(1) The part so subject shall be kept in a separate set or sets of books;

(2) The accounts and records relating to any transactions which concern that part in common with the part not so subject shall be submitted for examination at the audit by the district auditor but nothing in these regulations shall be read as withdrawing them from examination by any other auditor of the council's accounts.

PREVIOUS ORDERS.

18.—(1) The provisions of the orders and regulations, whether general or special heretofore issued by the Minister or his predecessors relating to the accounts of poor law authorities shall not apply to the accounts which are governed by these regulations.

(2) Nothing in these regulations shall alter or affect the requirements of the Housing Accounts Order (Local Authorities), 1920, the Accounts (Payment into Bank) Order, 1922, or the Rate Accounts (Borough and Urban District Councils) Order, 1926.

These orders are S. R. & O., 1920, No. 487; 1922, No. 1404; and 1926, No. 1178, respectively.

FIRST SCHEDULE.

LEDGER ACCOUNTS.

1. The title of each ledger account shall be such as to define its purpose, and, where it is a personal account, shall bear the name of the person or group of persons whose account with the council it presents.

2. The ledger accounts shall be arranged and grouped with due regard to their nature, and to bringing together the totals required for entry in any epitome of accounts or return required to be furnished to the Minister.

3. Each item entered in a ledger account shall be adequately described and referenced to its corresponding debit or credit, and a statement of the reasons and authority for each item relating to adjustment, allocation, transfer of charge or other special matter shall be given, by entry or by reference.

4. The final ledger accounts shall be presented for audit permanently bound in volumes of which each folio or page shall bear a consecutive number.

SECOND SCHEDULE.

GENERAL LOANS.

1. A separate cash account shall be kept of all moneys raised in the manner described in the paragraph of these Regulations headed "General Loans" and of the application and repayment of such moneys and whenever any such moneys are applied in the exercise of a statutory borrowing power, the amount so to be applied (in this Schedule referred to as an "advance") shall be transferred from this separate account to the appropriate cash account and recorded in the accounts as a loan to the borrowing account concerned.

2. The interest payable in each year upon general loans shall be apportioned between the borrowing accounts in the proportion which the outstanding advances to each borrowing account bears either at the beginning or at the close of the year to the total of the outstanding advances to all the borrowing accounts due account being taken of all advances outstanding for a part only of the year.

3. A register of advances shall be kept recording each advance and the arrangements made for complying with the conditions as to repayment imposed by the statutory borrowing power to which it relates.

4. All sums provided in accordance with the said conditions for the repayment of advances shall be carried to the sinking fund accounts relating to the borrowing powers so exercised and shall be shewn upon the balance sheets as sinking funds unapplied unless or until they are transferred to the separate account of general loans for immediate application in loan repayment or are withdrawn under statutory authority for use in the exercise of a statutory borrowing power.

5. In that part of the statement as to borrowing powers to be prepared by the chief financial officer under these Regulations which relates to statutory borrowing powers exercised by the use of general loans the following particulars shall be entered in respect of such borrowing powers in lieu of the particulars mentioned in paragraph (2) of Article 14 of these Regulations:—

(*a*) The date, authority, purpose, period and amount of the statutory borrowing power;

(*b*) The amount advanced in each year in the exercise of the borrowing power; and

(*c*) The amount transferred in each year in repayment of the advance and the amount of advance outstanding at the end of the year;

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and at the foot of the statement there shall be entered a note shewing the agreement of tl total of general loans outstanding with the sum of the outstanding advances, and tl unapplied balance (if any) of the separate account of general loan money.

Given under this Official Seal of the Minister of Health this twenty-third day January, in the year nineteen hundred and thirty.

(L.S) *E. H. Rhodes,*

Assistant Secretary, Ministry of Health.

S. R. & O., 1934, No. 1188.

THE AUDIT REGULATIONS, 1934, DATED NOVEMBER 10, 1934, MADE BY THE MINISTE OF HEALTH UNDER PART X OF THE LOCAL GOVERNMENT ACT, 1933 (23 & 2 GEO. 5, C. 51).

The Minister of Health in pursuance of the powers conferred on him by the Loc Government Act, 1933, and of all other powers enabling him in that behalf, hereb makes the following Regulations:—

1. These Regulations may be cited as the Audit Regulations, 1934, and sha have effect on and after the first day of December, 1934.

2.—(1) The Interpretation Act, 1889, applies to the interpretation of thes Regulations as it applies to the interpretation of an Act of Parliament.

(2) In these Regulations, unless the context otherwise requires:—

"The Act" means the Local Government Act, 1933;

"The Minister" means the Minister of Health;

"Authority" means any local authority, board or joint committee whos accounts or part of whose accounts are subject to audit by a District Audito and "accounts" has reference to such of the accounts of the authority as ar subject to audit by a District Auditor.

For authorities whose accounts are subject to district audit, and which of their accoun are so subject, see s. 219 and notes thereto, p. 1057, *ante*.

3. The Orders mentioned in the Schedule to these Regulations are hereby revoke to the extent specified in the third column of that Schedule.

These orders are S. R. & O., 1927, No. 308; 1928, No. 177; and 1931, No. 896. Se Sched., p. 2359, *post*.

4. The financial statement of the accounts of an authority and the certificate of th District Auditor to be appended to each copy of such statement shall be in the form and contain the particulars which have been prescribed by the Minister by order o other instrument in force on the date as from which these Regulations have effect.

5.—(1) Before each audit the authority shall at the time of giving the notice c the deposit of accounts required by subsection (3) of section 224 of the Act give notice in the manner prescribed by that subsection in relation to the deposit of thos accounts, of the time and place of holding the audit, and where the notice is b advertisement in a newspaper shall forward to the District Auditor a copy of th newspaper containing the advertisement as soon as may be after its publication.

(2) In the case of the audit of the accounts of a parish council or of a parish meet ing, or of a joint committee of parish councils, the clerk or, if there is no clerk, th chairman of the parish council, parish meeting or joint committee, shall as soon a may be after the public notice required by subsection (3) of section 224 of the Ac and by paragraph (1) of this Article has been given, forward to the District Audito a certificate that he has complied with the provisions of the said subsection an paragraph.

For s. 224, see p. 1065, *ante*.

6. The person by whom the accounts of the authority are to be produced fo audit shall be the officer or officers of the authority charged with keeping the accounts

7. The authority shall after the completion of the audit forthwith make an abstrac of the accounts as audited, and shall within one month after the receipt by them o the report of the District Auditor give notice by advertisement in one or more loca newspapers circulating in the district that the audit has been completed and that th said abstract has been deposited at the appropriate office of the authority and wil be open for inspection at all reasonable hours by any local government elector for th area of the authority:

Provided that in the case of a parish council or parish meeting, or a joint committee appointed by any two or more of such bodies, the financial statement shall be treated as the abstract of accounts for the purposes of the Act and of these Regulations, and the authority shall, in lieu of giving notice by advertisement of the completion of the audit and the deposit of the abstract as required by this Article, give public notice within seven days of the completion of the audit of the deposit of the financial statement.

As to powers of inspection of the abstract of accounts by local government electors, see s. 283 (4), p. 1163, *ante*.

8. Every joint committee or joint board, other than a joint committee appointed by parish councils or parish meetings, shall within six weeks after receiving the report of the District Auditor, send to the several authorities constituting the joint committee or joint board a copy of the report and of the financial statement of the accounts of the joint committee or joint board as certified by the District Auditor.

Joint committees may be appointed by the constituent authorities under s. 91 (1), p. 854, *ante*: joint boards are constituted by provisional order under various enactments, and the provisions of the Act are made applicable by s. 293, p. 1176, *ante*.
As to extension of time, see para. 10, *post*.

9.—(1) A certificate given by a District Auditor of a disallowance or surcharge made by him in pursuance of the provisions of paragraphs (*a*), (*b*), (*c*) or (*d*) of subsection (1) of section 228 of the Act shall specify—

(*a*) the amount of the disallowance or surcharge; and

(*b*) in the case of a surcharge, the person upon whom the surcharge is made and the amount due from him.

(2) A certificate given by a District Auditor in pursuance of the provisions of paragraph (*f*) of subsection (1) of section 228 of the Act shall include a statement that the Auditor has examined the accounts and has allowed them subject to any disallowance or surcharge which he may have made.

(3) A certificate given by a District Auditor under either of the two preceding paragraphs shall be signed by him and dated.

For provisions of s. 228, see p. 1069, *ante*.

10. The Minister may, if he thinks fit in any particular case and subject to such conditions as he may impose, extend the period during which anything is required to be done under the foregoing provisions of these Regulations provided that he is satisfied that there are special circumstances warranting the extension.

SCHEDULE.

Orders rescinded in whole or in part.

Date of Order.	Title of Order.	Extent of rescission.
8th April, 1927 ...	The Assessment Committees (Financial Statement and Audit of Accounts) Order, 1927	Article 4.
19th March, 1928 ...	The Local Authorities (Audit) Order, 1928	Whole.
21st October, 1931 ...	The Catchment Boards (Financial Statement and Audit of Accounts) Order, 1931	Article 4.

Given under the official seal of the Minister of Health this tenth day of November nineteen hundred and thirty-four.

(L.S.)

E. H. Rhodes,
Assistant Secretary.
Ministry of Health.

ACCOUNTS AND AUDIT

S. R. & O., 1938, No. 793.

THE AUDIT STAMP DUTY ORDER, 1938, DATED AUGUST 11, 1938, MADE BY TH TREASURY UNDER SECTION 221 (2) OF THE LOCAL GOVERNMENT ACT, 193 (23 & 24 GEO. 5, C. 51).

Whereas by subsection (2) of Section 221 of the Local Government Act, 1933, is provided that stamp duty shall be charged on authorities whose accounts ar subject to audit by a district auditor in respect of the audit of their accounts accorc ing to a scale to be fixed from time to time by the Treasury, after consultation wit the Minister of Health and with such associations of local authorities as appear t the Minister to be concerned:

Now therefore the Lords Commissioners of His Majesty's Treasury in pursuanc of the said subsection and after such consultation as is therein mentioned, hereb make the following Order:—

1.—(1) This Order may be cited as the Audit Stamp Duty Order, 1938.

(2) The Interpretation Act, 1889, applies to the interpretation of this Order a it applies to the interpretation of an Act of Parliament.

2. The stamp duty charged on an authority by virtue of the above-mentione subsection, in respect of the audit of their accounts by district auditors, shall b calculated according to the scale set out in the Schedule hereto.

3. For the purposes of the said Schedule the amount on which stamp duty is pay able by an authority shall be determined as follows:—

(1) From the aggregate of the total income and expenditure included in th financial statement of the authority there shall be deducted sums equivalen to—

(*a*) amount of rates transferred by Councils of County Boroughs and Boroughs to accounts not subject to district audit;

(*b*) twice the amounts payable in pursuance of precepts;

(*c*) receipts from loans;

(*d*) loans repaid from money borrowed or to be borrowed;

(*e*) capital advances to other authorities by way of loan;

(*f*) grants from Government Departments;

(*g*) expenditure re-chargeable to, and income receivable from, the Minister of Transport or authorities in respect of roads;

(*h*) income from the Central Electricity Board in respect of generation of current;

(*i*) receipts from Motor Taxation Licences and payments thereof to the Exchequer.

(2) The aggregate of net income and net expenditure remaining after the said deductions have been made shall be the amount on which stamp duty is payable by the authority.

4.—(1) This Order shall apply to the stamp duty chargeable in respect of the audit of any of the accounts of an authority for a financial year or period ended after the 31st March 1937:

Provided that the provisions of the Audit Stamp Duty (Local Authorities) Order, 1921, shall apply in any case in which the financial statement of an authority for such period is certified by the district auditor in accordance with section 222 of the Local Government Act, 1933, before the first day of September 1938.

(2) Subject to the provisions of this Article the Audit Stamp Duty (Local Authorities) Order, 1921, is hereby rescinded.

The rescinded order was S. R. & O., 1921, No. 1895. For s. 222 of the L. G. A., 1933, see *ante*, p. 1061.

THE SCHEDULE.

SCALE OF STAMP DUTIES PAYABLE BY AUTHORITIES.

Where the amount on which stamp duty is payable.	The sum shall be.
Does not exceed £25	5s.
Exceeds £25 but does not exceed £50	10s.
,, £50 ,, ,, £100	£1
,, £100 ,, ,, £250	£2
,, £250 ,, ,, £500	£3
,, £500 ,, ,, £1,000	£5
,, £1,000 ,, ,, £2,500	£8
,, £2,500 ,, ,, £5,000	£12
,, £5,000 ,, ,, £10,000	£20
,, £10,000 ,, ,, £25,000	£35
,, £25,000 ,, ,, £50,000	£50
,, £50,000 ,, ,, £100,000	£75
,, £100,000 ,, ,, £150,000	£100
,, £150,000 ,, ,, £200,000	£125
,, £200,000 ,, ,, £250,000	£150
,, £250,000 ,, ,, £300,000	£175
,, £300,000 ,, ,, £350,000	£200
,, £350,000 ,, ,, £400,000	£220
,, £400,000 ,, ,, £450,000	£240
,, £450,000 ,, ,, £500,000	£260
,, £500,000 ,, ,, £550,000	£280
,, £550,000 ,, ,, £600,000	£300
,, £600,000 ,, ,, £700,000	£325
,, £700,000 ,, ,, £800,000	£350
,, £800,000 ,, ,, £900,000	£375
,, £900,000 ,, ,, £1,000,000	£400
,, £1,000,000	£400 plus £20 for each additional £100,000 or part thereof.

Dated this eleventh day of August, 1938.

James Stuart,
Tom L. Dugdale,

Two of the Lords Commissioners of His Majesty's Treasury.

S. R. & O., 1938, No. 794.

THE FINANCIAL STATEMENTS (DISTRICT AUDIT) REGULATIONS, 1938, DATED AUGUST 11, 1938, MADE BY THE MINISTER OF HEALTH.

98,245.

The Minister of Health in pursuance of his powers under section 222 of the Local Government Act, 1933, and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Financial Statements (District Audit) Regulations, 1938.

(2) The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(3) In these Regulations, unless the context otherwise requires—
"the Act" means the Local Government Act, 1933;
"The Minister" means the Minister of Health.

ACCOUNTS AND AUDIT

PART I.

2. This part of these Regulations shall apply in relation to the financial statement required by the Act to be prepared and submitted in duplicate to the district auditor by—

(*a*) The Council of every administrative county and the Council of the Isles of Scilly;

(*b*) The Mayor, Aldermen and Burgesses of every borough whose accounts or any part thereof are for the time being required to be audited by a district auditor;

(*c*) The Council of every metropolitan borough;

(*d*) The Urban District Council of every urban district (not being a borough);

(*e*) The Rural District Council of every rural district;

(*f*) A catchment board constituted under the Land Drainage Act, 1930;

For the Land Drainage Act, 1930, see Vol. IV, *post*.

(*g*) A drainage board, not being a catchment board, whose accounts are for the time being subject to audit by a district auditor;

(*h*) The visiting committee of a mental hospital belonging wholly or in part to any county council;

(*i*) The Lancashire Mental Hospitals Board;

(*j*) The Staffordshire Mental Hospitals Board;

(*k*) The West Riding of Yorkshire Mental Hospitals Board;

(*l*) A governing body to whom in pursuance of a Scheme made under the Welsh Intermediate Education Act, 1889, payments are made out of any general fund administered by a local education authority;

For the Welsh Intermediate Education Act, 1889, see 7 Halsbury's Statutes 265.

(*m*) A joint superannuation committee constituted under the Local Government and other Officers' Superannuation Act, 1922, or the Local Government Superannuation Act, 1937, whose accounts are for the time being required to be audited by a district auditor;

For the Act of 1922, see 10 Halsbury's Statutes 863, and for the Act of 1937, see *ante*, p. 2053.

(*n*) A joint vagrancy committee whose accounts are for the time being required to be audited by a district auditor.

3. The financial statement shall be in the Form set out in the First Schedule to these Regulations and shall contain the particulars therein specified or referred to so far as they are applicable and except so far as the Minister may assent to a departure from such Form.

4. The certificate of the district auditor to be appended to each duplicate financial statement shall be in the Form set forth at the foot of the said statement.

5. Where a part only of the accounts of the Mayor, Aldermen and Burgesses of a borough is required to be audited by a district auditor, the financial statement shall relate only to that part of the accounts.

PART II.

6. This part of these Regulations shall apply in relation to the financial statement required by the Act to be prepared and submitted in duplicate to the district auditor by the authorities specified in the orders set out in the first column of Part I of the Second Schedule to these Regulations.

7. The financial statement shall be in the Form and contain the particulars required by the said orders and regulations, subject to the deletion of those parts of the Form and the form of certificate of the district auditor as set out in the second column of

Part I of the Second Schedule to these Regulations and the substitution therefor in each case of the particulars and form of certificate of the district auditor specified in Part II of the Second Schedule to these Regulations.

GENERAL.

8.—(1) These Regulations shall apply in relation to a financial statement required to be submitted to the district auditor by an authority herein mentioned by virtue of section 222 of the Act for a financial year or other period ended after the 31st March, 1937, other than a financial statement for any such period certified by the district auditor in accordance with the said section before the 1st day of September, 1938.

(2) Subject to the provisions of this Article the orders and regulations set out in the Third Schedule hereto are hereby rescinded.

9. Article 4 of the Audit Regulations, 1934 (S. R. & O., 1934, No. 1188), is hereby rescinded in so far as the form of financial statement of the accounts of an authority and the certificate of the district auditor are prescribed by these Regulations.

FIRST SCHEDULE.

* Insert name, of Authority.

STATUTORY FINANCIAL STATEMENT.

For the ended the day of 19 .

Name of Responsible Accounting Officer

Office Address

INSTRUCTIONS TO BE OBSERVED IN THE PREPARATION OF THE STATUTORY FINANCIAL STATEMENT.

1. For the purpose of ascertaining the figures to be entered in the Financial Statement, the officer responsible for the Statement shall make up from the Ledger a Schedule setting out the total amount credited and debited to each account, but so that no one item is included more than once in such Schedule, and shall include all the Expenditure under each heading without deduction of any Income connected therewith.

2. The Schedule shall be submitted to the District Auditor at the Audit and preserved for future reference.

STATUTORY FINANCIAL STATEMENT OF THE for the ended the day of 19 .

INCOME.				EXPENDITURE.			
	Income of each Fund including Contributions from other Funds of the Authority				Expenditure of each Fund including Contributions to other Funds of the Authority		
Revenue Funds or Accounts (specifying them)—	£	s.	d.	Revenue Funds of Accounts (specifying them)—	£	s.	d.
TOTAL REVENUE CREDITS ...				TOTAL REVENUE CHARGES ...			
Capital and Loan Accounts				Capital and Loan Accounts			
Sinking Fund Accounts (including accounts of like nature)				Sinking Fund Accounts (including accounts of like nature)			
Reserve and other Special Fund Accounts				Reserve and other Special Fund Accounts			
TOTAL INCOME including Contributions from other Funds of the Authority				TOTAL EXPENDITURE including Contributions to other Funds of the Authority			
Deduct Contributions included above				Deduct Contributions included above			
TOTAL INCOME (not including such Contributions) *A*				TOTAL EXPENDITURE (not including such Contributions) ... ... *B*			
Balances in hand brought forward...							

	£	s.	d.	£	s.	d.
TOTAL INCOME as at *A* above						
TOTAL EXPENDITURE as at *B* above						
TOTAL INCOME and EXPENDITURE						
DEDUCT (in so far as they are included in the preceding amount)—						
(1) Amount of rates transferred by Councils of County Boroughs and Boroughs to accounts not subject to Audit						
(2) Twice the amounts payable in pursuance of precepts namely :—						
(3) Receipts from loans						
(4) Loans repaid from money borrowed or to be borrowed						
(5) Capital advances to other authorities by way of loan						
(6) Grants from Government Departments						
(7) Expenditure rechargeable to, and income receivable from, the Minister of Transport or authorities in respect of roads						
(8) Income from the Central Electricity Board in respect of generation of current						
(9) Receipts from Motor Taxation Licences and payments thereof to the Exchequer						
AGGREGATE of NET INCOME and NET EXPENDITURE on which Audit Stamp Duty is payable						

.....Responsible Accounting Officer.

day of 19 .

I HEREBY CERTIFY that I have compared the entries in this Financial Statement with the accounts of the Local Authority relating thereto, that the Regulations with respect to this Statement have been duly complied with and that the expenditure of the said Authority during the year ended the day of 19 included in this Statement and allowed by me at Audit is *

I HEREBY FURTHER CERTIFY that I have ascertained by Audit the correctness of this Statement and that the aggregate of net income and net expenditure of the said Authority on which stamp duty is payable is *

AS WITNESS my hand this day of 19 .

..... STAMP .....District Auditor.

* The amount to be inserted in words at length.

SECOND SCHEDULE.

PART I.

Column 1. Order.	Column 2. Extent of Repeal.
Order of Local Government Board dated 20th April 1900 in respect of Parish Councils.	Part IV of the Schedule except that part headed "Memorandum" and the lines for the signature and dating of the Memorandum.
Order of Local Government Board dated 20th March 1911 in respect of Parish Meetings.	The Summary to the Schedule except that part headed "Memorandum" and the lines for the signature and dating of the Memorandum.
Order of Local Government Board dated 23rd December 1892 as to Joint Hospital Boards.	The concluding part of Form 3 in the Schedule commencing with the words "TOTAL EXPENDITURE as shown above" where they first appear.
Order of Local Government Board dated 23rd December 1892 as to Joint Cemetery Boards.	The concluding part of Form 3 in the Schedule commencing with the words "TOTAL EXPENDITURE as shown above" where they first appear.
Order of Local Government Board dated 23rd December 1892 as to Joint Sewerage or Drainage Boards.	The concluding part of Form 3 in the Schedule commencing with the words "TOTAL EXPENDITURE as shown above" where they first appear.
Order of Local Government Board dated 23rd December 1892 as to Joint Water Boards or Committees.	The concluding part of Form 3 in the Schedule commencing with the words "TOTAL EXPENDITURE as shown above" where they first appear.
Order of Local Government Board dated 26th January 1893 as to Sea Fisheries Districts.	The concluding part of the Schedule commencing with the words "TOTAL EXPENDITURE as shown above".
Order of Local Government Board dated 28th February 1896 as to Port Sanitary Authorities.	The concluding part of Form No. 3 in the Schedule commencing with the words "Summary of the Receipts and Payments shown in Parts I and II".
Order of Local Government Board dated 27th April 1900 in respect of Joint Committees appointed for purposes other than those of the Burial Acts.	Part III of the Schedule.
Order of Local Government Board dated 29th April 1902 as to Joint Committees appointed under section 53 of the Local Government Act 1894 for the purposes of the Burial Acts.	Part IV of the Schedule.
Order of Local Government Board dated 2nd June 1903 as to Isolation Hospital Committees.	Part IV of the Schedule.
Order of Local Government Board dated 3rd May 1909 as to Joint Education Committees and Joint Bodies established under the Education Acts 1870 to 1907.	Part IV of the Schedule.
The Assessment Committees (Financial Statement and Audit of Accounts) Order 1927 (S. R. & O., 1927, No. 308).	Part II of the Schedule.

PART II.

	£ s. d.
Total Income	
Total Expenditure	
Total Income and Expenditure	
Deductions, if any, in accordance with the Audit Stamp Order, 1938 (specifying them) :—	
Aggregate of Net Income and Net Expenditure on which Audit Stamp Duty is payable	

.....Responsible Accounting Officer.

day of 19 .

I HEREBY CERTIFY that I have compared the entries in this Financial Statement with the accounts of the Local Authority relating thereto, that the Regulations with respect to this Statement have been duly complied with and that the expenditure of the said Authority during the year ended the day of 19 included in this Statement and allowed by me at Audit is *

I HEREBY FURTHER CERTIFY that I have ascertained by Audit the correctness of this Statement and that the aggregate of net income and net expenditure of the said Authority on which stamp duty is payable is *

AS WITNESS my hand this day of 19 .

.....STAMP.....District Auditor.

* The amount to be inserted in words at length.

THIRD SCHEDULE

The Financial Statements Order, 1921. (S. R. & O., 1921 (No. 1902), p. 99).

The Financial Statements (Mental Hospitals) Order, 1931. (S. R. & O., 1931 (No. 746), p. 674).

The Catchment Boards (Financial Statement and Audit of Accounts) Order, 1931. (S. R & O., 1931 (No. 896), p. 573).

The Drainage Boards (Financial Statements) Regulations, 1935. (S. R. & O., 1935 (No. 891), p. 732.

The Financial Statements (Welsh Intermediate Education) Order, 1929. (S. R. & O., 1929 (No. 110), p. 421).

Given under the official seal of the Minister of Health this eleventh day of August one thousand nine hundred and thirty-eight.

(L.S.) *H. W. S. Francis,*
Assistant Secretary,
Ministry of Health.

ALLOTMENTS.

See SMALL HOLDINGS AND ALLOTMENTS, *post.*

ANIMALS: DISEASES OF.

THE DISEASES OF ANIMALS ACTS, 1894 TO 1927 (*a*).

(*a*) The Diseases of Animals Acts are not printed in this work, as they are outside the scope of the work and the local authorities for the purposes of the Acts are the county and borough councils. In view, however, of the interrelation between the diseases of animals and the public health of the inhabitants it has been considered desirable to print this summary of the Acts prepared and published by the Ministry of Agriculture and Fisheries.

ANIMALS: DISEASES OF

The suppression of contagious and infectious diseases in animals is of primary importance to the agricultural industry of every country, and practically every country in the world has adopted measures of some kind for that purpose.

Records exist of serious loss suffered for several centuries past from animal epidemics, but no organised attempt at control was made in Great Britain until 1848, when the prevalence of sheep-pox, introduced from the Continent, led to the passing of two Acts of Parliament under which that disease and the cattle-plague outbreaks of 1865 were dealt with. These Acts proved insufficient to prevent the spread of cattle plague throughout the country until the Cattle Diseases Prevention Act, 1866, was passed; this required the compulsory slaughter, with compensation, of all affected animals, and empowered the slaughter of animals in contact therewith. This measure succeeded in eradicating the disease by September, 1867, and the experience of these two diseases led to the passing of the Contagious Diseases (Animals) Act, 1869, which conferred extensive powers upon the Privy Council and local authorities to deal with animal diseases, including pleuro-pneumonia and foot-and-mouth disease, as well as cattle-plague and sheep-pox. The Act of 1869 also imposed the first effective restrictions on the importation of animals from certain foreign countries where disease was prevalent. Agricultural opinion was not, however, favourable to the full exercise of the powers conferred by the Act of 1869, and the country had to experience two more outbreaks of cattle-plague (1872 and 1877), and very extensive outbreaks of foot-and-mouth disease and contagious pleuro-pneumonia of cattle, before the Act of 1869 was revised by the Contagious Diseases (Animals) Act, 1878, which laid the foundation for the methods now in force. The Act of 1878 and its subsequent amendments were consolidated by the Diseases of Animals Act, 1894, which, with its nine amending Acts of 1896 to 1927, confers the powers upon which State action at the present time is based.

Main Objects of the Acts; Central and Local Organisation.—Generally speaking, the Acts impose upon the Minister of Agriculture and Fisheries, as the central authority, the duty of devising and putting into operation measures for the control and eradication of contagious diseases amongst animals in England, Wales and Scotland. They confer upon the Minister wide powers to make Orders for these and other specified purposes, including—

(*a*) The declaration of infected places and areas;
(*b*) The prohibition or regulation of the movement of animals into, out of, or within such places and areas, and of the exposure of animals at markets, sales and exhibitions;
(*c*) The control of the importation of foreign animals, carcasses, fodder, etc., for the purpose of preventing the introduction of disease from without;
(*d*) The muzzling and control of dogs; and
(*e*) The protection of animals and poultry from unnecessary suffering during transit by land or sea.

Thus, while indicating the general lines of the procedure to be adopted, the Acts empower the Minister to prescribe the details by administrative Orders which have the full force of an Act of Parliament.

For the discharge of these duties the Minister has established the Diseases of Animals Division of the Ministry, under the direction of the chief veterinary officer, assisted by a professional staff consisting of a deputy chief veterinary officer, 9 superintending inspectors, 32 divisional inspectors and 63 inspectors, and also by a lay administrative and clerical staff numbering 40. The professional staff is distributed between the head office, general field work, inspection of animals at ports and the Ministry's laboratory. Two of the senior inspectors are stationed in South America.

With certain exceptions, the Acts require the local authorities and the police generally to execute and enforce the provisions of the Acts, and of the Orders of the Minister thereunder. The local authorities constituted for the purposes of these Acts number 332, and comprise the county councils, the county borough councils and the councils of certain other boroughs and burghs. All these authorities are required to appoint their own veterinary and other inspectors to carry out the duties imposed upon them, and the expenses of the local authorities, with certain exceptions, have to be defrayed out of the local rate. In most of the counties the police have been appointed as inspectors. An inspector of the Ministry or of a local authority

has special powers of entry upon any premises or on any vessel on which he has reason to believe that disease exists, or that the Acts or Orders of the Minister, or the Regulations of a local authority, are being infringed. In addition, an inspector of the Ministry may enter any premises to ascertain whether pleuro-pneumonia, foot-and-mouth disease or swine fever exists thereon.

Diseases dealt with under the Acts.—The Acts and Orders of the Minister at the present time require the notification of cases or suspected cases of the following twelve diseases: cattle plague, contagious pleuro-pneumonia of cattle, foot-and-mouth disease, sheep-pox, swine fever, sheep scab, anthrax, rabies, glanders, epizootic lymphangitis, parasitic mange in horses, asses or mules, and certain forms of bovine tuberculosis. These may be divided into two classes:—

(1) Those in which the diagnosis is in the hands of the Ministry's officers, *i.e.* cattle-plague, pleuro-pneumonia, foot-and-mouth disease, sheep-pox and swine fever; and

(2) Those in which the diagnosis is carried out primarily by officers of the local authorities, *i.e.* anthrax, sheep scab, glanders, rabies, epizootic lymphangitis, parasitic mange of equines and bovine tuberculosis. In anthrax and rabies, however, the diagnosis is subject to confirmation by the Ministry, and in sheep scab, glanders and tuberculosis the owner has a right of appeal to the Ministry against the diagnosis.

Of the above diseases, no outbreaks have occurred in Great Britain of cattle plague since 1877, pleuro-pneumonia since 1898, sheep-pox since 1850, epizootic lymphangitis since 1906, or of rabies since 1922. The efforts of the authorities are therefore directed mainly against other diseases.

Responsibilities of Stock Owners and Veterinary Practitioners; Reporting of Disease and Separation of Affected Animals.—Every person having in his possession or under his charge an animal or carcass affected with or suspected of any of the notifiable diseases above-named is required:

(*a*) As far as practicable to keep that animal or carcass separate from animals not so affected; and

(*b*) With all practicable speed to give notice, to a police constable, of the fact that the animal or carcass is so affected or suspected.

Section 57 (1) of the Act of 1894 provides that the owner or person in charge of an animal, charged with an offence against the Act relative to disease, shall be presumed to have known of the existence of the disease or illness, unless and until he shows to the satisfaction of the Court that he had not knowledge thereof, and could not with reasonable diligence have obtained that knowledge.

Any veterinary surgeon who finds any notifiable disease is likewise required to report such cases to the local authority.

An important provision contained in the Orders of the Minister dealing with the specified diseases is the prohibition of the exposure of any affected or suspected animal in a market, fairground, saleyard or place of exhibition, and of the movement or grazing of such an animal on a highway, road or lane, or on common or unenclosed land, or of its movement by rail or water.

The Acts and Orders impose upon stockowners and the public generally an obligation to afford inspectors and police all necessary facilities for the performance of their duties, and any obstruction is an indictable offence. Persons guilty of an offence in respect of these or other matters referred to in the Acts and Orders are liable to a penalty of £50, or £5 in respect of each animal where more than 10 animals are concerned, and in certain cases to imprisonment.

Slaughter and Compensation: Remedial Treatment.—In the case of cattle plague and pleuro-pneumonia the Acts render it obligatory upon the Ministry to slaughter all affected animals, with payment of compensation. In the case of sheep-pox slaughter by the local authority is compulsory.

In foot-and-mouth disease slaughter is not obligatory, but may be carried out at the discretion either of the Ministry or of the local authority. In practice, in cases of foot-and-mouth disease, slaughter of affected and in-contact animals, accompanied by stringent restrictions on movement of animals in infected areas, is adopted by the

ANIMALS: DISEASES OF

Ministry as being the most effective and economical method of maintaining the comparative freedom of this country from the disease, regard being had to present pathological knowledge. This disease is the subject of investigation by a scientific research committee appointed by the Minister of Agriculture.

In the case of swine fever also, slaughter is within the discretion of the Ministry. As a "stamping out" policy, slaughter in swine fever was given a prolonged trial over many years at considerable public expense, but without success. The attempt to stamp it out was abandoned in 1915 in favour of control by isolation of infected herds, and slaughter is now carried out only where necessary to provide a means of diagnosis by post-mortem examination.

Of the other notifiable diseases, slaughter of affected animals is obligatory upon the local authority in cases of glanders and certain forms of bovine tuberculosis, with compensation to the owners; and also of dogs and cats (but without compensation) found to be affected with rabies, or known to have been bitten by a rabid dog or cat.

Cases of sheep scab and parasitic mange in equines are dealt with by the application of remedial measures; sheep scab by the dipping of the affected sheep twice with a short interval (not less than 7 days and not more than 14 days) between the two dippings; and mange by a dressing or other remedy approved by a veterinary surgeon. Anthrax in animals is nearly always fatal, and slaughter is expressly avoided, as the spilling of the blood, which swarms with anthrax bacilli, is attended with great danger both to other animals and to human beings. All stockowners and butchers are cautioned against the cutting of the carcasses of animals which have died of anthrax or suspected anthrax. Cremation is the usual method of destruction of the carcasses.

The above measures are accompanied in every case by restrictions on the movement of the animals on the infected premises, with the object of preventing the spread of infection to other stock.

Principles of Compensation.—The amount of compensation payable for animals slaughtered by the Ministry or local authority varies with the disease and according to whether the animal is diseased or not. The object of the provision made in the Act of 1894 for the payment of compensation is frequently misinterpreted. Compensation is not provided for the purpose of reimbursing an owner for losses incurred through outbreaks of disease amongst his stock; such losses are ordinary trade risks connected with the live stock industry, and are to some extent insurable. Compensation is provided to enable the Ministry or local authority compulsorily to acquire the ownership of any animals which it considers should be slaughtered in the public interest. These animals become the property of the Ministry or local authority, and the owner is paid compensation according to a prescribed scale based upon the market value of the animals when slaughtered. The Ministry and the local authority have power, however, to withhold compensation, either wholly or partially, in respect of an animal slaughtered under the Acts and Orders where the owner or person in charge of the animal has, in the judgment of the Ministry or the local authority, as the case may be, been guilty, in relation to the animal, of any offence against the Diseases of Animals Acts or Orders made thereunder. This power to withhold compensation is sometimes exercised, more particularly in cases in which the owner or person in charge has been convicted for the very serious offence of failing to report disease.

Other Diseases: Provision for Research.—The Act of 1894 empowers the Minister, by Order, to add other diseases to the list of those to be dealt with by State action. Some of the more serious diseases in animals, such as contagious abortion in cattle, Johne's disease, etc., are not suitable for addition to the list of notifiable diseases, either because the nature of the disease renders this impracticable, or because the imposition of such measures of control as would be necessary would interfere unduly with the industry and thus make the remedy worse than the disease. Such diseases, therefore, are not notifiable, but the more important are dealt with in leaflets of advice which are available for the use of farmers.

In addition, scientific research is conducted into various contagious and infectious diseases of animals, including foot-and-mouth disease, contagious abortion in cattle, mares and ewes, various sheep diseases such as louping ill and scrapie, tuberculosis,

Johne's disease, mastitis in cows, quarter evil in cattle, etc. These researches are conducted either at the Ministry's Veterinary Laboratory (New Haw, Weybridge, Surrey) or at various institutes aided by Government grants.

Measures for Preventing Introduction of Infection from Abroad.—One of the most important aspects of the problem of keeping Great Britain free from disease is the prevention of the introduction of disease from abroad. Our insular position gives us special advantages in this respect, but these are limited by the fact that we are not self-supporting either in regard to foodstuffs or various raw materials for manufacture, etc. Without undue interference with these necessities, it has been possible to provide a considerable measure of protection against the introduction of infection by live animals, carcasses, hay, straw, packing materials and animal foodstuffs by the following action :—

(i) Prohibition of landing of live animals from abroad, except—
- (*a*) From Ireland, the Channel Islands and the Isle of Man, subject to certain conditions ;
- (*b*) Canadian store cattle for feeding purposes, subject to the provisions of the Act of 1922 ; and
- (*c*) Fat cattle or sheep from Canada, the United States, the Union of South Africa (including the Mandated Territory of South West Africa), Southern Rhodesia, Iceland and the Faroe Islands, subject to slaughter at an imported animals' wharf at the port of landing within 10 days after landing.

(ii) Prohibition of the landing of fresh carcasses and animal products from the Continent of Europe, with certain minor exceptions.

(iii) Prohibition of landing of hay and straw from countries infected with foot-and-mouth disease.

(iv) Requirement that packing materials used for goods and meat, whether imported or not, shall not be brought into contact with animals and shall be destroyed when their use as packing material is finished.

(v) Requirement that all waste animal foodstuffs or swill containing animal matter, whether of foreign or home origin, shall be boiled before being fed to or brought into contact with animals.

(vi) Prohibition of landing of dogs and other canine animals from abroad, except by licence from the Ministry and subject to six months' quarantine on approved premises, as a protection against rabies.

(vii) Control of importation of horses, asses and mules, which are required to be accompanied by a veterinary certificate in specified terms, as a protection against glanders, epizootic lymphangitis, dourine, and certain other diseases of equines.

Protection of Animals and Poultry from Avoidable Suffering during Transit.—In addition to the measures above described for the suppression and prevention of animal diseases, the Ministry is charged under the Diseases of Animals Acts with the duty of making such regulations as may be considered necessary for protecting animals and poultry from avoidable suffering during transit on land or by sea, and for securing to them a proper supply of food and water. Orders with this object in view have been made as follows :

(*a*) Transit of Animals Order of 1927, dealing with the carriage of animals between ports in Great Britain and between Great Britain and Ireland, the Channel Islands and the Isle of Man, and also the carriage of animals by rail in Great Britain. This Order includes requirements as to the nature of the fittings for vessels engaged in the trade, and also the method of construction of railway vehicles carrying animals by railway.

(*b*) Conveyance of Live Poultry Order of 1919, to protect live poultry during transit by sea, road or rail, or during exposure for sale, from exposure to bad weather or excessive heat, and to prevent overcrowding or the use of unsuitable receptacles.

(*c*) The Exportation and Transit of Horses Order of 1921, which regulates the traffic in horses exported to the Continent or elsewhere, prevents the export of decrepit horses, *i.e.* horses unfit to travel or work, lays down stringent provisions as to the construction of the stalls in which the horses are to travel, and requires the provision of an adequate supply of food and water at all stages of the journey.

ANIMALS : DISEASES OF

The Dogs Act, 1906.—Section 2 of the Act of 1906 is the only part of the Act with which the Ministry is directly concerned as the administering authority. That section adds to the purposes for which the Ministry may make Orders under the Diseases of Animals Act, 1894, the following :—

(*a*) For prescribing the wearing by dogs, whilst in a highway or place of public resort, of collars bearing the name and address of the owners ; and

(*b*) For preventing dogs from straying during the hours of darkness, the object being to prevent the worrying of cattle and sheep.

Collar Regulations are now in force throughout Great Britain, and local authorities are empowered to make regulations requiring dogs to be kept under adequate control during the hours of darkness. These powers have been exercised in nearly every county in Great Britain.

10, Whitehall Place, London, S.W.1.
September, 1928.

S. R. & O., No. 290.

THE ANIMALS (MISCELLANEOUS PROVISIONS) ORDER OF 1927, DATED APRIL 4, 1927, MADE BY THE MINISTER OF AGRICULTURE AND FISHERIES.

The Minister of Agriculture and Fisheries, by virtue and in exercise of the powers vested in him under the Diseases of Animals Acts, 1894 to 1925, and of every other power enabling him in this behalf, hereby orders as follows :—

Interpretation.

1. In this Order—

" Animal " means cattle, sheep, goats, all other ruminating animals and swine ; horses, asses, mules, dogs, and other canine animals ;

" Inspector " includes veterinary inspector ;

" Local Authority " means a local authority for the purposes of the Act of 1894 ;

" The Act of 1894 " means the Diseases of Animals Act, 1894 ;

" The Minister " and " the Ministry " mean respectively the Minister and the Ministry of Agriculture and Fisheries.

Other terms have, where the context so permits, the same meaning as in the Act of 1894.

* * * * * *

Power to require Special Disinfection of Slaughterhouses in Particular Cases, with a view to Prevent the Spread of Disease.

4.—(1) Where an inspector considers it necessary or expedient for the purpose of preventing the spread of disease, he may serve a notice on the owner, lessee, or occupier of any slaughterhouse requiring him to cleanse and disinfect such slaughterhouse at the expense of such owner, lessee, or occupier, at such time or times and in such manner as may be prescribed in the notice.

(2) If any person fails to cleanse and disinfect any slaughterhouse in accordance with the requirements of a notice served upon him hereunder, it shall be lawful for the Minister or a local authority, without prejudice to the recovery of any penalty, to cause such slaughterhouse to be cleansed and disinfected, and the owner, lessee, and occupier thereof shall give all reasonable facilities for that purpose. The Minister or the local authority, as the case may be, may recover from such person summarily as a civil debt the expenses of such cleansing and disinfection.

(3) In this Article—

"Disease" means anthrax, cattle-plague, contagious pleuropneumonia of cattle, foot-and-mouth disease, sheep-pox, sheep-scab or swine fever.

"Slaughterhouse" means any premises where animals are habitually slaughtered.

* * * * * *

Construction of Orders where Boundaries of Districts are altered.

6. Where an Order of the Minister is declared to be applicable to any county, city, borough, burgh, or other district, and the boundary thereof is altered by Act, Order or other instrument, then subject to the terms of the Act, Order or other instrument the Order of the Minister shall thenceforth apply to the county, city, borough, burgh or other district as extended or restricted by such alteration of boundary.

* * * * * *

Information to be given as to Diseased or Suspected Animals or Animals in contact therewith.

12.—(1) Every person who has or has had in his possession or under his charge an animal affected with or suspected of disease, or any animal which has been in contact, or in the same stable, building, shed, field, or other place, with an animal so affected or suspected, or which has otherwise been exposed to the risk of contagion or infection, and every person who as auctioneer or otherwise has sold or offered for sale any such animal shall, if so required in writing by the Ministry or the local authority, or an inspector of the Ministry or of the local authority, give the Ministry or the local authority, or the inspector, as the case may be, all such information as he possesses as to the animal and its movement and as to the persons in whose possession or under whose charge it is or has been, and any person who refuses to give such information or gives false information shall according to and in respect of his own acts and defaults be deemed guilty of an offence against the Act of 1894; Provided that any information given under this Article shall not be available as evidence against the person giving the same in any prosecution under the Act of 1894 except in respect of an offence under this Article.

(2) In this Article the expression "disease" includes any disease which by an Order of the Minister is declared to be a disease for the purposes of the Act of 1894, or any of its provisions, either generally or in their application to a district or part of a district.

* * * * * *

Commencement.

18. This Order shall come into operation on the 1st June, 1927.

* * * * * *

AREAS OF LOCAL GOVERNMENT.

See also LOCAL GOVERNMENT, *post*.

PROVISIONAL ORDER INSTRUCTIONS.

INSTRUCTIONS AS TO APPLICATIONS BY COUNTY COUNCILS TO THE MINISTER OF HEALTH FOR PROVISIONAL ORDERS UNDER SECTIONS 140 AND 285 OF THE LOCAL GOVERNMENT ACT, 1933, WITH RESPECT TO THE ALTERATION OF THE BOUNDARIES OF COUNTIES.

1. The application, called in the Act proposals, should be embodied in a Memorial of the County Council under their Seal.

AREAS OF LOCAL GOVERNMENT

2. The Memorial (of which twelve copies should be sent to the Minister), should specify, with reference to a Map, the particular alterations desired, and state in detail the reasons upon which the County Council rely in support of their application, and should be accompanied by the information indicated in Appendix I.

3. The Map accompanying the Memorial to the Minister (Map A) should be an Ordnance Map, mounted on linen and folded to about twelve inches by nine inches on the scale of not less than six inches to the mile, and should be coloured and annotated as indicated in Appendix II so as to show clearly (*a*) the existing boundary of the County in the neighbourhood of the places affected; (*b*) the alteration of boundary proposed by the application, and (*c*) the entire boundaries of any Boroughs or Urban Districts, and of any contributory places in Rural Districts which will be affected by the proposals. The Map should moreover indicate as regards the areas affected by the application the positions of all Churchyards and Burial Grounds (whether provided under the Burial Acts, the Public Health (Interments) Act, 1879, or under any Local Act), public elementary and secondary schools, police stations, housing sites, recreation grounds, any buildings which have been erected since the date when the Ordnance Map was issued, and any other items referred to in Appendix II which, in the opinion of the County Council are pertinent.

A further Map (Map B) on a scale of six inches to the mile, mounted on linen and similarly folded should be furnished showing the existing and proposed wards in any Borough, Urban District or Parish affected, and the existing and proposed Petty Sessional and County Electoral Divisions, but omitting the particulars shown on Map A.

4. A duplicate of Maps referred to in paragraph 3 must, simultaneously with the transmission of the Memorial to the Minister, be deposited in the Office of the Clerk of the County Council, and be open to inspection without payment at all reasonable hours by any Local Authority or person affected by the proposal. Notice in writing of such deposit should, at the same time, be given to each Local Authority interested, and the purport of the application and the deposit of the maps should also be advertised in the London Gazette and in one or more local newspapers circulating in the areas affected by the proposals, and the first advertisement should appear within seven days after such deposit.

5. A copy of the Memorial and of Map A referred to in paragraph 3 should, at the time of transmitting the Memorial to the Minister, be sent to the Ministry of Agriculture and Fisheries, 7–10, Old Bailey, London, E.C.4, and a copy of the Memorial and of Maps A and B to the Home Office. Copies of the Memorial must also be forwarded to the Registrar General and to the several Local Authorities (including the County Councils) having jurisdiction within the area affected by the scheme, and a copy of Map A referred to in paragraph 3 should accompany the copy of the Memorial which is sent to the County Council or Councils.

6. In forwarding copies of the Memorial to each Local Authority the Clerk should inform the Local Authority that, if they intend to put forward objections to the proposals, they should notify the Ministry of Health and the County Council *within two weeks* and forward a full statement of their objections to the Ministry and to the County Council within a further period of *four weeks*.

7. A Certificate should, as soon as practicable, be furnished by the Clerk of the County Council, that the requirements in paragraphs 4, 5 and 6 have been complied with, and that he has caused to be verified by every means in his power the accuracy of the existing boundaries of the County as shown on the Map. The Certificate should enumerate the several Local Authorities to whom the notices mentioned in paragraph 5 have been given and should be accompanied by a copy of (each of) the newspaper(s) and the London Gazette containing the advertisement referred to in paragraph 4 above.

Ministry of Health,
December, 1934.

APPENDIX I.

ALTERATION OF COUNTY BOUNDARY.

(LOCAL GOVERNMENT ACT, 1933, SECTION 140.)

NOTE.—Where the area to be transferred is in more than one Parish it is requested that the particulars may be separately given as regards each Parish.

1. Particulars as to the situation of the area :—

	At present.	As proposed.
County		
Parish		
Borough, Urban or Rural District		
Guardians Committee Area		
Assessment Area		
County Electoral Division		
Coroner's District		
Petty Sessional Division		
Burial District		
Joint Board District (if any)		

2. The following information should also be given with regard to the area in question :—

(*a*) Acreage.
(*b*) Population at last Census.
(*c*) Estimated population at the present time.
(*d*) Number of Local Government Electors.
(*e*) Rateable value before the operation of Part V of the Local Government Act, 1929.
(*f*) Rateable value at present.

3. If a Borough or Urban District is affected by the proposals it should be stated :—

(*a*) Whether the Borough or District is divided into Wards.
(*b*) What are the names of the Wards affected.
(*c*) What is the number of representatives of such Wards.
(*d*) What alterations are proposed.
(*e*) What percentage deduction is proposed for purposes of paragraph 3 of Part III of the Second Schedule to the Rating and Valuation Act, 1925, in respect of special hereditaments.

4. If the area is in a Rural District, it should be stated :—

(*a*) Whether the Parish in which the area is situate has a Parish Council.
(*b*) What is the number of Councillors.
(*c*) Whether the Parish is divided into Wards for the purposes of the election of Parish Councillors or Rural District Councillors and, if so :—
(*d*) What are the names of the Wards affected.
(*e*) What is the number of representatives of such Wards.
(*f*) What alterations are proposed.

APPENDIX II.

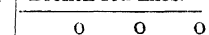
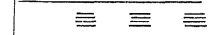
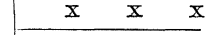
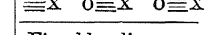
MAP NOTATION.

1. Care should be exercised when mounting the Map to retain the marginal notes showing the date of the survey.

2. A reference table of the colour and notation scheme should be attached to the Map.

3. In no case should colouring or edging be applied so thickly as to hide the print on the ordnance sheets.

AREAS OF LOCAL GOVERNMENT

Areas and Boundaries.	Colouring of Maps.
Existing County boundary	Black line.
Proposed County boundary	Broken black line.
Parish boundaries	Fine green line.
Boundaries of Special Drainage Districts under section 277 of the Public Health Act, 1875.	Dotted green line.
Boroughs, Urban Districts, Parishes, etc., or parts thereof proposed to be transferred.	Distinctive light colour wa
Parts of Boroughs, Urban Districts, Parishes, etc., not proposed to be transferred.	Edged on inner side w colour as proposed tr parts.
For Map B only.	
Ward boundaries	Distinctive light colour indicating existing and boundaries.
Petty Sessional and County Electoral Divisions	Edged in distinctive colour ing existing and boundaries.
Streets, Buildings and Sewers.	
New Streets (*i.e.* since last survey)	Red lines.
New Buildings (*i.e.* since last survey)	Red.
Proposed streets and roads	Broken red lines.
Tramways	
Omnibus routes	 inc
Trolley vehicle routes	
Tramways, omnibus and trolley vehicle routes	
Routes of main sewers	Fine blue line.
Land and Property.	*Colouring of Maps.*
Burial Grounds and Cemeteries (however provided)	Yellow wash, green edging
Public Recreation Grounds and Playing Fields	Dark green wash.
Private Recreation Grounds (including sports and playgrounds (etc.).	Light green wash, edged g
Proposed Public Recreation Grounds and playing fields.	Light green wash, hatch green.
Proposed Private Recreation Grounds and playing fields.	Hatched and edged light g
Allotments and small holdings—	
(*a*) Existing	Burnt sienna wash, edged
(*b*) Proposed	Hatched burnt sienna, edg
Housing sites—	
(*a*) Developed	Yellow
(*b*) Undeveloped or proposed	Yellow hatched } Local a scheme marked public scheme and estates
Areas unsuitable for building	Brown hatched.
Sewage Disposal Works	Burnt sienna wash, hatch (vertical).
Waterworks—	
(*a*) Reservoirs	Pale blue wash.
(*b*) Catchment areas	Edged pale blue.
(*c*) Other works	Dark blue.
Government or Municipal Buildings	Orange circle.

Areas and Boundaries.	Colouring of Maps.
Public Buildings.	*Notation (in Red).*
Council Offices	O.
Public elementary schools	S.
Secondary schools	S.S.
Police Stations	P.
Refuse Destructors	D.
Refuse Tips	T.
Gasworks	G.
Electricity Works	E.
Public Baths and Washhouses	B.
Public Libraries	L.
Hospitals	H.
Fire Stations	F.
Public Assistance Institutions	I.

ALTERATIONS OF BOROUGH BOUNDARIES.

(LOCAL GOVERNMENT ACT, 1933, SECTIONS 140 AND 285.)

PROVISIONAL ORDER INSTRUCTIONS * FOR TOWN COUNCILS.

PART I.

Procedure.

1. *Form of Application.*

(i) The application, called in the Act proposals should be in the form of a memorial of the council under the corporate seal.

(ii) It should be either printed or neostyled and in foolscap size.

(iii) For facility of reference, the information in the memorial should be arranged strictly in the order and manner set out in Part II. of these instructions.

* In the case of County Boroughs these Instructions apply subject to the provisions of section 140 (3) of the Local Government Act, 1933. A County Borough can proceed by way of a Provisional Order only if no objection to that procedure is made by any Local Authority concerned.

2. *Maps.*

The following maps should accompany the memorial:—

(i) A key map, on a scale of 1″ to the mile (Map A) showing the main outlines of the proposals and the whole of any district of which part is scheduled for inclusion, and showing as much of the adjoining districts not so scheduled as can be conveniently shown.

(ii) An ordnance map on a scale of 6″ to the mile (Map B) mounted on linen and folded to about 12″ by 9″, showing clearly the proposed alterations of boundary. The colouring and notation defined in Appendix A should be employed, and the items should, in so far as applicable, be clearly indicated.

(iii) If the proposals involve the constitution or alteration of wards the proposals can probably be readily indicated on Map B. If not, a separate map on a scale of 6″ to the mile (Map C) will be required which need not include the particulars shown on Map B.

(iv) A map on a scale of 1″ to the mile (Map D), showing the existing County electoral divisions and petty sessional divisions affected by the proposals, and the alterations proposed.

(v) A small-scale diagram in distinctive colours showing the Borough and each of the areas which it is proposed to include. This diagram should be bound with or otherwise incorporated in the memorial.

AREAS OF LOCAL GOVERNMENT

3. *Presentation of the Memorial.*

In the consideration and making of Provisional Orders *time is an essential factor.* Intervals must be allowed for the notification of possible objections, the publication of notice of the local Inquiry by an Inspector, the proceedings at the Inquiry, the preparation by the Inspector of his report, the consideration of the report at the Ministry, and the drafting of the Order. The time at which the confirmation Bill must be introduced is regulated by the Standing Orders of Parliament.

It is accordingly very desirable that the Department should be informed at as early a date as possible of any intended application for an Order and that the application itself should be submitted in good time before the commencement of the Parliamentary Session. The early submission of an application may also allow of an unopposed extension order being brought into operation in April of the following year instead of six or twelve months later.

4. *Deposit and Distribution of Documents.*

Simultaneously with the transmission of the memorial and maps to the Ministry, a duplicate of the map or maps should be deposited in—

(i) The Town Clerk's Office, and be open to inspection without payment at all reasonable hours by all Local Authorities or persons affected.

(ii) Further copies of the memorial and maps should be distributed as follows:

Ministry of Health. . . .	14 copies of memorial.
Home Office	1 copy of memorial, list of Electoral Divisions and Maps A (B) * (C) * and D.
Ministry of Agriculture and Fisheries	1 copy of memorial and Map B.
County council(s)	1 copy of memorial and Map B.
All other Local Authorities affected .	1 copy of memorial.

NOTE.—The lists and documents referred to in sections 15 and 16 below must accompany the copy of the memorial to the Ministry of Health but need not be furnished with the other copies, except that the Home Office should be furnished with a copy of the list of Electoral Divisions.

* Only the Ward Map B or C, as the case may be, need be sent.

5. *Advertisement, Notice, Objections, etc.*

(i) The purport of the application and the deposit of the maps in the Town Clerk's office should be advertised in the London Gazette and in one or more local newspapers circulating in the areas affected. The advertisement in the local newspaper(s) should appear within seven days after the date of the deposit. A model form of advertisement is given in Appendix B.

(ii) Notice in writing of the deposit of the maps should be given to each Local Authority affected at the time when the memorial is forwarded to them.

(iii) Each Local Authority should at the same time be informed that, if they intend to put forward objections to the proposals, they must notify the Ministry and the Town Council *within two weeks* and forward a full statement of their objections to the Ministry and the Town Council within a further period of *four weeks.*

6. *Certificate.*

The Town Clerk should furnish the Ministry with a certificate in the form given in Appendix C, as soon as practicable after the deposit of the maps and the advertisement referred to in paragraph 5 (i) above.

7. *Parliamentary Fees.*

The following fees are charged on Provisional Order Confirmation Bills:—

(i) On the second reading in the House of Lords, a fee of £15 to be paid on demand

to the Accountant, House of Lords, S.W.1, direct or through Parliamentary Agents. Cheques to be made payable to the "House of Lords Fee Fund" and be crossed "Bank of England, Western Branch."

(ii) On the second reading in the House of Commons of a Bill for the confirmation of a Provisional Order a fee of £15 is charged to the applicants in respect of each Provisional Order, to be paid on demand to the Clerk of the Fees, House of Commons, S.W.1, direct or through Parliamentary Agents. Cheques to be made payable to the "Clerk of the Fees," and crossed.

In addition, in the case of an Unopposed Provisional Order a fee of £5 is payable in respect of each day on which the Unopposed Bills Committee of the House of Commons is occupied in considering the Confirming Bills this fee also is payable to the Clerk of the Fees, House of Commons, S.W.1.

No other Parliamentary fees are charged in the case of unopposed Provisional Orders.

APPENDIX A TO PART I.

1. Care should be exercised when Mounting the Map to retain the marginal notes showing the date of the survey.
2. A reference table of the colour and notation scheme should be attached to the Map.
3. In no case should colouring or edging be applied so thickly as to hide the lines printed on the ordnance sheets.

Areas and Boundaries.	Colouring of Maps.
Existing borough	Light pink wash.
Proposed new boundary	Edged on inner side darker pink.
Parish boundaries	Fine green line.
Boundaries of Special Drainage Districts, under Section 277 of the Public Health Act, 1875.	Broken green line.
Proposed Added areas—	
Urban Districts, Parishes, etc.	Distinctive light colour washes.
Proposed excluded parts of—	
Urban Districts, Parishes, etc.	Edged on inner side with same colours as proposed added parts
Streets, Buildings, and Sewers.	
New Streets (*i.e.* since last survey)	Red lines.
New Buildings (*i.e.* since last survey)	Red.
Proposed streets and roads	Broken red lines.
Tramways.	o o o
Omnibus routes	≡ ≡ ≡
Trolley vehicle routes	X X X
Tramways, omnibus and trolley vehicle routes	o ≡ X o ≡
	Indicated thus
Routes of main sewers	Fine blue line.
Land and Property.	
Burial Grounds and Cemeteries (however provided).	Yellow wash, green edging.
Public Recreation Grounds and Playing Fields	Dark green wash.
Private Recreation Grounds (including sports and playgrounds, etc.).	Light green wash, edged green.
Proposed Public Recreation Grounds and playing fields.	Light green wash, hatched dark green.
Proposed Private Recreation Grounds and playing fields.	Hatched and edged light green.
Allotments and small holdings—	
(*a*) Existing	Burnt sienna wash, edged green.
(*b*) Proposed	Hatched burnt sienna, edged green.

AREAS OF LOCAL GOVERNMENT

Areas and Boundaries.	Colouring of Maps.
Housing sites—	
(*a*) Developed	Yellow
(*b*) Undeveloped or proposed	Yellow hatched (Municipal schemes to be marked "M," Public Utility schemes "P.U.," and Private estates "P.E.")
Areas unsuitable for building	Brown hatched.
Sewage Disposal Works	Burnt sienna wash, hatched green (vertical).
Waterworks—	
(*a*) Reservoirs	Pale blue wash.
(*b*) Catchment areas	Edged pale blue.
(*c*) Other works	Dark blue.
Government or Municipal Buildings	Orange circle.
Public Buildings.	*Notation* (in *red*).
Council Offices	O.
Public elementary schools	S.
Secondary schools	S.S.
Police Stations	P.
Refuse Destructors	D.
Refuse Tips	T.
Gasworks	G.
Electricity Works	E.
Public Baths and Washhouses	B.
Public Libraries	L.
Hospitals	H.
Fire Stations	F.
Public Assistance Institutions	I.

APPENDIX B TO PART I.

ADVERTISEMENT.

Ministry of Health.
Session. . . . . . .

$\frac{\text{(County) Borough}}{\text{City}}$ *of* .

NOTICE IS HEREBY GIVEN, that the Mayor, Aldermen and of the of have applied to the Minister of Health for a Provisional Order under section 140 of the Local Government Act, 1933, to alter the boundaries of the (County) $\frac{\text{Borough}}{\text{City}}$ so as to include and that (a) duplicate(s) of the Map(s) * deposited with the Minister and showing (amongst other things) the existing boundaries of the Borough and the proposed alterations thereof, $\frac{\text{have}}{\text{has}}$ been deposited at my Office and will be open to inspection at all reasonable hours, without payment, by any Local Authority or person affected by the proposals.

Notice of objections to the proposals should be sent to the Minister of Health, Whitehall, S.W.1, and to the Town Council within two weeks from the date of the publication of this notice and a full statement of the objections should be forwarded to the Minister and to the Town Council within a further period of four weeks.

Dated this day of .

Town Clerk.

* Map B and, where there is a ward map, also Map C.

APPENDIX C TO PART I.

FORM OF CERTIFICATE.

Ministry of Health.
Session. . . . . . .

Proposals by the Mayor, Aldermen and of the of for a Provisional Order under section 140 of the Local Government Act, 1933, for the alteration of the boundaries of the .

I, , Town Clerk of the of DO CERTIFY AS FOLLOWS:—

AREAS OF LOCAL GOVERNMENT

1. I have personally verified by every means in my power the existing boundaries of the as shown on Map B which accompanied the Memorial to the Minister of Health.

In County Borough cases only.

2*a*. That in accordance with the provisions of section 140 (3) of the Local Government Act, 1933, on the day of and before the making of the proposals to the Minister of Health for a Provisional Order I sent written notice of the Town Council's intention (together with a draft of the proposed Provisional Order) to the following local authorities affected by the proposals (including the County Council).

Names of Authorities.

2*b*. That at the same time I informed each of the above-mentioned authorities, that, if they objected to the proposed procedure by Provisional Order, they should inform the Ministry of Health and the Town Council within four weeks after the receipt of the notice.

2*c*. That no such objection has been received.

In all cases.

2. That simultaneously with the transmission of the Memorial and maps to the Minister of Health I deposited at my Office in for inspection without payment at all reasonable hours by any local authority or person affected by the proposals (a) duplicate(s) of the Map(s) * . . . forwarded to the Minister of Health.

* Map B and, where there is a ward map, also Map C.

3. That on the day of I delivered a copy of the Memorial to the Home Office, the Ministry of Agriculture and Fisheries and to each of the following local authorities (including the County Council) having jurisdiction within the area affected by the proposals:

Names of Local Authorities.

4. That at the same time I delivered to the Home Office copies of Maps A (B),* (C)* and D and to the Ministry of Agriculture and Fisheries and to the Clerk of the said County Council a copy of Map B.

5. That at the same time I informed each of the above-mentioned local authorities in writing of the deposit of the duplicate Map(s)† . . . and that if they intended to put forward objections to the proposals, they should notify the Ministry of Health and the Town Council within two weeks and forward a full statement of their objections to the Ministry and to the Town Council within a further period of four weeks.

6. That notice of the purport of the application and of the deposit of the said duplicate(s) of the Maps(s) † . . . in my Office has been advertised in the London Gazette on the and in the , being (a) local newspaper(s) circulating in the areas affected, on the . The advertisement in the local newspaper(s) appeared within seven days of the first-mentioned deposit. Copies of the London Gazette and the newspaper(s) containing the advertisement are annexed hereto and marked "A," (and) "B" (and) "C" respectively.

Town Clerk.

* Only the ward map B or C, as the case may be, need be sent.
† Map B and, where there is a ward map, also Map C.

AREAS OF LOCAL GOVERNMENT

PART II.

CONTENTS AND ARRANGEMENT OF THE MEMORIAL.

The memorial should give, in so far as it is applicable, the information outlined below, and *strictly in the order and the manner defined.*

1. *The Main Proposals.*

(i) The proposed alterations in the boundary of the Borough and of Districts and Parishes affected should be briefly outlined, with reference to the map. Where it is proposed to include in the Borough parts of Parishes, information should be given as to how the remainder of these Parishes is to be dealt with. If the proposals entail the abolition of an Urban or Rural District or Parish this should be clearly stated.

(ii) General statistics should be furnished in the following form :—

* County District or Parish affected.	Area.	Population.		Rateable Value.		Produce of 1*d.* rate
		Present estimate or last census.	Density per acre.	Total	Per head of Population.	
	acres			£	£	£

* Where part of a County, District or Parish is affected figures should be given separately for the whole and the part affected.

2. *Reasons for the Proposal.*

The reasons for making the application should be fully stated.
Any general or historical observations should appear under this heading.

3. *Principal Consequential Proposals.*

(i) *Organisation for Local Government Elections.*

Statements should be furnished in the following forms :—

(*a*) BOROUGHS.

1. *Electoral.*

Existing Wards.				Proposed Wards.			
Name of each Ward.	No. of L.G. Electors.	No. of Clrs.	Date of retirement.	Name of each Ward.	No. of L.G. Electors.	No. of Clrs.	Date of retirement.

NOTE.—If there are no Wards and none are proposed, give existing and proposed number of Town Councillors.

State—

Number of Aldermen of existing Borough.
Proposed number of Aldermen of extended Borough.
Years of retirement.

2. *Rateable Value.*

Existing Wards.					Proposed Wards.				
Name of each Ward.	Dwelling-houses.	Co. *and* corpn. pro-perty.	Other pro-perty.	Total.	Name of each Ward.	Dwelling-houses.	Co. *and* corpn. pro-perty.	Other pro-perty.	Total.
	£	£	£	£		£	£	£	£

(*b*) URBAN DISTRICTS.

Name of U.D.	Existing Wards for Council Elections.			Proposed Wards (except where District to be abolished).		
	Name of each Ward.	No. of Clrs.	Date of Retirement.	Name of each Ward.	No. of Clrs.	Date of Retirement.

NOTE.—If there are no Wards and none are proposed, give existing and proposed number of U.D. Councillors and dates of retirement.

(*c*) RURAL DISTRICTS.

Name of each R.D. affected.	Existing.			Proposed.		
	Name of each Parish affected (names of Wards inset).	No. of Clrs.	Dates of retirement.	Name of each Parish affected (names of Wards inset).	No. of Clrs.	Dates of retirement.

AREAS OF LOCAL GOVERNMENT

(*d*) PARISHES.

Information to be given for all rural parishes affected which have a P.C.

Name of Parish.	Wards for P.C. Elections.			
	Existing.		Proposed.	
	Name of each Ward.	No. of Clrs.	Name of each Ward.	No. of Clrs.

NOTE.—If there are no Wards and none are proposed, give existing and propos number of Parish Councillors for each Parish affected.

ii) *Justice, Coroner, Police and Education.*

(*a*) Has the Borough a separate—

(1) Court of Quarter Sessions.

(2) Commission of the Peace.

(3) Police Force. If so, give particulars of any County Police Buildings in t proposed added area(s).

(4) Coroner.

(*b*) Is the Borough a local education authority. If so, give particulars of a public elementary school or non-provided school, or land held by the County Coun for purposes of elementary education in the proposed added area(s).

(*c*) A statement in the following form for all Petty Sessional Divisions affected :-

Petty Sessional Divisions.		
Name of each Division affected.	Areas comprised in the Division which are affected.	Proposed alterations.

(*d*) A similar statement for the Coroner's Districts concerned.

iii) *Assessment and Guardians Committee Areas.*

(*a*) ASSESSMENT AREAS.

Present.				Proposed.			
Name of each Assessment Area affected.	Name of each County District comprised in each Assessment area.	No. of representatives of each County District.	R. V. of each County District.	Name of each Assessment Area affected.	Name of each County District comprised in each Assessment Area.	No. of representatives of each County District.	R. V. of each County District.

(*b*) GUARDIANS COMMITTEE AREAS.

Present.			Proposed alterations.
Name or number of each Area affected.	County Districts included in the Area.	Number of representatives of each County District Council on the Committee.	

4. *Previous Proposals relating to the same Area.*

Particulars of any previous unsuccessful application made to Parliament, to the Local Government Board or to the Ministry of Health; Copies of any Bill promoted for this purpose, and of the minutes of evidence given before the Committee to which any such Bill was referred by Parliament, should be sent to the Minister of Health with the representation.

If no such proposal has previously been made this should be stated.

5. *Industries and Occupations.*

State the principal industries, and the principal occupations (with figures) of the inhabitants of the Borough and of each added area.

6. *Statement of Loans.*

Tables as in Appendix A (1) to be given for each Borough, Urban or Rural District affected, in Form A (2) for rural parishes and in Form A (3) for Joint Boards, etc.

7. *Property.*

Statement as under of properties owned by the Corporation, *in the proposed added areas.*

Property.	Situation.	Acreage.	Purpose for which acquired.	Statutory Authority.

AREAS OF LOCAL GOVERNMENT

8. *Rates, Differential Rating, and Rating and Valuation Act,* 1925.

(i) Tabular statements as in Appendix B.

(ii) State whether and, if so, what differential rates for any added areas are proposed by the Town Council as under.

Statement of each Area in which differential rating is proposed.	Period of differential rating.	Amount in the £ of abatement in first year.	Amount by which differential rate is to be reduced in subsequent years.

(iii) What percentage deduction is proposed for the purposes of paragraph 3 of Part III of the Second Schedule to the Rating and Valuation Act, 1925, in respect of special hereditaments in any urban area affected.

Name of each Borough or Urban District affected.	Present percentage.	Proposed percentage.

9. *Local Acts, Provisional Orders, Adoptive Acts, Byelaws and Regulations, etc.*

(i) *Local Acts and Provisional Orders.*

(*a*) A complete statement as under of Local Acts and Provisional Order Confirmation Acts in force in the Borough and in each of the added areas :—

Short title of Act.	Subject (in brief).

(*b*) If it is proposed to alter any Local or Confirmation Act in force in any area affected by the proposals, a detailed statement of the desired amendments should be forwarded.

(ii) *Adoptive Acts.*

A separate form as under to be submitted for the Borough and each of the proposed added areas :—

Town Council of .
Urban District Council of .
Rural District Council of .
Parish Council or Meeting of .

Act.	Date of adoption (if not adopted state so).	Parts or Sections adopted.
The Lighting and Watching Act, 1833 . .		
The Baths and Washhouses Acts, 1846–1925 .		
The Burial Acts, 1852–1906		
The Public Improvements Act, 1860 . . .		
The Infectious Disease (Prevention) Act, 1890 .		
The Public Health Acts Amendment Act, 1890 .		
The Museums and Gymnasiums Act, 1891 . .		
The Public Libraries Acts, 1892 to 1919 . .		
The Private Street Works Act, 1892 . . .		
The Small Dwellings Acquisition Acts, 1899 to 1923		
The Health Resorts and Watering Places Act, 1921		
The Local Government and other Officers' Superannuation Act, 1922		
The Public Health Act, 1925		

Where an Act has been adopted for *part* of a rural parish, state the precise area and the name of the authority for the execution of the Act.

(iii) *Byelaws and Regulations.*

A statement as under of the byelaws and regulations in force in the Borough and in each added area.

Borough, Urban or Rural District.	Date.	Subject.	Extent to which byelaws have been repealed, if any.

(iv) *Parish Council Powers.*

A statement as under of the powers of a Parish Council conferred on the Borough Council, or an Urban District Council affected, by Orders of the Ministry or their predecessors under Section 33 of the Local Government Act, 1894 and by Orders of the Ministry under section 271 of the Local Government Act, 1933.

(NOTE.—Any order conferring on the Council power to appoint overseers or assistant overseers has been superseded by the Rating and Valuation Act, 1925, and may be excluded from the statement.)

AREAS OF LOCAL GOVERNMENT

Borough or Urban District.	Date of Order.	Powers conferred.

NOTE.—THE INFORMATION INDICATED IN SECTIONS NOS. 10–13 BELOW SHOULD BE DRAWN UP IN THE FORM OF A SEPARATE TABLE FOR EACH SERVICE, WITH PARALLEL COLUMNS FOR THE BOROUGH AND EACH ADDED AREA.

IF THE INFORMATION ON ANY POINT OR POINTS IS TOO LENGTHY TO BE CONVENIENTLY EMBODIED IN THE TABLE, IT SHOULD BE FURNISHED SEPARATELY AT THE END OF THE TABLE.

10. *Sanitation and Health.*

(i) *Sewerage and Sewage Disposal.*

(1) Is the area wholly or partly sewered ?

(2) If only partly, state—
(*a*) Population served by system.
(*b*) Number of premises not connected to sewers.

(3) Is the sewerage system "separate," "partially separate," or "combined" ?

(4) Is the system by gravitation or pumping ?

(5) If the sewage is treated, state method or methods (broad irrigation, tanks and land, tanks and bacterial filters, activated sludge process or by combinations of these systems).

(6) If the sewage is not treated, state—
(*a*) Where it is discharged, and
(*b*) If discharged to tidal waters, state under what conditions of control, if any (*e.g.*, whether at all states of tide or otherwise).

(7) If any areas are drained to sewers of an adjoining authority or joint board or committee, state separately for each such area—
(*a*) Area so drained.
(*b*) Name of authority to whose sewers area drained.
(*c*) Population of premises so drained.

(ii) *Water Supply.*

(1) Is a piped supply general ?

(2) If so, is it into houses or by standpipes ?

(3) If not, state numbers of premises where the water supply is derived from—
(*a*) Wells.
(*b*) Springs.
(*c*) Rainwater.
(*d*) Other sources.

(4) If piped supply provided state—
(*a*) Name of water undertakers.
(*b*) Statutory area of supply.
(*c*) Area actually supplied.
(*d*) Is the system by gravitation or pumping ?
(*e*) Source of supply.
(*f*) Capacity of reservoirs (if any)—
(i) Impounding or storage.
(ii) Service.

(g) Capacity of pumps (if any).
(h) Average quantity supplied in gallons per 24 hours—
  (i) Domestic.
  (ii) Trade.
(5) Is the supply constant and sufficient ?

(iii) *Scavenging and Refuse Disposal.*

(1) *Collection of House Refuse.*

(a) Is collection undertaken by Local Authority ? and, if so, by direct labour or contract ?
(b) If part only of district, give particulars.
(c) How often is refuse collected ?
(d) If refuse is not collected by Local Authority, has the duty of cleansing or removal been imposed upon occupiers or have voluntary arrangements been made ?

(2) *Disposal of House refuse.*

(a) Method of disposal, *e.g.* tipping, incineration, separation and incineration, pulverisation or other method.
(b) If refuse is tipped, are proper precautions on the lines recommended by the Ministry taken to prevent nuisances ?

(iv) *Collection and Disposal of Night-soil (if any).*

(1) Statements on the lines of (iii) (1) above.
(2) What is the method of disposal.

(v) *Sanitary Statistics, etc.*

(1) Number of—
(a) W.C's.
(b) Pan or pail closets.
(c) Midden privies.
(d) Ashpits separate from midden privies.
(e) Cesspools.

(2) (a) Are cesspools watertight ?
(b) Are there any overflows ?
(c) If so, where do overflows discharge ?

(3) (a) Steps being taken to convert privies, etc.
(b) The total number of privies converted in each of the last three years.

(vi) *Sanitary and Housing Inspection.*

Summary of action taken in each of the past three years as follows—
(1) Number of premises visited in each year.
(2) Number of nuisances or defects discovered.
(3) Number of nuisances or defects remedied as a result of informal action.
(4) Number of statutory and informal notices served.
(5) The results of the service of such notices.

(vii) *Hospitals.*

(1) Infectious Diseases.
(a) Has a hospital been provided ?
(b) If so, by what authority ?
(c) Is the hospital a permanent building ?
(d) If not, state nature of construction.
(e) Accommodation for patients.
(f) Accommodation for staff.
(g) Area served by hospital.
(h) Population served by hospital.

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(2) Smallpox.
Similar information.

(viii) *Medical Officers of Health.*

State as regards each officer—

(1) Whether whole time is devoted to the duties of Medical Officer or to those duties with other public appointments, specifying them.
(2) Whether he acts for more than one District.
(3) If so, names of such Districts.
(4) Whether he is restricted from engaging in private practice as a medical practitioner.

(ix) *Sanitary Inspectors.*

Statements on the lines of (viii) (1), (2) and (3) above, as regards each officer.

(x) *Notification of Births, Maternity and Child Welfare, and Midwives.*

State names of the responsible authorities in the Borough and each of the added areas for each of these purposes.

11. *Development, Housing and Town Planning.*

(i) *Development.*

NOTE.—In the case of Rural Districts, this information is likely to be required only in respect of the parishes in which there is, or is likely to be, building development.

(1) Approximate area covered by water, rivers, canals, railways, roads, parks, recreation grounds, etc., which cannot be built over.
(2) Other land not available for building, stating why not available.
(3) Area of land (unbuilt on) available for building.
(4) Number and total length of private streets not yet taken over.

(ii) *Housing.*

(1) Number of houses—
(*a*) Now inhabited.
(*b*) Voids.
(*c*) Percentage of working-class houses included in (*b*).
(*d*) Back to back.

(2) Number of working-class houses needed—
(*a*) To meet shortage.
(*b*) To meet overcrowding (other than shortage).
(*c*) To replace unfit houses.

(3) (*a*) Number of houses all classes now in course of erection.
(*b*) Total number of houses built in preceding years since 1919 :—
By Local Authority.
By Public Utility Societies.
By Private Enterprise.

(iii) *Town Planning.*

(1) Approximate area for which any action has been taken.
(2) Stage which scheme has reached.
(3) Brief particulars of any special features.

12. *Burial Arrangements.*

(1) Have the Town Council the powers of a burial board ?

(2) Is there any burial board within the Borough other than the Town Council, and if so for what area does it act ?

(3) Is any part of the Borough within the area of a joint burial committee appointed under s. 53 (2) of the Local Government Act, 1894 ? If so, give the names of the civil parishes or parts of civil parishes for which the joint burial committee act ?

(4) Has a cemetery been provided by the Town Council under the Public Health (Interments) Act, 1879, for the whole or any part of the borough ?

NOTE.—Information on the above lines should also be supplied with regard to each of the proposed added areas.

(5) Description of proposed alterations in areas, etc. of burial authorities.

13. *Trading Services (other than Water).*

(i) *Electricity.*

(a) Who owns undertaking ?
(b) Limits of supply.
(c) Area actually supplied.

(ii) *Gas.*

Similar information.

(iii) *Tramways, Omnibuses and Trolley Vehicles.*

(a) Tramways—
(1) Are there any tramways ?
(2) If so, are they owned by the Local Authority ?
(3) If owned, are they operated by them or leased ?
(b) Omnibuses.
(c) Trolley Vehicles.
Similar information as in (iii) (a).

(iv) *Markets.*

(a) Are any markets situate in the area ?
(b) If so, state undertaker.
(c) Who are the owners of the market rights ?
(d) Whether by Statute, Charter or Franchise.

(v) *Docks, Bridges and Ferries.*

(a) Is there a dock, harbour, bridge or ferry undertaking ?
(b) If so, state undertaker.

(vi) In the case of any other public utility undertakings state—

(a) Purpose.
(b) Undertaker.

14. *Joint Boards, Joint Committees, etc.*

A statement in the following form should be included showing particulars of any Isolation Hospital Committee, Port Sanitary Authority Joint Board, Joint Committee or other joint authority discharging functions in any area affected by the proposals.

Joint Authority.	Purpose.	Act or Order.	Constituent Authorities and areas represented.	Number of representatives	How expenses apportioned.	Proposed alterations.

15. *Lists, etc.*

(i) A list of Charters in force in the Borough. If the Borough was established since 1870, a copy of the Charter of Incorporation and of any scheme of the Privy Council should be furnished.

AREAS OF LOCAL GOVERNMENT

(ii) *Agreements.*—A list in the following form of all agreements made by the Town Council or the Council of any area affected, under such enactments as sections 28, 61, 131, 285 of the Public Health Act, 1875, or with the Standing Joint Committee of the County as to police (so far as not covered by the particulars furnished in accordance with paragraph 14 above.

Authority by whom made.	With whom made.	Date.	Nature and Purpose.	Act and Section.	Proposed adaptations.

(iii) A list of all the Electoral Divisions in the County, existing and proposed, distinguishing between Electoral Divisions consisting (*a*) wholly of urban districts, (*b*) wholly of rural districts, (*c*) partly of each and giving the area, population and the number of local government electors in each Electoral Division.

16. *Documents, etc.*

The following documents should be attached to the memorial.

(i) A copy of any agreement between the Local Authorities which is considered to have an important bearing on the proposal.

(ii) A copy of every Local Act and of every Act confirming a Provisional Order in force in the Borough and in each of the added areas.

(iii) A copy of each Order made by the County Council or by a Joint Committee under the Local Government Act, 1894, or the Local Government Act, 1933, affecting the added areas.

(iv) A copy of the last printed abstract of the Borough Treasurer's Accounts.

(v) A copy of the scale of water charges levied in each Area.

Ministry of Health,
Whitehall, S.W.1.
December, 1934.

APPENDIX A (1) TO PART II.

See paragraph 6.

LOANS STATEMENT.

Boroughs, Urban and Rural Districts.

Loans outstanding at the end of last financial year.

Purpose (as far as applicable).	Total Amount of Loans outstanding.	Total Amount in Sinking Funds.	Total Amount remaining to be provided for.
	£	£	£
1. Non-Trading Services.			
(1) *Services not specifically Grant-aided*			
Sewerage and Sewage Disposal			
Collection and Disposal of House Refuse			
Parks, Pleasure Grounds and Open Spaces			
Baths and Washhouses			
Hospitals			
Fire Engines and Appliances			
Public Libraries and Museums			
Allotments			
Council Offices			
Other purposes			
Total			

Purpose (as far as applicable).	Total Amount of Loans outstanding.	Total Amount in Sinking Funds.	Total Amount remaining to be provided for.
	£	£	£
(2) *Specifically Grant-aided Services* :—			
Housing :—			
Under Act of 1919 . . .			
Under other Acts . . .			
Total .			
Roads and Bridges :—			
Classified Roads . . .			
Other Roads			
Total .			
Education :—			
Elementary			
Higher			
Total .			
Small Holdings			
Police			
Other purposes			
Total .			
2. Trading Undertakings.			
Waterworks			
Electricity Works . . .			
Tramways, Light Railways and Omnibuses			
Gasworks			
Markets			
Cemeteries and Burial Grounds .			
Corporation Estates . . .			
Other Undertakings . . .			
Total .			
3. Summary.			
Total non-trading services :—			
Not specifically Grant-aided .			
Specifically Grant-aided . .			
Total Trading Undertakings . .			
Grand Total . . .			
Temporary loans or overdrafts under the Local Authorities (Financial Provisions) Act, 1921 . . .			

Amount of outstanding debt per head of present estimated population .

NOTE.—Services in respect of which a grant has been made by the Unemployment Grants Committee should not be treated as grant-aided services.

AREAS OF LOCAL GOVERNMENT

APPENDIX A (2) TO PART II.

See paragraph 6.

LOANS STATEMENT.

Rural Parishes.

Loans outstanding at the end of last financial year.

Loans chargeable upon each Contributory Place affected by the proposal.
Rural District of .

Purpose (so far as applicable).	(Name of Contributory Place).			(Name of Contributory Place.)		
	Total Amount of Loans outstanding.	Total Amount of Sinking Funds.	Total Amount remaining to be provided for.	Total Amount of Loans outstanding.	Total Amount in Sinking Funds.	Total Amount remaining to be provided for .
	£	£	£	£	£	£
Loans contracted by rural district council :— Sewerage and sewage disposal						
Water supply .						
Other loans, viz.						
Totals .						
Loans contracted by parish council or parish meeting :— Allotments .						
Recreation grds.						
Burial grds. .						
Other loans, viz.						
Totals .						

APPENDIX A (3) TO PART II.

See paragraph 6.

LOANS STATEMENT.

Joint Boards, Burial Boards, etc.

Loans outstanding at the end of last financial year.

Name of Joint Board, Burial Board, etc.	Purpose of Loans.	Total Amount of loans outstanding.	Total Amount in Sinking Funds.	Total Amount remaining to be provided for.
		£	£	£

APPENDIX B TO PART II.

See paragraph 8 (*i*).

AREAS OF LOCAL GOVERNMENT

RATES.

These particulars should be furnished on separate returns (*a*) for the existing Borough and (*b*) for each of the areas proposed to be added to the Borough.

Purpose (as far as applicable).	Rates for last five years.									
	Year.		Year.		Year.		Year.		Year.	
	s.	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*
* TRUE RATES.										
Education, Elementary										
,, Higher										
Public Libraries										
Public Health—										
Sewers and sewage disposal										
Collection and disposal of house and trade refuse										
Hospitals, Sanatoria and dispensaries										
Maternity and Child Welfare										
Baths										
Parks										
Public Conveniences										
Other health services										
Lunacy and mental deficiency										
Housing and Town Planning										
Allotments, Small Holdings, etc.										
Highways and Bridges—										
Classified Roads										
Other Roads										
Public Lighting										
Fire Brigade										
Police										
Public Assistance										
All other expenses										
Total										
Contributions to meet deficiencies on trading services										
Total										
Deduct—										
(1) Trading profits applied to rates										
(2) Other income (not apportionable among services specified above)										
Net Rate										
Actual Rates levied to meet expenses of—										
T.C. or U.D.C.†										
R.D.C.										
General, including additional items										
Special										
County Council										
Other Local Authorities										
Total										
Rates collected per head of population during the year										

* That is the amounts expended out of rates during the year, expressed in terms of a penny rate.

† If there is differential rating, give particulars.

NOTE.—If there is difficulty in furnishing figures of true rates, the actual rate levied for each service should be given. But in that case the *total* amount of (*a*) rates collected, and (*b*) the actual rate-borne expenditure for the year should also be stated.

AREAS OF LOCAL GOVERNMENT

S. R. & O., 1934, No. 567.

THE LOCAL GOVERNMENT (ALTERATION OF AREAS) (NOTICES) REGULATIONS, 1934, DATED JUNE 1, 1934, MADE BY THE MINISTER OF HEALTH.

The Minister of Health, in pursuance of his powers under sections 141 and 305 of the Local Government Act, 1933, and of all other powers enabling him in that behalf, hereby makes the following Regulations.

For ss. 141 and 305 of the L.G.A., 1933, see *ante*, pp. 935, 1183.

1. These Regulations may be cited as the Local Government (Alteration of Areas) (Notices) Regulations, 1934, and shall come into operation forthwith.

2.—(1) The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(2) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

" the Act of 1933 " means the Local Government Act, 1933 ;

" Council " means the Council of a county or county borough, and includes also a joint committee of two or more such Councils.

3. At least ten days before the day fixed by any Council for the holding of a local inquiry under subsection (1) of section 141 of the Act of 1933, the Council shall give public notice of the day, time and place fixed for the inquiry, of the changes of areas of local government for which they consider a prima facie case exists, and that the desirability of making those changes or any of them will be considered at the inquiry, and the notice shall be given—

(*a*) by advertisement in one or more local newspapers circulating in the areas affected by those changes ;

(*b*) by affixing printed copies of a notice containing the particulars aforesaid to the offices of the local authorities affected by the changes or, in the case of the local authority of a rural parish, on or near the principal door of each church or chapel in the parish ; and

(*c*) by posting printed copies of the notice in conspicuous places within the areas affected, and in such other manner, if any, as appears to the Council to be desirable for giving publicity to the notice.

For provisions of s. 141 (1), see *ante*, p. 935. Note definition of " local authorities " for this purpose in s. 141 (9), *ante*, p. 941.

4. At least ten days before the day on which the inquiry is to be held, printed copies of the notice containing the particulars aforesaid shall be sent by the Council, in addition to the Minister, to the Secretary of State, the Board of Education, the Minister of Agriculture and Fisheries, the Registrar-General and the local authorities appearing to the Council to be concerned.

This provision is to satisfy the requirements of s. 141 (2), *ante*, p. 937. By Circular 1416 from the Ministry of Health, which accompanied these regulations, it was recommended that in addition to the local authorities as defined in s. 305 (*ante*, p. 1187), all authorities who are specially interested in any such changes, including Burial Boards, Joint Boards, Joint Committees, etc., should be treated as local authorities for the purposes of the regulations.

5. At least twenty-one days before making an order giving effect to a change not considered at the local inquiry, the Council shall forward particulars of the proposed change to all local authorities appearing to the Council to be concerned, and shall give public notice of the proposed change—

(*a*) by the insertion in one or more local newspapers circulating in the area affected by the proposed change of an advertisement indicating the proposed change, and stating the time and place at which details thereof may be inspected by any local government elector during a period of twenty-one days from the date of publication of the advertisement, and details of the proposed change shall be made available by the Council for inspection accordingly during that period ;

AREAS OF LOCAL GOVERNMENT

(*b*) by affixing printed copies of a notice containing particulars of the proposed change to the offices of the local authorities affected by the change or, in the case of the local authority of a rural parish, on or near the principal door of each church or chapel in the parish; and

(*c*) by posting printed copies of the notice in conspicuous places within the areas affected, and in such other manner, if any, as appears to the Council to be desirable for giving publicity to the notice.

This provision is to satisfy the requirements of s. 141 (3), proviso, *ante*, p. 938.

6. The Local Government Acts (Inquiries and Notices) Order, 1921, is hereby revoked, but without prejudice to anything done in pursuance thereof.

The revoked order is S. R. & O., 1921, No. 1511.

Given under the official seal of the Minister of Health this first day of June nineteen hundred and thirty-four.

(L.S.) *J. C. Wrigley*,
Assistant Secretary, Ministry of Health.

S. R. & O., 1934, No. 972.

THE URBAN DISTRICTS (WARDS AND COUNCILLORS) (NOTICES) REGULATIONS, 1934, DATED AUGUST 31, 1934, MADE BY THE SECRETARY OF STATE UNDER SECTION 37 OF THE LOCAL GOVERNMENT ACT, 1933 (23 & 24 GEO. 5, C. 51).

In pursuance of the Local Government Act, 1933, I hereby make the following Regulations prescribing the notice to be given of a local inquiry held by a county council under section 37 of the said Act.

For s. 37 of the L.G.A., 1933, see *ante*, p. 771.

REGULATIONS.

1. At least ten days before the day fixed by the county council for the holding of a local inquiry under subsection (1) of section 37 of the Local Government Act, 1933, the county council shall give public notice of the day, time and place fixed for the inquiry and of the proposals for which they consider that a prima facie case exists, and that the desirability of giving effect to those proposals or any of them will be considered at the inquiry, and the notice shall be given—

(*a*) by advertisement in one or more local newspapers circulating in the urban district;

(*b*) by affixing printed copies of a notice containing the particulars aforesaid to the offices of the urban district council; and

(*c*) by posting printed copies of the notice in conspicuous places within the urban district and in such other manner, if any, as appears to the county council to be desirable for giving publicity to the notice.

2. At least ten days before the day on which the inquiry is to be held, printed copies of the notice containing the particulars aforesaid shall be sent by the county council, in addition to the Secretary of State and the Minister of Health, to the Minister of Agriculture and Fisheries, the Registrar General, and the council of the urban district concerned.

3.—(1) These Regulations shall be cited as the "Urban Districts (Wards and Councillors) (Notices) Regulations, 1934".

(2) These Regulations shall come into operation forthwith.

John Gilmour,
One of His Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
31st August, 1934.

BILLS IN PARLIAMENT

BILLS IN PARLIAMENT.

URBAN DISTRICT COUNCILS.

PROMOTION OF BILLS IN PARLIAMENT.

The Local Government Act, 1933.

EVERY application under the Local Government Act, 1933, for the approval of the Minister of Health to a resolution of an Urban District Council in favour of promoting a Bill in Parliament should be accompanied by—

1. A copy of the Bill which is to be promoted.

2. A statement of the grounds of the promotion in so far as they are not readily apparent from the Preamble of the Bill.

3. A statutory declaration by the chairman or clerk of the Urban District Council in the form set forth below, showing that the statutory requirements have been complied with, and having annexed to it the several documents therein referred to. *The declaration must be stamped with a half-crown impressed stamp.*

Form of Statutory Declaration.

Urban district of

In the matter of the Local Government Act, 1933, and the promotion by the Urban District Council of the Bill, 19 .

I, [*Here state name of declarant and office held by him*], do solemnly and sincerely declare as follows :—

1. On the day of a notice was advertised in the (being a local newspaper circulating in the Urban District of) of a meeting to be held of the Urban District Council of the said District and of the purpose of such meeting.

A copy of the newspaper containing an advertisement of the said notice is annexed hereto, marked A.

2. Such notice was in addition to the ordinary notice required for the summoning of a meeting of the Urban District Council.

3. In pursuance of such notice a meeting of the Urban District Council was held on the day of , and a resolution was passed by an absolute majority of the whole number of the Council, of which resolution a copy is annexed hereto, marked B. The total number of Members of the Council is , of which number voted for the resolution, voted against the resolution, were present at the meeting but did not vote, and were absent from the meeting.

4. The said resolution was published on the day of , in the , being a newspaper circulating in the Urban District.

A copy of the newspaper containing the publication of such resolution is annexed hereto, marked C.

5. Notice as to the Bill was given in accordance with the requirements of Rule (1) of the Ninth Schedule to the Local Government Act, 1933, by placards and by advertisement in some local newspaper circulating in the Urban District in two successive weeks. The first advertisement was made and the placards were posted within the time required by Rule (2) of the said Schedule.

A copy of the placard and of each newspaper, viz., the [*Here insert name of newspaper*] dated the day of and the day of are hereto annexed, marked respectively D, E and F.

6. In accordance with such notice a public meeting of local government electors was held on the day of [and was adjourned till the day of]. A copy of the resolution [*or* each of the resolutions] put to the meeting is hereto annexed, marked G [*or* G_1, G_2, G_3, etc.], and the resolution was [*or* resolutions were] passed by the meeting [*or* the resolutions marked were passed and the resolutions marked were rejected by the meeting].

7 (a). No requisition for a poll was delivered to the Chairman of the Urban District Council within the time limited by Rules (9) and (10) of the said Schedule.

or 7 (b). A requisition by [local government electors] / [the Urban District Council] for a poll was delivered to the Chairman of the Urban District Council within the time limited by Rule [(9)] / Rule [(10)] of the said Schedule. A copy of the requisition is hereto annexed, marked H.

8 (a). A poll was rendered unnecessary by the withdrawal of the requisition or by a resolution of the Council withdrawing the Bill or the part or parts or clause or clauses of the Bill to which the resolution with reference to which the poll was required related. [*Omit the words not applicable to the case.*]

or 8 (b). On such requisition a poll of the local government electors was taken by the Chairman of the Urban District Council [*or* by who was appointed in pursuance of Rule (15) of the said Schedule] in accordance with the regulations contained in the said Schedule and the regulations of the Minister of Health prescribed under Rule (16) thereof.

A copy of the declaration of the result of the poll is hereto annexed marked J.

I make this solemn Declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act, 1835.

Declared at in the county of this day of 19 .
Before me

Exhibits to be annexed to the Declaration.

A. A copy of newspaper containing advertisement of notice of meeting of Urban District Council and of the purpose of such meeting.
B. Copy of resolution passed at meeting of Council.
C. Copy of newspaper containing publication of resolution of Council.
D. Copy of placard containing notice as to the Bill.
E. Copy of newspaper containing first advertisement of the notice as to the Bill.
F. Copy of newspaper containing second advertisement of the notice as to the Bill.
G. Copy of each resolution put to the public meeting of electors.
H. Copy of requisition for the poll (if any).
J. Copy of declaration of the result of the poll (if any).

S. R. & O., 1935, No. 1086.

THE LOCAL GOVERNMENT (POLLS ON PROMOTION OF BILLS) REGULATIONS, 1935, DATED NOVEMBER 6, 1935, MADE BY THE MINISTER OF HEALTH UNDER THE NINTH SCHEDULE TO THE LOCAL GOVERNMENT ACT, 1933 (23 & 24 GEO. 5, C. 51).

The Minister of Health in exercise of his powers under the Ninth Schedule to the Local Government Act, 1933, hereby makes the following regulations :—

1. These regulations may be cited as the Local Government (Polls on Promotion of Bills) Regulations, 1935, and shall come into operation on the first day of December, nineteen hundred and thirty-five.

2. These regulations shall apply to all polls of local government electors in connection with the promotion of bills by borough and urban district councils other than the councils of metropolitan boroughs.

This definition agrees with that of L. G. A., 1933, s. 255 (1), *ante*, p. 1119, in view of s. 1 (1), *ante*, p. 736.

3. The provisions of the Borough Funds Acts (Polls) Order, 1903 (*a*), shall cease to apply to polls taken in connection with the promotion of bills by local authorities to which these regulations apply.

(*a*) The Order which ceases to apply was S. R. & O., Rev. 1904, I, Borough, E., p. 13 (1903, No. 933).

BILLS IN PARLIAMENT

Definitions.

4. In these regulations, unless the context otherwise requires—

"returning officer" means the mayor of a borough or the chairman of the council of an urban district or any person appointed by the council of the borough or urban district to perform any duty or do any act or thing with respect to a poll by reason of the inability or unwillingness of the mayor or chairman to perform that duty or do that act or thing;

"public notice" means notice given—

(*a*) by affixing the notice to the offices of the council;

(*b*) by posting the notice in some conspicuous place or places within the area of the borough or urban district; and

(*c*) in such other manner, if any, as appears to the mayor or chairman to be desirable for giving publicity to the notice.

See L. G. A., 1933. Sched. 9, paras. 3, 15, *ante*, pp. 1266, 1268.

Requisition for poll by electors.

5. Every requisition for a poll by local government electors shall be in the form No. 1 in the schedule to these regulations.

Withdrawal of requisition for a poll by electors.

6. A requisition for a poll by electors may be withdrawn by a notice delivered to the returning officer not later than the third day before the day fixed for the poll. The notice shall be in the form No. 2 in the schedule to these regulations.

For form of notice, see Sched. Form No. 2, *post*, p. 2405. As to misnomers or misdescriptions therein, see para. 35, *post*, p. 2405.

As regards computation of time, see para. 36, *post*, p. 2405.

Withdrawal of requisition for a poll by the council.

7. A requisition for a poll by the council may be withdrawn by a resolution of the council of which resolution a copy shall be delivered to the returning officer not later than the third day before the day fixed for the poll.

As to computation of time, see para. 36, *post*, p. 2405.

Withdrawal of Bill or part or parts or clause or clauses.

8. Where the council after a requisition for a poll resolve to withdraw the Bill or a part or parts or a clause or clauses to which the resolution with reference to which the poll is demanded relates, a copy of the resolution of the council for such withdrawal shall be delivered to the returning officer not later than the third day before the day fixed for the poll.

As to computation of time, see para. 36, *post*, p. 2405.

Notice that no poll will be taken.

9. If by the withdrawal of the requisition for a poll or by the withdrawal of the Bill or a part or parts or a clause or clauses to which the resolution with reference to which the poll is demanded relates the poll is rendered unnecessary, the returning officer shall give public notice stating that no poll will be taken. The notice shall be in the form No. 3 in the schedule to these regulations.

For form of notice, see Sched. Form No. 3, *post*, p. 2406.

As to misnomers or misdescriptions therein, see para. 35, *post*, p. 2405.

For method of giving public notice, see para. 4, *supra*.

Days and hours of poll.

10.—(1) Every poll shall be held on the day which shall be fixed by the returning officer which shall not be earlier than the tenth day nor later than the fourteenth day after that on which the requisition for the poll by electors or a copy of the resolution authorising the requisition for the poll by the council was delivered to the returning officer.

(2) The poll shall commence and be kept open during such hours as shall be fixed by the returning officer, so, however, that the same shall always be open between the hours of six and eight in the afternoon.

As to computation of time, see para. 36, *post*, p. 2405.

Notice of poll.

11.—(1) The returning officer shall, on or before the fifth day before the day of the poll, give public notice of the poll, specifying—

(*a*) the day and hours fixed for the poll;

(*b*) the resolution or resolutions with respect to which the poll is to be taken;

(*c*) the situation of each polling station and the description of the persons entitled to vote thereat.

(2) The notice required to be given under this regulation shall be in the form No. 4 in the schedule to these regulations.

For form of notice, see Sched. Form No. 4, *post*, p. 2406.
As to misnomers or misdescriptions therein, see para. 35, *post*, p. 2405.
For method of giving public notice, see para. 4, *ante*, p. 2400.
As to computation of time, see para. 36, *post*, p. 2405.

Provision of polling stations, ballot boxes, etc.

12. The returning officer shall—

(*a*) provide a sufficient number of polling stations for the electors, such number of polling stations being, unless the Minister of Health otherwise directs, not less than one for each ward in the case of a borough or urban district divided into wards and not less than one for each polling district in the case of a borough not divided into wards but divided into polling districts for the election of councillors;

(*b*) allot the electors to the polling stations in such manner as he thinks most convenient;

(*c*) appoint a presiding officer to preside at each polling station, and such other officers (including poll clerks) as may be necessary for taking the poll and counting the votes;

(*d*) furnish each polling station with such number of compartments as may be necessary in which the electors can mark their votes screened from observation;

(*e*) furnish each presiding officer with such number of ballot boxes and voting papers as in the opinion of the returning officer may be necessary;

(*f*) provide each polling station with materials to enable electors to mark the voting papers, with instruments for stamping thereon the official mark, and with copies of the register of electors for the borough or urban district, as the case may be, or such part thereof as contains the names of the electors allotted to vote at the station;

(*g*) do such other acts and things as may be necessary for effectually conducting the poll in manner provided by these regulations.

The returning officer may himself act as a presiding officer (para. 33, *post*, p. 2405).
He may do, by officers appointed to assist him, any act which these regulations require or authorise him to do (para. 34, *post*, p. 2405).
As to polling districts, see L. G. A., 1933, ss. 13, 27, *ante*, pp. 749, 763.

13. One or more polling stations may be provided in the same room.

14. A notice, in the form No. 5 in the schedule to these regulations or as near thereto as circumstances admit, giving directions for the guidance of electors in voting, shall be exhibited outside every polling station, and in every compartment in the polling station.

For form, see Sched. Form No. 5, *post*, p. 2406.

Ballot boxes, voting papers, official mark.

15. Every ballot box shall be so constructed that the voting papers can be put therein, but cannot be withdrawn therefrom, without the box being unlocked.

BILLS IN PARLIAMENT

16. Every voting paper shall be in the form No. 6 in the schedule to these regulations or as near thereto as circumstances admit and—

(*a*) shall be capable of being folded up;

(*b*) shall have a number printed on the back; and

(*c*) shall have attached a counterfoil with the same number printed on the face.

For form, see Sched. Form No. 6, *post*, p. 2407.

The polls on any number of resolutions may be taken by means of the same voting paper (L. G. A., 1933, Sched. 9, para. 12, *ante*, p. 1267).

17. The official mark shall be kept secret.

Admission to polling station.

18.—(1) No person shall be admitted to vote at any polling station except at the one to which he is allotted.

(2) The presiding officer shall regulate the number of electors to be admitted to the polling station at the same time, and shall exclude all other persons except the officers appointed under these regulations, the police officers on duty, and any person accompanying a blind elector for the purpose of assisting him to vote.

Ballot boxes to be sealed.

19. Immediately before the commencement of the poll the presiding officer shall show the ballot box empty to such persons, if any, as may be present in the polling station, so that they may see that it is empty, and shall then lock it up and place his seal upon it in such manner as to prevent it being opened without breaking the seal, and shall place it in his view for the receipt of voting papers, and keep it so locked and sealed.

Questions to be put to electors.

20.—(1) The presiding officer may, and, if required by two electors shall, put to any person applying for a voting paper at the time of his application, but not afterwards, the following questions, or either of them, that is to say:—

(*a*) Are you the person registered in the register of local government electors now in force for this [Borough] [Urban District] as follows—

[read the whole entry from the register].

(*b*) Have you already voted in the [Borough] [Urban District] at the present poll?

(2) A voting paper shall not be delivered to any person required to answer the above questions, or either of them, unless he has answered the question or questions satisfactorily.

(3) Save as by this regulation authorised, no inquiry shall be permitted as to the right of any person to vote.

Marking of voting papers.

21. A voting paper shall be delivered to an elector who applies therefor, and immediately before delivery—

(*a*) the voting paper shall be marked with an official mark, either embossed or perforated;

(*b*) the number, name and description of the elector as stated in the copy of the register shall be called out;

(*c*) the number of the elector shall be marked on the counterfoil, together with the distinctive letter of the parliamentary polling district in which the elector is registered; and

(*d*) a mark shall be placed in the register against the number of the elector to denote that he has received a voting paper, but without showing the particular voting paper which he has received.

22. The elector, on receiving the voting paper, shall forthwith proceed into one of the compartments in the polling station and there secretly mark his paper and fold it up so as to conceal his vote, and shall then show to the presiding officer the back of the paper, so as to disclose the official mark, and put the voting paper, so folded up, into the ballot box in the presence of the presiding officer. The elector

shall vote without undue delay, and shall leave the polling station as soon as he has put his voting paper into the ballot box.

23.—(1) The presiding officer, on the application—

(*a*) of an elector who is incapacitated by blindness or other physical cause from voting in manner directed by these regulations; or

(*b*) if the poll is taken on a Saturday, of an elector who declares that he is a Jew, and objects on religious grounds to vote in manner directed by these regulations; or

(*c*) of an elector who makes a declaration that he is unable to read (in these regulations referred to as "the declaration of inability to read").

shall cause the vote of the elector to be marked on a voting paper in manner directed by the elector, and the voting paper to be placed in the ballot box.

(2) The name and number on the register of electors of every elector whose vote is marked in pursuance of this regulation, and the reason why it is so marked, shall be entered on a list (in these regulations called "the list of votes marked by the presiding officer").

24.—(1) Where an elector who is accompanied by another person makes application to the presiding officer to be allowed on the ground of blindness to vote with the assistance of the person accompanying him (in these regulations referred to as "the companion"), the presiding officer shall require the elector to declare orally whether he is so incapacitated by his blindness as to be unable to vote without assistance.

(2) If the presiding officer is satisfied that the elector is so incapacitated and is also satisfied by a written declaration made by the companion (in these regulations referred to as "the declaration made by the companion of a blind elector") that the companion is a qualified person within the meaning of this regulation and has not previously assisted more than one blind person to vote at the poll then being taken, the presiding officer shall grant the application, and thereupon anything which is by these regulations required to be done to or by the said elector in connection with the giving of his vote, may be done to, or with the assistance of, the companion as the case may be.

(3) For the purposes of this regulation a person shall be qualified to assist a blind elector to vote, if that person is either—

(*a*) a person who is entitled to vote at the poll; or

(*b*) the father, mother, brother, sister, husband, wife, son or daughter of the blind elector and has attained the age of twenty-one years.

(4) The name and number on the register of electors of every elector whose vote is given in accordance with this regulation and the name and address of the companion shall be entered on a list (in these regulations called "the list of blind electors assisted by companions").

25.—(1) The declaration of inability to read and the declaration made by the companion of a blind elector—

(*a*) shall be respectively in the forms Nos. 7 and 8 in the schedule to these regulations; and

(*b*) shall be made before the presiding officer at the time when the elector applies for a voting paper or applies to vote with the assistance of the companion, as the case may be, and shall forthwith be handed to the presiding officer, who shall attest and retain it.

(2) No fee, stamp or other payment shall be charged in respect of the declaration.

For forms, see respectively Sched. Forms Nos. 8 and 9, *post*, p. 2407.

As to misnomers therein, see para. 35, *post*, p. 2405.

Spoilt voting papers.

26. An elector who has inadvertently dealt with his voting paper in such manner that it cannot be conveniently used as a voting paper may, on delivering it to the presiding officer and proving the fact of the inadvertence to the satisfaction of the presiding officer, obtain another voting paper in the place of the voting paper so delivered up (in these regulations called "a spoilt voting paper"), and the spoilt voting paper shall be immediately cancelled.

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Packets of voting papers etc. to be sealed.

27. As soon as practicable after the close of the poll the presiding officer shall make up into separate packets sealed with his seal—

(*a*) each ballot box in use at his station, sealed so as to prevent the introduction of additional voting papers and unopened, but with the key attached;

(*b*) the unused and spoilt voting papers, placed together;

(*c*) the marked copies of the register of electors and the counterfoils of the voting papers;

(*d*) the list of blind electors assisted by companions, the list of votes marked by the presiding officer, a statement of the number of electors whose votes are so marked by the presiding officer under the heads "physical incapacity," "Jews" and "unable to read," the declarations made by the companions of blind electors, and the declarations of inability to read;

and shall deliver the packets to the returning officer to be taken charge of by him.

28. The packets shall be accompanied by a statement made by the presiding officer showing the number of voting papers entrusted to him, and accounting for them under the heads of—

(*a*) voting papers in the ballot box;

(*b*) unused and spoilt voting papers.

The count.

29. The returning officer, while counting and recording the number of voting papers and counting the votes, shall keep the voting papers with their faces upwards, and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.

30. The returning officer shall, so far as practicable, proceed continuously with counting the votes, allowing only time for refreshment, and excluding (except so far as he may otherwise determine) the hours between eight o'clock in the evening and nine o'clock on the succeeding morning. During the excluded time the returning officer shall place the voting papers and other documents relating to the poll under his seal and shall otherwise take proper precautions for the security of the papers and documents.

Void voting papers.

31. Any voting paper—

(*a*) which does not bear the official mark; or

(*b*) on which anything is written or marked by which the elector can be identified except the printed number on the back; or

(*c*) which is unmarked or void for uncertainty

shall not be counted:

Provided that where more than one resolution is voted on, the voting paper shall not be deemed to be void for uncertainty as regards any vote as to which no uncertainty arises, and that vote shall be counted.

The decision of the returning officer is final on any question arising in respect of any voting paper (L. G. A., 1933, Sched. 9, paras. 14, 15, *ante*, pp. 1267–8, and para. 4 of these regulations, *ante*, p. 2400).

The proviso relates to cases within L. G. A., 1933, Sched. 9, para. 12, *ante*, p. 1267.

Declaration of result.

32.—(1) When the result of the poll has been ascertained the returning officer shall forthwith declare the result of the poll in the form No. 9 in the schedule to these regulations.

(2) The returning officer shall forthwith cause a copy of the declarations to be affixed to the front of the building in which the votes have been counted.

(3) The returning officer shall cause public notice to be given of the result of the poll as declared and shall announce the result to the council.

For form, see Sched. Form No. 9, *post*, p. 2408.

As to method of giving public notice, see para. 4, *ante*, p. 2400.

Equality of voting means loss of the resolution (L. G. A., 1933, Sched. 9, para. 17, *ante*, p. 1268).

General provisions.

33. The returning officer may, if he thinks fit, preside at a polling station, and the provisions of this part of these regulations relating to a presiding officer shall apply to a returning officer so presiding with any necessary modifications.

34. A presiding officer may do, by the officers appointed to assist him, any act which he is required or authorised to do by these regulations.

35. No misnomer or inaccurate description of any place named in any notice under these regulations shall hinder the full operation of that notice with respect to that place provided the description of that place is such as to be commonly understood.

This paragraph only applies to misnomers, etc., of places: *cf.* L. G. A., 1933, s. 70 (2), *ante*, p. 819.

36. In computing any period of time for the purposes of these regulations, a Sunday, Christmas Day, Good Friday, Bank Holiday or day appointed for public thanksgiving or mourning shall be disregarded, and any such day shall not be treated as a day for the purpose of the proceeding under these regulations.

Cf. L. G. A., 1933, Sched. 2, Part I, para. 12, *ante*, p. 1208, and see also *ibid.*, s. 295, *ante*, p. 1179.

SCHEDULE.

FORM No. 1.

Form of requisition by electors.

We, the undersigned electors of the [Borough] [Urban District] of hereby demand a poll of the electors to be taken with reference to the [resolution] [resolutions] put to the public meeting held on the day of 19 , in favour of the promotion of [Part or Parts or Clause or Clauses of] the Bill, intituled a Bill , which has been deposited in Parliament by the council.

Signature of elector.	*Address of elector.*

Dated this day of , 19 .

FORM No. 2.

Notice of withdrawal of requisition for poll by electors.

Whereas by a requisition bearing date the day of 19 , we, the undersigned electors of the [Borough] [Urban District] of demanded a poll of the electors to be taken with reference to the [resolution] [resolutions] put to the public meeting held on the day of , 19 , in favour of the promotion of [Part or Parts or Clause or Clauses of] the Bill, intituled a Bill , which has been deposited in Parliament by the council.

Notice is hereby given that we, the electors aforesaid, do hereby withdraw our said requisition.

Signature of elector.	*Address of elector.*

Dated this day of , 19 .

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FORM NO. 3.

Notice that no poll will be taken.

[Borough] [Urban District] of .
In Parliament: Session .

(*Title or short title of Bill.*)

Whereas a requisition was made that a poll of the electors of the above-named [Borough] [Urban District] be taken with reference to the [resolution] [resolutions] put to the public meeting held on the day of , 19 , in favour of the promotion of [Part or Parts or Clause or Clauses of] the Bill, the title of which is set forth above.

[And whereas the requisition aforesaid has been withdrawn.]

[And whereas the council have withdrawn (Part or Parts or Clause or Clauses of) the Bill above referred to.]

I do hereby give notice that the poll for which the said requisition was made will not be taken.

Dated this day of , 19 .

Returning Officer.

FORM NO. 4.

Notice of Poll.

[Borough] [Urban District] of .
In Parliament: Session .

(*Title or short title of Bill.*)

Whereas a requisition has been made that a poll of the electors of the above-named [Borough] [Urban District] be taken with reference to the [resolution] [resolutions] put to the public meeting of electors held on the day of , 19 , in favour of the promotion of [Part or Parts or Clause or Clauses of] the Bill, the title of which is set forth above, and such [resolution] [resolutions] [was] [were] in the following terms :—

* Here insert the resolution or resolutions as to which the poll is to be taken.

*

NOTICE IS HEREBY GIVEN.

1. That a poll of the local government electors with reference to the [resolution] [resolutions] above set forth will be taken on the day of , 19 , between the hours of and .

* If only one polling station, adapt form accordingly.

*2. The situation and allotment of the polling stations and the description of the persons entitled to vote thereat are as follows :—

Dated this day of , 19 .

Returning Officer.

FORM NO. 5.

Form of directions for the guidance of the elector in voting.

The elector will go into one of the compartments, and with the pencil provided in the compartment, place a cross thus X in the column of the voting paper headed "For", or in that headed "Against", according as he wishes to vote in favour of or against the resolution opposite to which he places the cross.

The elector may vote in the manner above described on each resolution referred to in the voting paper where more than one resolution is there mentioned.

When the elector has voted, he must fold up the voting paper so as to show the official mark on the back, and leaving the compartment must, without showing the front of the paper to any person, show the official mark on the back to the presiding officer, and then, in the presence of the presiding officer, put the paper into the box provided for its reception, and forthwith quit the polling station.

If the elector inadvertently spoils a voting paper, he can return it to the officer, who will, if satisfied of such inadvertence, give him another paper.

If the elector places any mark on the paper by which he may be afterwards identified his voting paper will not be counted.

Counterfoil No.

FORM No. 6.

Form of voting paper.

Form of front of voting paper.

(*Title or short title of Bill.*)

Poll on the following resolutions :—

.....	For.	Against.
Are you for or against [the resolution in favour of the promotion of—] [the following (resolution) (resolutions)] 1 2 3 4		

Note: The counterfoil is to have a number to correspond with that on the back of the voting paper.

Notes: The number on the voting paper is to correspond with that on the counterfoil. Nothing is to be printed on the voting paper, except in accordance with these regulations.

Form on back of voting paper.

No.

[Borough] [Urban District] of

Poll with regard to resolutions as to the promotion of the Bill.

, 19 .

FORM No. 7.

Form of declaration of inability to read.

I, A.B., of being numbered on the register of local government electors for the do hereby declare that I am unable to read.

(Signed) A.B., his mark

day of , 19 .

I, the undersigned, being the presiding officer for the polling station for the do hereby certify that the above declaration, having been first read to the above-named A.B., was signed by him in my presence and with his mark.

(Signed) C.D.,

day of , 19 .

FORM No. 8.

Form of declaration to be made by the companion of a blind elector.

I, A.B., of , having been requested to assist D.C., who is numbered on the register of local government electors for the to record his vote at the poll now being held in connection with the Bill do hereby declare that [I am entitled to vote at the said poll] [I am the*

* State the relationship of the companion to the elector.

of the said elector and have attained the age of twenty-one years] and that I have not previously assisted any blind person [except E.F., of] to vote at the said poll.

(Signed) A.B.,

day of , 19 .

I, the undersigned, being the presiding officer for the polling station for the do hereby certify that the above declaration, having been first read to the above-named declarant, was signed by the declarant in my presence.

(Signed) G.H.,

day of , 19 .

BILLS IN PARLIAMENT

FORM No. 9.

Declaration of result of poll.

[Borough] [Urban District] of .
In Parliament: Session

(Title or short title of Bill.)

Whereas a poll of the electors of the above-named [Borough] [Urban District] was taken on the day of , 19 , with reference to the following [resolution] [resolutions] put to the public meeting held on the day of , 19 , in favour of the promotion of [Part or Parts or Clause or Clauses of] the Bill, the title of which is set forth above.

Resolutions.

(1)
(2)

I, the undersigned, being the Returning Officer at the said poll, do hereby declare that the number of votes recorded thereat is as follows:—

In favour of the Resolution No. 1	votes.
Against the Resolution No. 1	votes.
Majority in favour [or against *as the case may be*] . .	
In favour of the Resolution No. 2	votes.
Against the Resolution No. 2	votes.
Majority in favour [or against *as the case may be*] . .	

Dated this day of , 19 .

.....
Returning Officer.

Given under the official seal of the Minister of Health this Sixth day of November nineteen hundred and thirty-five.

(L.S.)

E. H. Rhodes,
Assistant Secretary,
Ministry of Health.

BYELAWS.

PRINTING OF BYELAWS.

MEMORANDUM OF MINISTER OF HEALTH ISSUED NOVEMBER, 1938.

1. *Local or central printing.*

At the suggestion of several Local Authorities, inquiries were made as to putting them in touch with the contractors who print the model byelaws for His Majesty's Stationery Office. It has also been strongly pressed upon the Minister that stocks of byelaws should be set up in stereotype, so that Local Authorities could insert merely such alterations as were required and have the local byelaws printed from stereotyped plates. This second suggestion has been found to be technically impracticable, for reasons too long to be stated here. The former suggestion is also found not to be advantageous to Local Authorities.

Some London firms doing local government work specialize in printing byelaws, but most printed copies received in the Ministry have been printed locally.

2. *Tenders.*

Whether printing locally or not Local Authorities should (unless they have standing contracts which will have been based on competition) secure competitive tenders. Often they will be able to check these by ascertaining from other Local Authorities the prices charged for similar work.

It is not always economical to have a number of copies typewritten to be sent to different printers for tendering: it may be quicker and cheaper to make copies on the model form with manuscript alterations for this purpose.

3. *Deferring printing.*

Local Authorities sometimes defer the printing required by statute until they have several series ready. Although there may be some slight saving of first cost, the practice is undesirable. Section 250 (7) of the Local Government Act, 1933, gives any person a statutory right to a copy of any particular byelaws on payment of a small charge. Printing should therefore be done as soon as possible.

4. *Binding.*

Byelaws on different subjects should not be bound together. A person who desires to buy a series containing two or three clauses only should be able to buy it without taking also the other series bound with it, which may run to many pages. The price should be shown on the cover.

5. *Size and type.*

Local Authorities nearly always use an octavo page with long primer or small pica type—a preference no doubt dictated by experience. Among the octavo sizes "crown" is rather small and "royal" (which is now the standard size for Government publications and is used for the octavo model byelaws) is rather large for general use. "Demy octavo" is the most usual, but the instructions to the printer for the page and for the type should depend upon careful comparison of the cost and upon practical convenience in every day use. Practical convenience will nearly always rule out anything bigger than "royal octavo": the "foolscap folio" size is the best for drafts (it is used for printing the model series in draft) but is inconvenient to carry and handle, and so is unsuitable for final copies.

No standard size or form has been laid down for the collections of confirmed byelaws held for reference in the Ministry, but "demy octavo," being the usual size adopted by most Local Authorities, facilitates uniform binding and shelving—matters of practical importance when thousands of series of byelaws have to be stored and handled.

6. *Copies for sealing.*

The Minister's seal and certificate of confirmation under section 250 of the Local Government Act, 1933, may lawfully be affixed to byelaws in any form (printed or manuscript or typewritten) but as the byelaws must be printed to comply with section 250 (7) of the Act of 1933 it is obviously simplest to supply a print. Local Authorities therefore almost always send in for formal confirmation the final proof, *i.e.* a print of the series exactly as it will ultimately appear except that their seal appears in original, properly witnessed, and that a blank space is left where the Minister's seal and certificate of confirmation will be placed. A blank page at the end of the series, or (better) a final page on which a few lines of print appear, is a convenient place on which to impress the Council's seal, leaving space (which should be ample) for the Minister's seal and certificate. Where an appendix to the byelaws is printed, this should follow the space left for sealing. A few Local Authorities have the confirmation copy or copies printed on vellum or parchment or some superior paper. This costs more and is not necessary.

Section 252 of the Local Government Act, 1933, should render unnecessary the confirmation of byelaws in duplicate or triplicate as has occasionally been desired by Local Authorities. Confirmation in duplicate or triplicate involves an appreciable and unnecessary charge upon the taxpayer, and will not be given unless special reason is shewn.

Unless there is some special reason for asking the Minister to confirm a copy containing manuscript alterations, much the safest course is to let him have the final revised print as stated above. Apart from any other reason, he cannot confirm a series containing manuscript alterations unless these are all initialled by the person or persons who attest the Local Authority's seal—a troublesome and untidy process.

7. Number of copies printed.

Sections 250 (7) and 252 of the Act of 1933, and practical experience of local needs, supply the only safe guidance as to the number of copies to be printed. Obviously unnecessary stock is to be avoided, but the resetting of type which has been broken up is much more costly than running off extra copies at first. Section 250 (7) requires that stocks of byelaws in force MUST NEVER be allowed to be exhausted.

Ministry of Health,
July, 1939.

CANAL BOATS.

REGISTRATION, ETC., OF CANAL BOATS—GENERAL ORDER OF 20TH MARCH, 1878 (AS AMENDED BY ONE OF 9TH JUNE, 1925).

To THE SEVERAL REGISTRATION AUTHORITIES under the Canal Boats Act, 1877; And to all others whom it may concern.

WHEREAS by section 2 and section 9 of the Canal Boats Act, 1877 [*the sections* (13 *Halsbury's Statutes* 788, 791) *are recited; these sections are repealed by the P. H. A.* 1936, *and replaced by s.* 251, *thereof*, ante, *p.* 515; *see note ibid*].

Now therefore, we, the Local Government Board, in pursuance of the powers given by the statutes in that behalf, hereby order that on the thirtieth day of June, one thousand eight hundred and seventy-eight, the following regulations shall come into force, and shall thenceforth continue in force until revoked or varied:—

I.—FOR THE REGISTRATION OF CANAL BOATS UNDER THE CANAL BOATS ACT, 1877, INCLUDING CERTIFICATES OF REGISTRATION, AND THE FEES IN CONNECTION WITH SUCH REGISTRATION.

1. Every owner of a canal boat who may desire to register the boat as a dwelling shall apply to a registration authority (*a*) having a district abutting on the canal on which the boat is accustomed or intended to ply.

(*a*) See the P. H. A., 1936, ss. 249, 250, *ante*, p. 513.

The owner in making such application shall inform the registration authority of a time and place at which the boat may be examined with a view to registration; and shall also furnish such other information as the registration authority may require in relation thereto.

2. Every registration authority shall, from time to time, appoint or employ a fit and proper person to examine and report upon the several canal boats the owners whereof may, in pursuance of the regulation in that behalf, have made application to the authority for registration, and may pay him a reasonable remuneration for such examination and report.

Every person so appointed or employed shall ascertain and duly record with respect to the boat and the cabin or cabins thereof the several particulars requisite to enable him to furnish the information to be set forth in a report which shall be in the Form A. in the schedule to these regulations, and shall be submitted to the registration authority at their next ordinary meeting, or at a special meeting to be called for that purpose.

3. The following conditions shall be complied with before a canal boat is registered; that is to say—

(*a*) The boat shall contain a cabin or cabins, clean, in good repair, and so constructed as to be capable of being maintained at all times weatherproof, dry, and clean.

(*b*) The interior of any after cabin intended to be used as a dwelling shall contain not less than 180 cubic feet of free air space, and the interior of any fore cabin, if intended to be so used, shall contain not less than 80 cubic feet of free air space.

(*c*) Every cabin, if intended to be used as a dwelling, shall be provided with sufficient means for the removal of foul, and the admission of fresh air exclusive of the door or doors and of any opening therein.

(*d*) Every cabin, if intended to be used as a dwelling, shall be so constructed or fitted as to provide adequate and convenient sleeping accommodation for the persons allowed by these regulations to dwell in the boat.

(*e*) If the boat be a "narrow" boat, every cabin intended to be used as a dwelling shall be so constructed or fitted that there shall be no locker or cupboard obstructing the free passage from the door to the bulk-head, and no shut-up cupboard above the cross-bed on more than one side of the cabin.

(*f*) One cabin at the least in the boat shall be furnished with a suitable stove and chimney in a safe and convenient situation, and in all other respects sufficient for the reasonable requirements of the persons allowed by these regulations to dwell in the boat.

As to canal boats for the carriage of petroleum spirit, see the Canal Boats Amendment Regulations, 1931, S. R. & O., 1931, No. 444, *post*, p. 2418.

(*g*) The boat shall be properly furnished or fitted with lockers, cupboards and shelves of suitable construction and adequate capacity, and in all other respects sufficient for the reasonable requirements of the persons allowed by these regulations to dwell in the boat.

(*h*) The boat, if intended to be ordinarily used for the conveyance of any foul or offensive cargo, shall contain, between the space to be occupied by such cargo and the interior of any cabin intended to be used as a dwelling, two bulkheads of substantial construction, which shall be separated by a space not less in any part than four inches, and open throughout to the external air, and furnished with a pump for the removal of any liquid from such space, and the one next adjoining the space to be occupied by the cargo shall be water-tight.

(*i*) The boat shall be furnished with a suitable cask or other appropriate vessel or receptacle of sufficient capacity for the storage of not less than three gallons of water for drinking.

In every case where the conditions hereinbefore prescribed have been complied with, the registration authority shall cause the boat to be registered, in the book in the Form B. in the schedule to these regulations, as a dwelling for the number of persons allowed by the said regulations to dwell therein.

4 (*a*). ["The owner of a canal boat shall maintain it in the condition required for the purpose of registration under this regulation, and if such owner be convicted of default in so doing the Court of Summary Jurisdiction may (in lieu of or in addition to imposing a penalty) order the suspension or cancellation of the registration"](*b*).

(*a*) Repealed by Amending Regulations of 9th June, 1925, issued by the Minister of Health (S. R. & O., 1925, No. 843).

(*b*) Additional paragraph added by Amending Regulations of 1925, *supra*.

5. Each of the two certificates of registration which, in pursuance of the provisions of section 3 of the Canal Boats Act, 1877, the registration authority upon registration of a canal boat under that Act, shall give to the owner of the boat, shall, in addition to such other particulars as may seem fit to the authority, contain the several particulars set forth in the Form C. in the schedule to these regulations.

6. Every owner of a canal boat applying for registration shall, before the delivery of the certificates, pay to the registration authority the sum of five shillings, as a fee in connection with the registration of the boat (*c*).

(*c*) As to this fee, see the P. H. A., 1936, s. 252, *ante*, p. 515.

II.—FOR THE LETTERING, MARKING, AND NUMBERING OF REGISTERED BOATS (*d*).

7. Every owner of a canal boat registered as a dwelling shall forthwith, upon the receipt of the certificates of registration from the registration authority, cause such boat to be lettered, marked, and numbered in accordance with the following rules; that is to say,—

(*d*) See the P. H. A., 1936, ss. 251, 252, *ante*, p. 515.

CANAL BOATS

(a) The word "registered," the name of the place to which the boat has been registered as belonging, the registered number of the boat, and such distinctive mark or marks as may be required by the registration authority, and may be specified in the certificates of registration, shall be painted white on a black ground in a conspicuous position on the outside of one of the cabins of the boat.

(b) The name of the place to which the boat has been registered as belonging, and the registered number of the boat, shall be painted in Roman capital letters and figures, not less than two inches in height.

III.—FOR FIXING THE NUMBER, AGE, AND SEX OF THE PERSONS WHO MAY BE ALLOWED TO DWELL IN A CANAL BOAT, HAVING REGARD TO THE CUBIC SPACE, VENTILATION, PROVISION FOR THE SEPARATION OF THE SEXES, GENERAL HEALTHINESS, AND CONVENIENCE OF ACCOMMODATION OF THE BOAT.

8. For the purpose of fixing the number, age, and sexes of the persons who may be allowed to dwell in a canal boat, which conforms to the conditions of registration provided by these regulations, and which shall, in pursuance of the statutory provision in that behalf, have been registered as a dwelling, the following rules shall apply:—

(a) Subject to the conditions hereinafter prescribed with respect to the separation of the sexes, the number of persons who may be allowed to dwell in the boat shall be such that in the cabin or cabins of the boat there shall be not less than 60 cubic feet of free air space for each person above the age of 12 years, and not less than 40 cubic feet of free air space for each child under the age of 12 years:

Provided that in the case of a boat built prior to the thirtieth day of June, one thousand eight hundred and seventy-eight, the free air space for each child under the age of 12 years shall be deemed sufficient if it is not less than 30 cubic feet.

Provided also, that in the case of a boat registered as a "fly" boat, and worked by shifts, by four persons above the age of 12 years, there shall be not less than 180 cubic feet of free air space in any cabin occupied as a sleeping place by any two of such persons at one and the same time.

(b) A cabin occupied as a sleeping place by a husband and wife shall not at any time while in such occupation be occupied as a sleeping place by any other person of the female sex above the age of 12 years, or by any other person of the male sex above the age of 14 years:

Provided that in the case of a boat built prior to the thirtieth day of June, one thousand eight hundred and seventy-eight, a cabin occupied as a sleeping place by husband and wife may be occupied by one other person of the male sex above the age of 14 years, subject to the following conditions:—

(i) That the cabin be not occupied as a sleeping place by any other person than those above mentioned;

(ii) That the part of the cabin which may be used as a sleeping place by the husband and wife shall, at all times while in actual use, be effectually separated from the part used as a sleeping place by the other occupant of the cabin, by means of a sliding or otherwise moveable screen or partition of wood or other solid material, so constructed or placed as to provide for efficient ventilation.

(c) A cabin occupied as a sleeping place by a person of the male sex above the age of 14 years shall not, at any time, be occupied as a sleeping place by a person of the female sex above the age of 12 years, unless she be the wife of the male occupant, or of one of the male occupants in any case within the proviso to Rule b.

IV.—FOR PROMOTING CLEANLINESS IN AND PROVIDING FOR THE HABITABLE CONDITION OF CANAL BOATS.

9. The owner of a canal boat which may have been registered as a dwelling shall, once at least in every three years, cause the paint on every surface in the interior of every cabin which may be used as a dwelling to be thoroughly renewed.

10. The master of a canal boat which may have been registered as a dwelling shall cause all bilge water to be removed therefrom by pumping as often as may be necessary to prevent any collection of such water beneath the floor of any cabin which may be used as a dwelling, and, in any case, not less frequently than once in every twenty-four hours.

11. The master of a canal boat which may have been registered as a dwelling shall cause every cabin which may be used as a dwelling to be kept at all times in a cleanly and habitable condition.

V.—FOR PREVENTING THE SPREAD OF INFECTIOUS DISEASE BY CANAL BOATS (*a*).

12. In every case where a person on a canal boat is seriously ill or is evidently suffering from an infectious disease, the master of the boat, if, at the time, the boat is proceeding on a journey, shall, as soon as may be practicable, give information thereof to the sanitary authority within whose district is situate the canal or the part of the canal along which the boat may at the time be passing, and, on the arrival of the boat at its port or place of destination, to the sanitary authority within whose district such port or place is situate, and also to the owner of the boat.

If at the time the boat be at its port or place of destination, the master shall forthwith inform the sanitary authority within whose district such port or place is situate, and also the owner of the boat, that a person on board the boat is seriously ill or is evidently suffering from an infectious disease.

The owner of the boat shall forthwith, upon the receipt from the master of information to the effect that a person on board the boat is or has been suffering from an infectious disease, give notice to that effect to the sanitary authority having jurisdiction in the place to which the boat may have been registered or belonging.

(*a*) See the P. H. A., 1936, s. 254, *ante*, p. 517.

13. In every case where, in the exercise of the power conferred by section 4 of the Canal Boats Act, 1877 (*a*), a sanitary authority may have detained a canal boat for the cleansing and disinfection thereof, the authority, before allowing the boat to proceed on its journey, shall obtain from their medical officer of health, or from some other legally qualified practitioner, a certificate to the effect that the boat has been duly cleansed and disinfected, and shall cause such certificate to be delivered to the master of the boat. The sanitary authority may pay a reasonable remuneration for any such certificate.

(*a*) 13 Halsbury's Statutes 790, repealed by the P. H. A., 1936, and replaced by s. 254 thereof, *ante*, p. 517.

VI.—INTERPRETATION OF TERMS.

14. In these regulations, unless the context otherwise requires, words have the same meaning as in the Canal Boats Act, 1877 (*b*).

The expression "wide boat" means a boat not less than seven feet six inches beam:

The expression "narrow boat' means a boat of less than seven feet six inches beam.

(*b*) See s. 14 (13 Halsbury's Statutes 792), repealed by the P. H. A., 1936, and replaced by s. 258 thereof, *ante*, p. 519.

CANAL BOATS

SCHEDULE.

FORM A.

EXAMINING OFFICER'S REPORT ON CANAL BOATS.

1. Time and place of examination of Canal Boat .

2. Name, or, if there be no name, the number of the Canal Boat examined .

3. Christian name, surname, and address of owner (1) .

4. Christian name and surname of master .

5 Route along which the boat is accustomed or intended to ply .

6. Nature of the traffic in which the boat is accustomed or intended to be employed .

7. Mode of propulsion;
and whether a "wide" or "narrow" boat;
and whether to be used as a "fly" boat worked by shifts.

8. Number of cabins in the boat .

9. Dimensions and cubical capacity of the cabin or cabins:—
Rule of measurement and of deduction adopted:—(2)

		ft.
After cabin	Height	
	Length	
	Width	
	Gross cubical capacity	
	Net cubical capacity or free air space	
Fore cabin	Height	
	Length	
	Width	
	Gross cubical capacity	
	Net cubical capacity or free air space	

10. Description of the construction, furniture, and fittings of the boat, and the several cabins thereof, as regards the following details, viz.—

(a) Whether each cabin is clean, in good repair, weatherproof, and capable of being kept dry and clean.

(b) What means are provided in each cabin for the removal of foul, and the admission of fresh air, exclusive of the door or doors and of any opening therein.

(c) What provision is made in respect of lockers, cupboards, and shelves in the boat.

(d) What provision is made for sleeping accommodation in each cabin.

(e) If the boat be a "narrow" boat; whether every cabin intended to be used as a dwelling is so constructed or fitted that there shall be no locker or cupboard obstructing the free passage from the door to the bulkhead, and no shut-up cupboard above the cross-bed on more than one side of the cabin.

(f) Whether each or either cabin contains a stove and chimney of suitable construction and situation.

(g) If the boat be intended to be used for the conveyance of any foul or offensive cargo; whether there are between the space to be occupied by such cargo, and the interior of each cabin intended to be used as a dwelling, two bulkheads of substantial construction, of which that one next adjoining the space to be occupied by the cargo shall be watertight, and which shall be separated by a space not less in any part than four inches, and open throughout to the external air, and furnished with a pump for the removal of any liquid from such space.

(h) Whether the boat is furnished with a suitable cask or other appropriate vessel or receptacle of sufficient capacity for the storage of not less than three gallons of water for drinking.

General Observations as to the Fitness of the Boat for Registration as a Dwelling.

Dated this day of 18 .

———, *Examining Officer.*

(1) If the boat is owned by a partnership firm, or by a company or association, corporate or unincorporate, state the name of the firm, company, or association, and their principal office or place of business.

(2) Here state which of the following rules has been adopted in determining the internal dimensions and cubical capacity of the cabin or cabins; distinguishing, in each case, where necessary, the rate of deduction.

RULE A. (for "wide" boats).

Measure:—

The height from the floor to the roof in the middle of the cabin.
The length from the bulkhead to the door of the opposite cupboard.
The width across the cabin at the bulkhead.

The product of the height, length, and width thus measured will represent, for the purpose of this Rule, both the gross and the net cubical capacity of free air space.

RULE B. (for "narrow" boats).

Measure:—

The height from the floor to the roof in the middle of the cabin.
The length from the bulkhead to the end of the cabin at the side of the doorway.
The greatest width from side to side of the boat at the bulkhead.

The product of the height, length, and greatest width thus measured will represent the gross cubical capacity of the cabin.

To obtain the net cubical capacity or free air space of the cabin, deduction from the gross cubical capacity should be made in accordance with the following directions:—

1. If the cabin have only the following shut-up cupboards or lockers, viz.: a table cupboard, a side bed-locker or cupboard, a cross bed-locker or lockers, and a cupboard above the cross-bed,—
   (a) If the height of the cabin be not less than five feet, deduct $\frac{1}{3}$th.
   (b) If the height of the cabin be less than five feet, deduct . $\frac{1}{4}$th.
2. If the cabin have only the following shut-up cupboards or lockers, viz.: a table cupboard, a cross bed-locker or lockers, and a cupboard above the cross-bed,—
   (a) If the height of the cabin be not less than five feet, deduct $\frac{1}{4}$th.
   (b) If the height of the cabin be less than five feet, deduct . $\frac{1}{5}$th.
3. If the cabin have only the following shut-up cupboards or lockers, viz.: a table board and a cupboard, above the cross-bed,—
   (a) If the height of the cabin be not less than five feet, deduct $\frac{1}{10}$th.
   (b) If the height of the cabin be less than five feet, deduct . $\frac{1}{12}$th.

FORM B

REGISTER OF CANAL BOATS.

———, *Registration Authority.*

1. Registration number of the boat
2. Name of the boat, or, if there be no name, the number
3. Christian name, surname, and address of owner (1)
4. Christian name and surname of master
5. Route along which the boat is accustomed or intended to ply .
6. Nature of the traffic in which the boat is accustomed or intended to be employed
7. Mode of propulsion;
   and whether a "wide" or "narrow" boat;
   and whether to be used as a "fly" boat worked by shifts.

CANAL BOATS

9. Dimensions and cubical capacity of the cabin or cabins :—

Rule of measurement and of deduction adopted (2) :—		ft.	in.
After cabin	Height		
	Length		
	Width		
	Gross cubical capacity		
	Net cubical capacity or free air space		
Fore cabin	Height		
	Length		
	Width		
	Gross cubical capacity		
	Net cubical capacity or free air space		

10. Date of application for registration .

11. Date of examination by Officer of Authority

12. Date of registration .

13. Place to which the boat is registered as belonging, for the purposes of the Elementary Education Acts.

(This must be some place which is either a School District or is part of a School District, and is situate wholly or partly within the jurisdiction of the Registration Authority: See 40 & 41 Vict. c. 60, s. 7.)

14. Maximum number of persons for which the boat is registered, subject to the conditions prescribed with regard to the separation of the sexes.

[Note.—In the case of a boat built after the 30th of June, 1878, three children under the age of 12 years may be reckoned, as regards the minimum of free air space, as equivalent to two persons above the age of 12 years. In the case of a boat built prior to the 30th of June, 1878, two children under the age of 12 years may be reckoned as equivalent to one person above the age of 12 years: See Art. 8a. of the Order.]

As a "fly" boat worked by shifts. persons.

Otherwise than as a "fly" boat—

In after cabin persons.

In fore cabin persons.

15. Observations.

16. Initials of Clerk or Chairman of Sanitary Authority acting as the Registration Authority .

(1) If the boat is owned by a partnership firm, or by a company or association, corporate or unincorporate, state the name of the firm, company or association, and their principal office or place of business.

(2) Here state whether Rule A. or Rule B. [see note to the Form A. of examining Officer's Report] has been adopted in the measurement of the cabin or cabins; distinguishing in each case, where necessary, the rate of deduction.

FORM C.

CERTIFICATE OF REGISTRATION OF A CANAL BOAT UNDER THE CANAL BOATS ACT, 1877.

————, *Registration Authority.*

Registration Number of Boat .

Whereas application has been made to us, the (*a*) acting as the Registration Authority under the Canal Boats Act, 1877, to register as a dwelling a canal boat, of which (*b*) , of is the owner, and which is accustomed or intended to ply [as a fly boat worked by shifts (*c*)] on the canal whereon the said district abuts;

And whereas we have ascertained that the said boat conforms to the conditions of registration provided by the Regulations of the Local Government Board for the number of persons allowed by the said regulations to dwell therein:

Now we, the said (*a*) , acting as the Registration Authority, do hereby certify as follows; that is to say,—

1. That the boat named (*d*) , whereof (*b*) , of , is the owner, has been duly registered as a dwelling;

(*a*) Here insert the description of the sanitary authority and the name of their district.

(*b*) If the boat is owned by a partnership firm, or by a company, or association, corporate or unincorporate, state the name of the firm, company, or association, and their principal office or place of business.

(*c*) If it is not a fly boat, strike out these words.

(*d*) Or "numbered," if the boat be not named.

CANAL BOATS

That the place to which the said boat has been registered as belonging, for the purof the Elementary Education Acts is ;

That the number with which, in pursuance of the statutory provision in that behalf, id boat is required to be numbered is ;

That the distinctive mark or marks with which we require the said boat to be d is or are ;

That in accordance with the provisions contained in the subjoined Article of an of the Local Government Board, dated the twentieth day of March, one thousand hundred and seventy-eight, the maximum number of persons for which the said s registered as a dwelling is as follows:—

As a fly boat worked by shifts	.	persons.
Otherwise than as a fly boat—		
In after cabin	. . .	persons.
In fore cabin	. . .	persons.

The Article above referred to is as follows:—

the purpose of fixing the number, age, and sex of the persons who may be allowed ell in a canal boat, which conforms to the conditions of registration provided by regulations, and which shall, in pursuance of the statutory provision in that behalf, been registered as a dwelling, the following rules shall apply:—

Subject to the conditions hereinafter prescribed with respect to the separation of the sexes, the number of persons who may be allowed to dwell in the boat shall be such that in the cabin or cabins of the boat there shall be not less than 60 cubic feet of free air space for each person above the age of 12 years, and not less than 40 cubic feet of free air space for each child under the age of 12 years:

Provided that in the case of a boat built prior to the thirtieth day of June, one thousand eight hundred and seventy-eight, the free air space for each child under the age of 12 years shall be deemed sufficient if it is not less than 30 cubic feet.

Provided also, that in the case of a boat registered as a "fly" boat, and worked by shifts, by four persons above the age of 12 years, there shall be not less than 180 cubic feet of free air space in any cabin occupied as a sleeping place by any two of such persons at one and the same time.

A cabin occupied as a sleeping place by a husband and wife shall not, at any time while in such occupation, be occupied as a sleeping place by any other person of the female sex above the age of 12 years, or by any other person of the male sex above the age of 14 years:

Provided that in the case of a boat built prior to the thirtieth day of June, one thousand eight hundred and seventy-eight, a cabin occupied as a sleeping place by a husband and wife may be occupied by one other person of the male sex above the age of 14 years, subject to the following conditions:—

That the cabin be not occupied as a sleeping place by any other person than those above mentioned:

That the part of the cabin which may be used as a sleeping place by the husband and wife shall, at all times while in actual use, be effectually separated from the part used as a sleeping place by the other occupant of the cabin by means of a sliding or otherwise moveable screen or partition of wood or other solid material, so constructed or placed as to provide for efficient ventilation.

A cabin occupied as a sleeping place by a person of the male sex above the age of 14 years shall not, at any time, be occupied as a sleeping place by a person of the female sex above the age of 12 years, unless she be the wife of the male occupant, or of one of the male occupants in any case within the proviso to Rule (b).

Given at (*a*) under the common seal of the acting as the Registration Authority, this day of , in the year one thousand eight hundred and .

———, *Clerk to the* .

Given under the Seal of Office of the Local Government Board this twentieth day of March, in the year one thousand eight hundred and seventy-eight.

(L.S.) G. SCLATER-BOOTH, *President.*

Or where the authority have no common seal, substitute "under the hand of there bers of the ."

CANAL BOATS

CANAL BOATS ACTS.

MINISTRY OF HEALTH, WHITEHALL, S.W.1.

December 20th, 1920.

SIR,—I am directed by the Minister of Health to draw attention to section 3 of the Canal Boats Act, 1884 (*a*), which provides that every Sanitary Authority within whose district any canal or part of a canal is situate, shall make an annual report to the Ministry as to the execution of the Canal Boats Acts, 1877 and 1884, and of the Regulations made thereunder, and as to the steps taken by such Authority during the year to give effect to the provisions of the said Acts and Regulations.

This section also prescribes 21 days after the 31st day of December in each year as the period within which such annual report shall be made; and the Ministry trust that they may be furnished within that period with the report of the Authority with respect to any canal within their jurisdiction.

It appears to the Ministry to be desirable that the report should include information, *inter alia*, as to

(1) The arrangements made for the inspection of boats and the name, address, and remuneration of the inspector:

(2) The number of inspections of canal boats made in 1920, and the condition of the boats and their occupants as regards the matters dealt with in the Acts and Regulations:

(3) Any infringement of the Acts and Regulations with respect to (a) Registration; (b) Notification of change of Master; (c) Certificates; (d) Marking; (e) Overcrowding; (f) Separation of the Sexes; (g) Cleanliness; (h) Ventilation; (i) Painting; (j) Provision of Water Cask; (k) Removal of Bilge Water; (l) Notification of Infectious Disease; (m) Admittance of Inspector;

(4) Legal proceedings taken in respect of any such infringements, and penalties inflicted:

(5) Any other steps taken to secure compliance with the Acts and Regulations as regards such infringements;

(6) Cases of infectious disease dealt with and measures of isolation adopted:

(7) Detention of boats for cleansing and disinfection:

and, in the case of registration authorities,

(8) The total number of boats on the register, showing:—

(a) Number of boats believed to be in use or available, the number propelled by motor being separately stated.

(b) Number of boats that cannot be traced.

(9) The number (a) of motor-propelled boats, and (b) of other boats registered in 1920, distinguishing the cases in which fresh registration has been rendered necessary by structural alterations in boats previously registered.

(*a*) 13 Halsbury's Statutes 803; repealed by the P. H. A., 1936, and replaced by s. 249 (3) thereof, *ante*, p. 514.

S. R. & O., 1931, No. 444.

THE CANAL BOATS AMENDMENT REGULATIONS, 1931, DATED MAY 29, 1931, MADE BY THE MINISTER OF HEALTH UNDER SECTIONS 2 AND 9 OF THE CANAL BOATS ACT, 1877.

75,578.

The Minister of Health in pursuance of the powers vested in him by sections 2 and 9 of the Canal Boats Act, 1877 (*a*) and of all other powers enabling him in that behalf hereby makes the following regulations:—

(*a*) See note to preamble to the Order of 1878, *ante*, p. 2410.

1. On and after the 1st day of September 1931 Regulation 3 (*f*) of the Canal Boats Regulations 1878 as amended by the Canal Boats Amendment Regulations, 1925 (*a*)

shall not apply to any canal boat used or intended to be used for the carriage of cargoes consisting wholly or partly of petroleum spirit as defined by the Petroleum (Consolidation) Act, 1928 (*b*).

(*a*) *Ante*, p. 2411.
(*b*) See s. 23 thereof; 13 Halsbury's Statutes 1186.

2. These Regulations may be cited as the Canal Boats Amendment Regulations, 1931 and the Canal Boats Regulations, 1878 the Canal Boats Amendment Regulations, 1925 and these Regulations may be cited together as the Canal Boats Regulations, 1878 to 1931 (*a*).

(*a*) See notes on s. 251 of the P. H. A., 1936, *ante*, p. 515.

Given under the Official Seal of the Minister of Health this twenty-ninth day of May nineteen hundred and thirty-one.

(L.S.) R. H. H. KEENLYSIDE,
Assistant Secretary, Ministry of Health.

CANCER.

CIRCULAR 1813.

County Councils.
County Borough Councils.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
31*st May*, 1939.

SIR,

CANCER ACT, 1939.

1. I am directed by the Minister of Health to draw the attention of the Council to the provisions of the Cancer Act, 1939 (*a*), which received the Royal Assent and came into operation on the 29th March last.

(*a*) See Vol. V, *post*.

GENERAL.

2. The primary object of the Act is the establishment of a service under which facilities for the diagnosis and treatment of cancer will be available to all who are, or are suspected to be, suffering from the disease. The Minister is advised that the term "cancer" should be interpreted as including all forms of malignant new growth irrespective of the site of origin, *e.g.*, carcinoma, sarcoma, and rodent ulcer, as in the classification adopted by the Registrar-General which is based upon the International List of Causes of Death.

3. *Duty of Local Authorities.*—Section 1 of the Act places on County and County Borough Councils the duty of making arrangements to secure that the facilities are adequate. These arrangements are subject to approval by the Minister, and before making them the Council must consult with such committees or other bodies as they consider representative of the voluntary hospitals providing services in or for their area, and with representative local organisations of medical practitioners. The Minister will be pleased to arrange for officers of the Department to confer with representatives of the Council on any points of difficulty which may arise.

4. The arrangements must be finally submitted for approval within a year from the commencement of the Act, *i.e.*, not later than the 29th March, 1940, or within such longer period as the Minister may allow in individual cases (*a*).

(*a*) Postponed by reason of the outbreak of war to 31st March, 1941, by circular 1884, dated 16th October, 1939 (not reproduced).

5. *Treatment.*—Adequate facilities for the treatment of cancer must be provided, both by surgery and by radiotherapy, including treatment by radium and by deep X-rays. Facilities for radiotherapy are already provided at some of the large

CANCER

voluntary and municipal hospitals, and in the Minister's view this treatment must necessarily be concentrated in those comparatively few hospitals which have on their staffs skilled radiotherapists and physicists as well as surgeons, which possess all the requisite specialised departments and which contain enough beds to keep the radiotherapeutic department, with its expensive equipment of radium and apparatus, fully employed.

6. The Minister hopes that there will be full co-operation between the Authorities and the voluntary hospitals, in order both that the existing beds may be used to the best advantage and also that any additional beds which may be needed may be provided in, or in association with, those hospitals which are so staffed and organised as to give the best prospect of cure or alleviation to the sufferers for whom provision is desired.

7. The hospitals which already hold supplies of radium and otherwise possess adequate facilities should be utilised to the greatest possible extent, and the Minister contemplates that the normal procedure will be for a number of Local Authorities in a region comprising several administrative counties and the associated county boroughs to base their arrangements on one of these hospitals. On the other hand there may be areas in which it will be found best to make arrangements with two or more large hospitals each of which also serves a number of other areas.

8. Surgical operation still remains the only practicable, or the most suitable, form of treatment for a large proportion of cases, and for this purpose it may be found necessary to make use of some hospitals in which radiation treatment is not available. Where use is made of such a hospital, a patient should be treated there only when it has been decided, after consultation between the appropriate specialists, that surgery without radiation is the proper form of treatment for the case.

9. Where a voluntary hospital needs to be extended in order to provide the additional accommodation required, a Local Authority may, in suitable cases, make a contribution under section 181 (3) of the Public Health Act, 1936 (*a*), or section 226 (3) of the Public Health (London) Act, 1936 (*b*), towards the capital cost of the extension and the provision of the necessary additional equipment, in addition to any periodical payments in respect of the maintenance and treatment of patients. The loan charges on any such capital contributions, as well as the periodical payments, will, if approved by the Minister, rank for the Exchequer grant to which reference is made in paragraphs 18 to 25 below.

(*a*) *Ante*, p. 451.
(*b*) 30 Halsbury's Statutes 568.

10. *Diagnosis.*—In order to facilitate the diagnosis of cancer in its early stages, a sufficient number of suitable places for consultation will be needed, where persons suffering or suspected to be suffering from the disease can receive expert examination and advice. These places should, wherever possible, be in existing hospitals and they should be so situated as to serve those areas which are inconveniently distant from the treatment hospital, since the necessity to travel a long distance may contribute to a patient's reluctance to attend. In general the consultations should be arranged in conjunction with the treatment hospital, and the consultants (all of whom could visit several consultation clinics as required) should be the appropriate members of the staff of that hospital.

11. *Observation after Treatment.*—It is important that patients, after treatment, should be kept under observation by means of periodical examinations, to provide opportunity for detecting and treating any recurrence of the disease, as well as for ascertaining and recording the results of treatment. To minimise the inconvenience to patients, these examinations should, where practicable, be held in the consultation clinics referred to in the previous paragraph. It is generally desirable that they should be carried out by or under the direction of the practitioner who had treated the patient.

12. Where, as will usually be the case, more than one Authority proposes to make use of a voluntary hospital, agreements with that hospital may be concluded by each Authority individually, or by all the Authorities acting in combination.

13. *Record-keeping.*—Clinical records relating to each patient should be kept so as to show clearly and accurately the history of the case, and they should be in a form readily susceptible of statistical analysis. It is to be expected that collation and examination of the records of the patients who seek advice and treatment, in conjunction with other information which is at the disposal of, or can be acquired by, Local Authorities, will furnish valuable information for improving the quality and facilitating the administration of the service. The Minister is considering the form of records in consultation with the Cancer Sub-Committee of his Medical Advisory Committee, and he will, in due course, address a further Circular to Local Authorities on this subject.

14. *Publicity.*—In order that the facilities for diagnosis and treatment may be sufficiently known, it will be necessary to give publicity to the arrangements by such means as appear desirable. There are two aspects of this matter to which attention must be given. On the one hand it will be necessary to keep medical practitioners informed of the arrangements which are made, and in particular of the hospitals, clinics, etc., to which their patients may be sent for diagnosis. On the other hand, it will be necessary to reassure the general public and encourage them to utilise the available facilities, whether or not they have previously consulted their own practitioners. It should, therefore, be possible for any person readily to ascertain where application should be made for advice or treatment. It is probable that some persons will show a certain hesitation in availing themselves of the facilities provided, but judging from the experience of the early days of the tuberculosis service the Minister hopes that this may to a large extent be overcome by suitable and persuasive propaganda.

15. The carrying out of the arrangements will be under the general direction of the Medical Officer of Health, who will need to co-operate closely with the medical practitioners and hospitals of the area.

16. A technical memorandum, designed to be of assistance and guidance to Medical Officers of Health, is in course of preparation, and it is hoped to issue this memorandum at an early date.

17. In the Appendix to this Circular will be found a number of model clauses on which the arrangements of Local Authorities might conveniently be based.

Exchequer Grants.

18. The provisions with regard to Exchequer grants are contained in section 2 of the Act. As from the beginning of the fifth fixed grant period, *i.e.*, from the 1st April, 1947, Exchequer assistance will be given by way of an addition to the General Exchequer Contribution from which are derived the General Exchequer grants payable to Local Authorities under the Local Government Acts, 1929 and 1937 (*a*).

(*a*) See Vol. V, *post*.

19. *Amount of Grant.*—For each of the eight years which make up the period from the 1st April, 1939, to the 31st March, 1947, an *ad hoc* Exchequer grant will be payable to the Councils of Counties and County Boroughs towards the estimated additional cost of the new service as compared with the year 1937–8. This grant will be based on one-half of the net amount of the Authority's estimated additional expenditure on the new service, scaled up or down in proportion to the extent to which the relative needs of the area, as measured by the grant formula for weighted population used for the calculation of grants under the Local Government Acts, 1929 and 1937, are respectively greater or less than the average needs of all Counties and County Boroughs in England and Wales as determined by that formula. The Act provides that the grant shall not exceed 85 per cent. of the estimated additional expenditure of an Authority for the year.

20. *Method of Calculation.*—The method of calculation of grant can conveniently be illustrated by the following specimen cases:—

The "average weighting factor" of all Counties and County Boroughs in England and Wales as provisionally calculated for the third fixed grant period under the Local Government Acts, 1929 and 1937, is approximately 2·5. If it is assumed that the additional expenditure imposed by the Cancer Act is £1,000 per annum for each

CANCER

of six Authorities, A, B, C, D, E and F, and that for those Authorities the "weighting factor" is respectively 5, 4, 3, 2·5, 2 and 1·5, the grants payable in each case (which are to be calculated to the nearest pound), will be as follows:—

A, $\frac{1,000}{2} \times \frac{5}{2·5} = £1,000$ but grant is to be limited to 85% of the additional expenditure, so that the grant payable in this case will be £850.

B, $\frac{1,000}{2} \times \frac{4}{2·5} = £800$

C, $\frac{1,000}{2} \times \frac{3}{2·5} = £600$

D, $\frac{1,000}{2} \times \frac{2·5}{2·5} = £500$

E, $\frac{1,000}{2} \times \frac{2}{2·5} = £400$

F, $\frac{1,000}{2} \times \frac{1·5}{2·5} = £300$

21. Subsection (8) of section 2 provides that the estimate of the additional expenditure imposed by the Act on an Authority shall be made to the satisfaction of the Minister in accordance with directions given by him after consultation with Associations of Local Authorities and any individual Council. These directions may require that expenditure incurred by any Council for the purpose of the Act shall be subject to the Minister's approval, and that for the purpose of calculation of Exchequer grant the amount of the expenditure of a Council in respect of any part of the service may if the Minister so directs be determined on a "unit" basis, *i.e.*, by reference to the estimated average net annual expenditure of all Councils or of Councils of the same class on that part of the service.

22. Pending the submission of arrangements by Local Authorities, it is not possible to say whether, and, if so, to what extent, it will be practicable to adopt units of expenditure for the calculation of Exchequer grants. In so far as the "unit" basis of calculating expenditure is not adopted, the Exchequer grant will be calculated by reference to the expenditure of each Council approved by the Minister.

23. *Conditions of grant approved by the Treasury.*—The Act provides that the Exchequer grants towards the expenses incurred by Local Authorities under the Act shall be subject to such conditions as to records, certificates, audit or otherwise as the Minister, with the approval of the Treasury, may determine. The formal conditions as approved by the Treasury will be communicated to Local Authorities at a later date. Pending the issue of such conditions, Local Authorities should take steps to keep such records as will enable estimates to be made of the income received in respect of the treatment of cancer patients and the cost of out-patient treatment in the hospitals of Local Authorities. The average cost of maintenance of an in-patient per week in each hospital will be available from the Costing Returns Forms H2(G) and H.2(P), and provided that Local Authorities keep records of the number of in-patients treated for cancer in each of their own hospitals and of the duration of treatment, it will be possible to estimate the total cost of in-patient treatment of cancer in those hospitals. It is assumed that particulars of the expenditure of Local Authorities in respect of the treatment of cancer patients in voluntary hospitals will be readily available.

24. *Payments on account of Exchequer Grants.*—With the approval of the Treasury, payments on account of Exchequer grants due may be made to Local Authorities on application each half-year. Ordinarily, these advances will be approximately 90 per cent. of the amount estimated to be due and the balance will be paid after audit. Forms will be supplied to Local Authorities for the purpose of claiming grants.

25. *Default of Local Authority.*—By subsection (5) of section 2 of the Act the grants payable under the section are, for the purposes of section 104 of the Local Government Act, 1929, to be deemed to be made under Part VI of that Act. Section 104 of the Local Government Act, 1929, will therefore empower the Minister to reduce the

grant payable to an Authority under Part VI of the Act of 1929 or under the new Act, if the Authority fail to show reasonable efficiency and progress in the establishment and maintenance of a cancer service adequate for the needs of their area.

ADVERTISEMENTS.

26. *Prohibition of advertisements relating to cancer.*—The attention of the Council is drawn to section 4 of the Act, which prohibits advertisements containing an offer to treat cancer, or to prescribe any remedy for it, or to give advice in connection with its treatment, or referring to any article in terms calculated to lead to its use in the treatment of cancer.

27. *Savings.*—Subsections (4) and (5) of the section exclude from the prohibition certain advertisements, among them advertisements published only to members of a Local Authority or of the governing body of a voluntary hospital, and advertisements published by a Local Authority or by the governing body of a voluntary hospital or by any person acting with the Minister's sanction.

28. *Prosecutions.*—Under subsection (7) the duty is imposed on County and County Borough Councils to institute proceedings for offences but under subsection (6) proceedings may not be instituted without the consent of the Attorney-General or the Solicitor-General.

29. A copy of this Circular is being sent to the Medical Officer of Health, and an additional copy is enclosed for the use of the Financial Officer of the Authority. Further copies may be purchased through any bookseller or directly from His Majesty's Stationery Office at any of the addresses given on the next page.

I am, Sir,

Your obedient Servant,

J. N. BECKETT.
Assistant Secretary.

The Clerk of the Council,
or
The Town Clerk.

APPENDIX.

MODEL CLAUSES FOR ARRANGEMENTS OF LOCAL AUTHORITIES.
CANCER ACT, 1939.

Arrangements made by the [County Council] [Council of the County Borough] of (hereinafter called the Council) to secure that the facilities for the treatment of persons suffering from cancer are adequate for the needs of the [county] [borough].

1. The Council will provide all necessary facilities so that every person in the [county] [borough] who is or is suspected to be suffering from cancer may obtain advice and that every such person who is found to be so suffering may obtain adequate treatment. In particular the Council will provide the facilities set out in the following paragraphs.

2. The Council will provide by agreement with the Governing Body of the hospital treatment and where necessary in-patient accommodation for [all persons in the county/borough who are suffering from cancer] [persons] [persons from a specified part of the county/borough] [persons for whom surgical treatment is appropriate].

3. The Council will provide facilities for consultation including both diagnosis and medical observation after treatment at , and , and at such other places as they may from time to time determine. They will arrange for the attendance of consultants at these places at such times as may be necessary. These facilities will be available for persons who are suffering or suspected to be suffering from cancer.

4. The Council will by agreement with [hospital] [laboratory] arrange for the examination of pathological specimens in all cases where such examination is considered necessary for purposes of diagnosis or treatment.

CANCER

5. In addition to the general arrangements set out above the Council may provide for the diagnosis and treatment of any individual case at such hospital or other institution and in such manner as seems desirable.

6. The Council will in such cases as they consider necessary pay all or any of the travelling expenses (including the travelling expenses of a companion) reasonably incurred by persons for the purpose of availing themselves of the services provided under these arrangements.

7. The Council will arrange for records to be kept, in such form as the Minister of Health may from time to time approve, of treatment provided under these arrangements and its results, and will send such records or copies thereof to any person for the time being designated by the Minister.

8. The Council will by such means as appear desirable give such publicity to these arrangements as they may think necessary for bringing them to the notice of persons to whom they may apply.

CHILDREN.

See LOCAL GOVERNMENT, *post.*

CHOLERA, YELLOW FEVER, AND PLAGUE.

See also PUBLIC HEALTH, *post.*

PREVENTION OF EPIDEMIC DISEASES: REGULATIONS AS TO PLAGUE —DESTRUCTION OF RATS

(November 10th, 1910.)

TO THE MAYOR, ALDERMEN AND COMMONS of the City of London; To the Councils of the several Metropolitan Boroughs; To the Councils of the several Municipal Boroughs and other Urban Districts; To the Councils of the several Rural Districts; To the several Port Sanitary Authorities; And to all others whom it may concern.

WHEREAS [*reciting powers to make regulations*].

Now therefore, we, the Local Government Board, do, by this our Order, and in the exercise of the powers conferred on us by the Public Health Act, 1875, the Public Health (London) Act, 1891, and the Public Health Act, 1896, and every other power enabling us in that behalf, make the following regulations, and declare that the said regulations shall apply and have effect throughout England and Wales, and shall be enforced and executed by the authorities, officers, and servants hereinafter mentioned:—

ART. 1. In this Order—

The expression "local authority" means the common council of the city of London, the council of each metropolitan borough, the council of each municipal borough or other urban district, the council of each rural district and each port sanitary authority;

The expression "district" means the district of a local authority.

ART. 2. In any district in which a representation is made to the local authority that rats in the district are infected or threatened with plague, or that there is an unusual mortality among rats in the district, the local authority shall report the matter to us, and shall take measures (a) for the destruction of all rats in the district, and (b) for preventing the entrance of rats into buildings and other premises in the district.

ART. 3. For the purposes of these regulations the local authority may appoint such additional officers or servants as they may deem necessary and may delegate to such officers or servants any powers under these regulations.

ART. 4. The expenses incurred by a local authority in the execution of these regulations shall be defrayed in the case of a local authority which is a sanitary

authority for the execution of the Public Health (London) Act, 1891, as part of their expenses in the execution of that Act, and in the case of any other local authority as part of their general expenses in the execution of the Public Health Acts.

NOTICE.—[As in Order of September 9th, 1907.]

RATS.

MINISTRY OF HEALTH, WHITEHALL, S.W.1.

January 30th, 1923.

SIR,—I am directed by the Minister of Health to refer to the Ministry of Health (Rats and Mice Destruction, Transfer of Powers) Order, 1922, and to state that a general survey of the sanitary administration of Port and Riparian Sanitary Districts in England and Wales has recently been carried out by Medical Officers of this Department, who have reported that the authorities of many of these districts are experiencing difficulty in dealing with the question of rat destruction.

Among the more important functions of Port and Riparian Sanitary Authorities under the Public Health Acts is the prevention of the introduction and spread in this country of ship-borne plague. For this purpose it is desirable that, in addition to their powers under the Public Health Acts, they should be able to take measures under the Rats and Mice (Destruction) Act, 1919, for the destruction of rats both on board ship and also on the quays, wharves and warehouses abutting upon the port.

I am to point out, however, that a Riparian Authority which is not a county borough council is unable to take any measures under the Act of 1919 unless the powers of the county council under that Act have been delegated to them by the county council. Moreover the jurisdiction of port sanitary authorities is, as a rule, confined to the shipping and the waters of the ports, and unless a port sanitary authority is also a county borough council, or a sanitary authority to whom powers under the Act of 1919 have been delegated, they are unable to deal effectively with rats in the wharves and warehouses.

In this connection I am to draw attention to the circular letter issued by the Ministry of Agriculture and Fisheries on the 5th May, 1921, with reference to the delegation of powers under the Rats and Mice (Destruction) Act, 1919, and to state that the Minister would be glad if the county council will take into consideration the question of delegating their jurisdiction under that Act to each of the sanitary authorities within the administrative county which are named in the list enclosed herewith, and inform him of the result.

I am to add that the Minister of Agriculture and Fisheries concurs in the terms of this circular letter.

I am, etc.

The Clerk of the County Council.

Circular 1296.

PORT SANITARY REGULATIONS, 1933.

MINISTRY OF HEALTH, WHITEHALL, S.W.1.

February 13th, 1933.

SIR,—

1. I am directed by the Minister of Health to enclose for the information of the Sanitary Authority a copy of the Port Sanitary Regulations, 1933, which will come into operation on May 1st, 1933.

General Observations.

2. These Regulations will replace the several general and special Cholera, Yellow Fever, and Plague Regulations of 1907, the Port Sanitary Authorities (Infectious Diseases) Regulations, 1920, and the Public Health (Deratisation of Ships) Regulations, 1929, and they also include provisions for carrying out obligations assumed

CHOLERA, YELLOW FEVER, AND PLAGUE

by His Majesty's Government under the International Sanitary Convention of Paris, 1926, for preventing the access of rats to ships, and for the control of persons embarking in outward bound ships who are suffering from infectious disease or who have been in such relations with persons so suffering as to render them liable to transmit the disease. The aim has been to consolidate in one code the whole of the Regulations relating to the sanitary control of shipping in ports, with the exception of the Order of 1912 which (as extended by the present Regulations) relates to the cleansing and disinfection of ships.

3. The general quarantine procedure prescribed in the Regulations of 1907 has been modified to take account of the modern methods of international interchange of information relating to epidemic diseases and of the fact that in most ports incoming vessels are not now boarded afloat by Officers of the Customs.

4. It will also be observed that, in accordance with the provisions of the International Sanitary Convention, special measures are prescribed for dealing with ships infected with typhus fever or smallpox, in addition to those infected with plague, cholera or yellow fever.

5. The new Regulations require the Sanitary Authority to establish, with the consent of the Customs Officer and the harbour master, at least one mooring station within the docks for ships which are "infected" or "suspected" or which may otherwise require to be specially dealt with to prevent the risk of the spread of disease. An additional mooring station outside the docks is also to be established where this can be done satisfactorily. Every mooring station must be in such a situation as to enable a ship to be moored without coming into contact with other ships or with the shore.

6. Under the new Regulations the master of a "foreign-going ship" (as defined in the Regulations) arriving from foreign is required to ascertain the state of health of all persons on board and to complete a "declaration of health" in the prescribed form. The declaration must be handed to the Customs Officer or the Officer of the Sanitary Authority, whichever first boards the ship, and in the former case it is to be forwarded to the Sanitary Authority.

7. If the Customs Officer, on receiving the declaration of health, finds evidence of infection he will detain the ship and have it sent to a mooring station unless the Medical Officer otherwise allows. Provision is made, however, in Articles 12 and 14 for the ship to be dealt with at her ordinary berth if the Medical Officer allows, and it is contemplated that with the co-operation of the dock authorities and the masters of vessels in securing the observance of the Regulations, and especially in preventing unauthorised persons from boarding or leaving the ship, it will be possible for the great majority of unhealthy ships to be dealt with by isolation at their ordinary berths. For the purpose of Article 14 (1) it is suggested that the Medical Officer should grant a standing exemption (subject to such conditions as may be desirable in local circumstances) for cases likely to be of frequent occurrence, such as the arrival of a ship having on board a case of tuberculosis or of one of the commoner infectious diseases such as scarlet fever or measles, which would call for the isolation of the ship in exceptional circumstances only. The Minister would be glad to receive particulars of any such exemption for transmission to the Commissioners of Customs and Excise, in order that they may give the necessary instructions to their officers.

8. In some ports the procedure of dealing with ships having infection on board would be much facilitated by the use of wireless messages, and Article 6 of the Regulations requires that where a port has been specially designated by the Minister by means of a notice published in "The London Gazette," a ship fitted with transmitting apparatus and approaching that port must send a wireless message if there are any circumstances requiring the attention of the Medical Officer. In other cases in which such circumstances exist this information must be sent to the Sanitary Authority by such means as are available either before, or forthwith on, the arrival of the vessel.

9. The Minister understands that in a few ports the use of wireless messages has already been tried with a view to ascertaining the best means of securing and using the requisite information, and he will be prepared to entertain applications for a declaration putting Article 6 into operation in ports in which the Sanitary Authority

are able to show that the administration of the Regulations is likely to be facilitated thereby.

10. The Minister understands that the Association of Port Sanitary Authorities has recommended that the uniform telegraphic address "Porthealth" followed by the name of the authority should be generally adopted by Port Sanitary Authorities.

Observations on particular provisions.

11. *Article* 2 (*definition of "valid" and interpretation of "home port"*). The provision (which follows that of the existing Regulations) that the period of validity of a deratisation certificate or deratisation exemption certificate is extended from six to seven months where the ship is proceeding to her home port, is based on Article 28 of the International Sanitary Convention of 1926.

12. The Quarantine Commission of the Office International recently considered the interpretation of the expression "home port" in that Article and reported as follows:—

> The Commission finds that it is generally agreed that this term should not be limited to the "*port of registration*" of the ship, but that it may also be applied to the port where in fact it is "at home" ("port d'attache," "Heimatshafen"), in which it lays up at the expiration of its voyage ("terminal port"), or makes the necessary repairs, or usually enrols its crew before leaving, an idea which corresponds in French to that of the "*port d'armement.*"
>
> A ship therefore may not continue indefinitely to have the same "home port"; in particular, if it is chartered on routes other than its ordinary routes, it may claim the benefit of the extension referred to in Article 28 of the Convention for the purpose of visiting a port which for the time being fulfils for it the conditions above indicated.
>
> It would, however, be well for the master of any ship claiming this benefit to sign and deliver to the authority of the port in which the extension is granted a declaration specifying which is its "home port" and stating his intention to to go there within a month in order to have the necessary deratisation carried out.

In the circumstances the Minister has not thought it practicable to insert a definition of the expression "home port" in the Regulations, but he considers that Sanitary Authorities may properly act on the report quoted above.

13. *Articles* 4 (1), 28 (*b*), *etc.* It will be seen that the Regulations confer and impose certain specific powers and duties on the "Medical Officer," who is defined as "the Medical Officer of Health of a Sanitary Authority or a registered medical practitioner acting under the direction of a Sanitary Authority whether in place of or as an assistant to the Medical Officer of Health for the purpose of executing these Regulations or any of them," and that under Article 4 (1) the duty of enforcing and executing the Regulations and of making enquiries, etc., is placed on every officer of a Sanitary Authority in so far as he is directed to do so by the Authority.

14. Under Article 28 (b) the Sanitary Authority are empowered to give directions as to which of the duties assigned to the Medical Officer by the Regulations are to be performed by any medical practitioner appointed by them (including the Medical Officer of Health), but they may direct only the Medical Officer of Health himself, or in his absence the medical officer acting for him, to sign and issue certificates and statements. The Regulations also contain references to "other authorised officers" of the Authority in places where the duties in question would not necessarily be carried out by the Medical Officer of Health or other registered medical practitioner.

15. It is desirable that the Sanitary Authority should at an early date direct the Medical Officer of Health and such assistants as they think fit to act in execution of the Regulations, and also declare all (or such as they think fit) of their sanitary officers to be authorised officers for the purpose of the Regulations. In any allocation of the duties assigned to the "Medical Officer" by the Regulations to officers other than the Medical Officer of Health regard should be had to the limitations imposed by Article 28 (b).

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16. *Article* 11. The issue of the "Weekly Record of Infectious Diseases at Ports at Home and Abroad" will be continued, in order to assist Medical Officers in preparing the lists referred to in this Article.

17. *Article* 13. Steps should be taken to secure that so far as possible the Master of every foreign-going vessel approaching a port is supplied with copies of the form of declaration of health. For British ships and other ships regularly visiting the port arrangements should be made with the shipping agents to secure that supplies of the form are carried. The Minister understands that, in ports where it is customary for ships to be boarded by pilots, the pilots will generally be willing to assist the Sanitary Authority by handing to the Master of any foreign-going ship which they board a copy of the form and explaining shortly the master's duty to ascertain the health of all persons on board, to complete the form of declaration and, where the conditions on board require the attention of the Medical Officer, to give the required information by wireless message or otherwise. In some ports it may be found useful to prepare a small leaflet which the pilot can hand to the master along with the form of declaration to avoid the necessity for oral explanation.

18. *Article* 13 (2). The Minister is informed that it would be of assistance to the Officers of Customs in carrying out their duties under the regulations if, when the Medical Officer (or other officer of the Sanitary Authority) boards the ship before the Customs Officer and receives a satisfactory declaration of health, he would leave on board a written notice in the following or similar terms:—

"To the Preventive Officer,
H.M. Customs and Excise.

This is to certify that I have examined the.....
and that I find no medical reason for withholding pratique.

Signed....."

19. *Articles* 14 *and* 15. Attention is called to what is said in paragraph 7 above as to the action to be taken in cases likely to be of frequent occurrence. The Sanitary Authority should note that the responsibility for the detention of a ship by a Customs Officer is strictly limited to a period of twelve hours. It is, therefore, essential that every ship whose detention is necessary should be visited by the Medical Officer within twelve hours of its arrival.

20. When a ship arrives which has on board the body of a person who has died during the voyage, the master should furnish the Medical Officer with a certificate signed by the ship's surgeon specifying the cause of death. If the ship does not carry a surgeon, the Medical Officer should examine the body, with a view to satisfying himself that the cause of death was not associated with any infectious disease. In either case, the Medical Officer, after satisfying himself as to the cause of death, should give such directions to the master of the ship as he may think necessary.

21. *Article* 16 (1). This paragraph contains the important new provision that where a ship (whether "foreign-going" or not) arrives from a foreign port no unauthorised person may board or leave the ship until it is free from control. To meet the case of the daily packet boats, it is suggested that standing permission might be given to the master for the disembarkation of passengers, subject to his undertaking, if he suspects the presence of infectious disease, either to delay disembarkation until the Medical Officer permits or to consult the Medical Officer by wireless, as may be most suitable to the circumstances of the service or of the individual ship.

22. *Article* 16 (2) *and* (3). It is the practice on many passenger lines to ask passengers to complete cards giving (*inter alia*) the information required in Article 16 (2), and where this is done the work of dealing with passengers in an infected or suspected ship will be expedited. In such cases, however, it will still be necessary either by the issue of printed postcards or otherwise to inform passengers of their obligation under Article 16 (3) to report if they go to any address other than that stated on disembarkation.

23. *Article* 21. The Minister directs that deratisation and deratisation exemption certificates shall be in the same form as at present (Form Port 11) and he determines

that the fee payable to the Sanitary Authority for every such certificate shall as at present be the sum of £2 2*s*. 0*d*.

24. *Article* 22 (2). The information necessary to enable the Medical Officer to take action under this Article will be communicated to the Authority by the procedure set out in Circular 1021 of the 8th July, 1929.

25. *Article* 29. This Article, which is similar to Article 3 of the Regulations of 1920, empowers the Medical Officer to board any ship for the purposes of the Regulations, and to cause the ship to be brought to, and, if necessary, moored or anchored in some safe and convenient place while it is visited and examined. It will not as a rule be necessary to exercise this latter power except in those Ports in which it is customary for the Medical Officer to board the ship before it is brought into dock, and even there only in exceptional circumstances; and the Minister, as stated in Circular 107 of July 20th, 1920, is anxious that all practicable steps should be taken by the Sanitary Authority and their Medical Officer to obviate any undue delay to shipping.

26. *Article* 30. This Article, which also follows the Regulations of 1920, authorises the Medical Officer to examine any person on board a ship (1) who is suffering from infectious disease, or (2) who is reasonably believed to be verminous, or (3) where the Medical Officer has reason to suspect that infection exists on the ship. For the purpose of the examination, the Medical Officer may detain any such person, either upon the ship or at some appointed place on shore. In deciding whether the examination should be carried out on board ship or on shore, the Medical Officer must have regard to the circumstances of the case, and the action necessary to prevent the introduction of infectious disease into this country, but he should bear in mind what is said above as to the importance of avoiding all undue delay to shipping.

27. In deciding whether he shall use his powers to board a particular ship and examine persons on board, the Medical Officer must to a large extent exercise his discretion; but the Minister considers that the fact that a vessel, during the period of three weeks before its arrival in port, has sailed from, or called during the voyage at, a port or country in which dangerous infectious disease is known to be prevalent, will constitute reasonable ground for action being taken by the Medical Officer under Articles 29 and 30 of the Regulations. In such cases verminous conditions, by reason of their close connection with typhus fever and other infectious diseases, require to be carefully looked for. The more common infectious diseases such as scarlet fever and measles do not, in the Minister's opinion, save in exceptional instances, call for special action.

28. The Medical Officer is empowered to cause any person who has been in contact with infectious disease on the ship, or who is discovered to be verminous, and the clothing and other articles belonging to any such person, to be cleansed or disinfected; and to prohibit any such person from leaving the ship, or from leaving the ship except upon specified conditions. These conditions must be such as appear to the Medical Officer to be reasonably necessary to prevent the spread of infection either in the district of the Sanitary Authority or elsewhere. It will usually only be necessary to prohibit such persons from leaving the ship until the requisite arrangements have been made for their cleansing or disinfection as soon as they land. The conditions specified in giving permission to leave the ship will, in the case of persons who need cleansing or disinfection, include the condition that they shall proceed to the place appointed for that purpose. Provision is made in Article 16 (referred to in paragraphs 21 and 22 above) for the action to be taken on the disembarkation of persons who have been in contact with infectious disease.

29. It will, of course, be desirable to enlist the co-operation of the master in order to secure the carrying out of the measures described above, and Article 30 (1) (g) authorises the Medical Officer to require the master of a ship to take, or assist in taking, such steps as in the opinion of the Medical Officer are reasonably necessary to prevent the spread of infection by any person on board; and also such steps as are necessary for the removal of conditions on the ship which are likely to convey infection, including the destruction of vermin and the removal of conditions which harbour vermin. Article 32 requires the master to comply with instructions so given.

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30. *Article* 31 empowers the Medical Officer to cause any person on a ship who is suffering from any epidemic or acute infectious disease to be removed, if his condition so permits, to some hospital or other suitable place appointed for that purpose by the Sanitary Authority. If the condition of the person does not permit of his immediate removal from the ship, the Medical Officer is empowered to serve on the master a notice in writing prohibiting the removal or departure of the patient from the ship except with the consent in writing of the Medical Officer. This provision is, of course, necessary primarily in order to prevent the spread of infection, but the Medical Officer will naturally be anxious to secure the removal of the patient to hospital or some other suitable place as soon as his condition permits.

31. *Article* 34 provides that Article 3 of the Port Sanitary Authorities (Assignment of Powers) Order, 1912, which relates to the cleansing of berths and cabins, shall be extended so as to apply to the whole or any part of a ship. It will therefore be competent for the Clerk to the Port Sanitary Authority, where the Medical Officer certifies that the cleansing and disinfecting of a ship, or any part of a ship, would tend to prevent or check infectious disease, to give notice to the master that such cleansing and disinfecting will be carried out by the Port Sanitary Authority at the cost of the master, unless the master informs the Port Sanitary Authority within six hours of the receipt of the notice that he will forthwith cleanse and disinfect the ship, or the part thereof, to the satisfaction of the Medical Officer. The Order of 1912 does not apply to the Port Sanitary Authority of the Port of London, but similar powers were conferred upon that Authority by an Order made by the Local Government Board on March 25th, 1892. These powers for securing the cleansing or disinfection of a ship, which were included in the Regulations of 1920, are now supplemented by the provisions of Article 12 of, and the Fourth Schedule to, the new Regulations, and Article 35 (1) empowers Port Sanitary Authorities to undertake this or similar work on behalf of, and, if they think fit, at the cost of, the master.

32. *Third Schedule.* It will be seen that the prescribed signals are required to be shown until the ship is free from control under the Regulations, *e.g.*, from January 1st, 1934, a healthy ship coming into dock will fly the flag Q until pratique is granted by the Customs Officer.

33. A copy of this Circular and a copy of the Regulations are being sent to the Medical Officer of Health.

I am, etc.

S. R. & O., 1933, No. 38.

THE PORT SANITARY REGULATIONS, 1933, DATED FEBRUARY 4TH, 1933, MADE BY THE MINISTER OF HEALTH.

Whereas it is desirable to give further effect to the International Sanitary Convention of Paris, 1926 (*a*) and to amend and consolidate certain of the regulations in force for the prevention of epidemic and infectious diseases:

(*a*) Cd. 3207 (Treaty Series No. 22, 1928).

Now, therefore, the Minister of Health, in the exercise of his powers under Section 130 of the Public Health Act, 1875, the Public Health (London) Act, 1891, the Public Health Act, 1896 and the Public Health Act, 1904, and of all other powers enabling him in that behalf, hereby makes the following regulations, with the consent of the Board of Trade, and so far as they apply to customs officers, with the consent of the Commissioners of Customs and Excise.

For the Act of 1875, see 13 Halsbury's Statutes 678; for the Act of 1891, see 11 Halsbury's Statutes 1025; for the Act of 1896, see 13 Halsbury's Statutes 871; and for the Act of 1904, see *ibid.* 893.

PART I.—INTRODUCTORY.

Short Title and Commencement.

1. These regulations may be cited as the Port Sanitary Regulations, 1933, and shall come into operation on the first day of May, 1933.

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Interpretation.

2.—(1) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament and where by these regulations any regulation is revoked Section 38 of the said Act shall apply as if these regulations were an Act of Parliament.

(2) In these regulations, unless the context otherwise requires—

"the Minister" means the Minister of Health;

"sanitary authority" means a port sanitary authority and the council of every borough or urban or rural district whose area includes or abuts on waters which are part of a customs port but are not within the jurisdiction of a port sanitary authority;

"local authority" means the council of a municipal borough or other urban district or a rural district council or the common council of the City of London or the council of a metropolitan borough;

"district" means the district of a sanitary authority and in the case of a sanitary authority other than a port sanitary authority includes the waters of any customs port abutting on any part of their district so far as such waters are not within the district of a port sanitary authority;

"customs officer" includes any person acting under the authority of the Commissioners of His Majesty's Customs and Excise;

"medical officer" means the medical officer of health of a sanitary authority or a registered medical practitioner acting under the direction of a sanitary authority, whether in place of or as an assistant to the medical officer of health or otherwise, for the purpose of executing these regulations or any of them;

"immigration officer" means an immigration officer appointed by the Secretary of State or other person employed as an immigration officer under the Aliens Order, 1920;

The Aliens Order is S. R. & O., 1920, No. 448, as amended.

"ship" includes a vessel or boat;

"foreign-going ship" means a ship employed in trading or going between some place or places in Great Britain and Northern Ireland and some place or places situate beyond the following limits, that is to say, the coasts of Great Britain and Ireland, the Channel Islands, the Isle of Man or the Continent of Europe between the River Elbe and Brest inclusive;

"master" in relation to a ship includes any officer or other person for the time being in charge of or in command of the ship;

"foreign port" means a port or place situate elsewhere than in Great Britain, Ireland, the Channel Islands or the Isle of Man;

"approved port" means a district in which a medical officer is authorised by the Minister to grant deratisation certificates and deratisation exemption certificates;

"suitably equipped port" in relation to any disease means a port which has been notified to the Office International d'Hygiène publique as possessing the necessary organisation and equipment for dealing with that disease;

"prescribed measures" in relation to plague, cholera, typhus fever or smallpox in England and Wales means such of the measures set out in the Fourth Schedule to these regulations as are appropriate and in relation to yellow fever in England and Wales or plague, cholera, yellow fever, typhus fever or smallpox outside England and Wales means such measures at a suitably equipped port as are prescribed by the International Sanitary Convention of Paris, 1926:

Provided that for the purpose of the foregoing definition the term "measures" does not include measures to which a person disembarked from a ship is subjected;

Subject as hereinafter provided, "infected" in relation to a ship arriving in a district means a ship—

(*a*) which has on board a case of plague, cholera or yellow fever; or

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(*b*) on which a person developed plague more than six days after embarkation and which has not since been subjected to the prescribed measures; or

(*c*) on which plague-infected rats are found; or

(*d*) which has had on board a case of cholera within five days prior to arrival and which has not since been subjected to the prescribed measures; or

(*e*) which had on board a case of yellow fever at the time of departure from a port, or which has had such a case on board during the voyage and which has not since the last case occurred been subjected to the prescribed measures;

Subject as hereinafter provided, "suspected" in relation to a ship arriving in a district means a ship—

(*a*) on which a person developed plague within six days after embarkation and which has not since been subjected to the prescribed measures; or

(*b*) on which there has been an unusual mortality among rats the cause whereof is undetermined; or

(*c*) which had on board a case of cholera at the time of departure from a port or during the voyage but on which no fresh case has occurred within five days prior to arrival and which has not since the last case occurred been subjected to the prescribed measures; or

(*d*) arriving from a port or seaboard included by reason of yellow fever in the list of infected ports and seaboards kept by the medical officer pursuant to Article 11 of these regulations or from a port or seaboard in close relation with an endemic centre of yellow fever after a voyage of less than six days or after a longer voyage if there is reason to believe that the ship may be carrying adult mosquitoes emanating from the said port or seaboard:

Provided that for the purpose of the definitions of "infected" and "suspected" a case presenting the clinical features of cholera shall be deemed to be a case of cholera until two bacteriological examinations made with an interval of not less than 24 hours between them have not revealed the presence of cholera or other suspicious vibrios;

"infectious disease" means any epidemic or acute infectious disease but does not include venereal disease;

"deratisation certificate" and "deratisation exemption certificate" mean respectively a deratisation certificate and a deratisation exemption certificate either issued under Articles 19 and 20 of these regulations or otherwise issued in conformity with Article 28 of the International Sanitary Convention of Paris, 1926, at a port which has been notified to the Office International d'Hygiène publique as possessing the equipment and personnel necessary for the deratisation of ships;

"valid" in relation to a certificate means issued within the last preceding six months or, where the ship in respect of which the certificate is issued is proceeding to its home port, the last preceding seven months.

Revocation of existing regulations.

3. The regulations specified in the First Schedule to these regulations are hereby revoked.

Execution of regulations.

4.—(1) Subject to paragraph (2) of this Article, every sanitary authority and every officer of a sanitary authority in so far as he is directed so to do by the sanitary authority shall enforce and execute these regulations and for this purpose shall make such enquiries and take such other steps as may seem to them or him to be necessary for securing the due observance of these regulations or any of them in the district.

(2) Any two sanitary authorities may agree, on such terms and conditions as they think fit, and with the approval of the Minister, that one of them shall undertake the execution of and arrange for the employment of their officers in executing the whole or specified provisions of these regulations in the district of the other. For the purposes thereof the district in which any such provision is so executed shall be deemed to be the district of the authority which executes it; and, if their district is an approved port and they so agree to execute in another district the

provisions of the regulations relating to deratisation and deratisation exemption certificates, their medical officer shall have authority to grant such certificates in that district.

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PART II.—SHIPS ARRIVING.

Health Conditions on Board.

5. The master of a foreign-going ship approaching a district from a foreign port shall ascertain the state of health of all persons on board.

6.—(1) Where the Minister has by a notice published in the London Gazette declared that the provisions of this Article shall apply to any district specified in the notice, the master of any foreign-going ship fitted with a suitable wireless transmitting apparatus, on approaching such a district from a foreign port, shall, if any person on board has symptoms which may be indicative of infectious disease other than tuberculosis or if there are any circumstances requiring the attention of the medical officer, send to the sanitary authority, either directly or through an agent approved by the sanitary authority, a wireless message embodying such of the items of information set out in the Second Schedule to these regulations as are applicable.

(2) Any wireless message so required to be sent shall be sent so as to reach the sanitary authority not more than twelve and not less than four hours before the time at which the ship is expected to arrive in the district.

(3) Any message in wireless code delivered to the sanitary authority shall unless otherwise provided in the notice published pursuant to paragraph (1) of this Article, conform with the section relating to routine quarantine messages of the 1931 International Code of Signals.

7. If, when a foreign-going ship which is fitted with a suitable wireless transmitting apparatus is approaching from a foreign port a district to which the last preceding Article does not apply or when a foreign-going ship not so fitted is approaching any district from a foreign port, any person on board has any symptoms which may be indicative of infectious disease other than tuberculosis or there are any circumstances requiring the attention of the medical officer, the master shall, whenever practicable before the arrival of the ship and otherwise forthwith on arrival, notify the sanitary authority in regard to the health conditions on board:

Provided that if a wireless message is sent, it shall contain such of the items of information set out in the Second Schedule to these regulations as are applicable, it shall be sent in accordance with the provisions contained in paragraph (2) of the last preceding Article and, if in code, it shall conform with the section of the International Code of Signals aforesaid.

8. The sanitary authority, upon receipt of information that a person on board a ship approaching their district has symptoms which may be indicative of infectious disease other than tuberculosis or that there are circumstances in relation to any such ship requiring the attention of the medical officer, shall forthwith notify the customs officer to that effect.

Use of Flags and Signals.

9. The master of a ship coming from a foreign port shall comply with the provisions as to flags and signal lights contained in the Third Schedule to these regulations: Provided that this provision shall not extend to a ship engaged in the regular daily packet boat traffic between Great Britain and ports or places in the Channel Islands, the Isle of Man, Ireland, Belgium, France or the Netherlands.

Mooring Stations.

10.—(1) In every district one or more mooring stations within the docks shall be established by the sanitary authority with the concurrence of the customs officer and the harbour master in such a situation as to enable a ship to be moored without coming into contact with other ships or with the shore:

Provided that the medical officer with such concurrence as aforesaid may designate as a special mooring station for any particular ship some place so situate as aforesaid other than an established mooring station, and any special station so designated shall in relation to that ship be deemed to be a mooring station.

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(2) An additional mooring station outside the docks shall be established by the sanitary authority with the concurrence of the customs officer in every district in which a satisfactory mooring station can be so established.

(3) Such additional mooring station shall be established within the district of the sanitary authority unless the Minister otherwise consents, in which case the place so established shall for the purposes of these regulations be deemed to be within that district.

List of infected ports and seaboards.

11. The medical officer shall from time to time prepare and keep up to date a list of foreign ports and seaboards which are infected or believed to be infected or which serve an area infected or believed to be infected with plague (human or rodent), cholera, yellow fever, typhus fever or smallpox, and shall supply copies of every such list and any amendment thereof to the pilots and customs officers employed in the district. In the preparation and amendment of such lists, the medical officer shall take into account all information sent to him from time to time by the Minister.

Infected or suspected Ships and other Ships which may be unhealthy.

12.—(1) In any of the cases hereinafter specified the master of a ship arriving in a district shall cause the ship to be taken to a mooring station unless the medical officer or other authorised officer of the sanitary authority allows the ship to be isolated at its place of mooring, discharge or loading, or otherwise directs, that is to say where—

(*a*) the ship is an infected or suspected ship or has a case of typhus fever or smallpox on board; or

(*b*) during the voyage (or where the voyage has lasted more than six weeks during the last six weeks)—

(i) there has been on the ship a case or suspected case of plague, cholera, yellow fever, typhus fever or smallpox; or

(ii) plague has occurred or been suspected amongst rats or mice on the ship; or

(iii) sickness or death not attributable to poison or the employment of other measures for destruction has occurred amongst the rats or mice on the ship;

and the ship has not since any such condition supervened been subjected to the prescribed measures.

(2) The master shall also cause the ship to be taken to a mooring station if the medical officer, having reason to believe that the ship falls within any of the categories specified in the preceding paragraph, so directs.

(3) If it is yellow fever which causes the ship to be an infected or suspected ship or which brings it within sub-paragraph (*b*) (i) of paragraph (1) of this Article such of the measures prescribed in relation to that disease by the International Sanitary Convention of Paris, 1926 as the medical officer considers necessary shall be carried out; in any other of the cases there specified such of the measures set out in the Fourth Schedule to these regulations as are appropriate shall be carried out.

(4) Any ship which has become subject to the provisions of paragraph (1) or (2) of this Article shall remain subject to control under these regulations until it has been examined by the medical officer and until any measures which may be required to be carried out in pursuance of paragraph (3) (other than measures in relation to any person who has disembarked from the ship) have been completed.

Declarations of Health.

13.—(1) The master of a foreign-going ship arriving in a district from a foreign port shall fill in and sign a declaration of health in the form set out in the Fifth Schedule to these regulations. If the ship carries a ship's surgeon he shall countersign the declaration.

(2) The master shall deliver the declaration of health to the customs officer or the officer of the sanitary authority, whichever shall first board the ship, and that officer

shall peruse the answers to the questions in the declaration and make such further enquiries of the master as appear to him to be necessary.

(3) The officer receiving the declaration of health shall forward it to the sanitary authority, and in any case in which the customs officer has detained the ship pursuant to these regulations the sanitary authority shall furnish him with a copy of the declaration, if he so requires.

Detention of Ships.

14.—(1) Where a ship (whether a foreign-going ship or not) arrives in a district from a foreign port and it appears to the customs officer from answers to questions in a declaration of health or from answers to enquiries made by him or otherwise—

(*a*) that during the voyage (or, where the voyage has lasted more than six weeks, during the last six weeks) there has been on the ship a death from illness suspected to be of an infectious nature or a case of such illness; or

(*b*) that the ship has called at a port or seaboard included in the list referred to in Article 11; or

(*c*) that during the voyage (or, where the voyage has lasted more than six weeks, during the last six weeks) plague has occurred or been suspected amongst rats or mice on the ship or sickness or death not attributable to poison or other measures for destruction has occurred amongst the rats or mice on the ship;

he shall direct that the ship shall be taken to and detained at a mooring station unless the medical officer or other authorised officer of the sanitary authority otherwise allows.

(2) The medical officer may also direct that a ship arriving from a foreign port shall be detained for medical examination, and may hand a notice in writing to that effect to the customs officer who, if he is the first officer to visit the ship, shall deliver the notice to the master.

15.—(1) If the ship is detained under paragraph (2) of Article 14 it shall be allowed to proceed to or remain at its place of mooring, discharge or loading unless the medical officer otherwise directs, but the medical officer shall visit the ship as soon as possible.

(2) The detention of any ship by a customs officer under these regulations shall cease as soon as the ship has been duly visited and examined by the medical officer or, if the examination has not commenced within twelve hours after the ship has been moored, on the expiration of that period:

Provided that nothing in this paragraph contained shall affect the exercise of any powers of the medical officer in regard to the detention of ships.

Restriction on boarding or leaving Ship.

16.—(1) Where a ship arrives in a district from a foreign port no person other than a pilot, a customs officer, an immigration officer or a person acting in the execution of these regulations shall, without the permission of the medical officer or other authorised officer of the sanitary authority, board or leave the ship until it is free from control under these regulations, and the master shall take all steps necessary to secure compliance with this provision.

(2) Before granting permision to any person to leave a ship, the medical officer may require him to state his name and his intended destination and address, and to give any other information which the medical officer may reasonably think necessary for transmission to the local authority of the area within which the intended place of destination of the person is situate.

(3) If a person who, having been required to state his intended destination and address before being permitted to leave a ship, either is unable to do so or arrives, within a period, not exceeding fourteen days after landing, to be specified to him by the medical officer, at a place other than that which he has so stated, he shall immediately after his arrival forward particulars of his actual place of arrival and his address to the medical officer of the district in which he left the ship.

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Ships arriving from infected ports and seaboards and Ships at mooring stations.

17. The medical officer shall—

(*a*) inspect, on arrival in the district, any ship which has come from or called at any foreign port or seaboard which is included in the list prepared pursuant to the provisions of Article 11, and any other ship which has come from or called at a foreign port and on which there has occurred during the voyage any case of illness which was or may have been plague, cholera, yellow fever, typhus fever or small pox or on which rodent plague has occurred or been suspected during the voyage:

Provided that a ship shall not be deemed to have called at a foreign port or seaboard if, without having been in communication with the shore, it has landed only mails and passengers and their luggage, or it has taken on board only mails or passengers with or without their luggage from another ship which has also not been in communication with the shore;

(*b*) within twelve hours after the arrival of a ship at a mooring station or after the detention of a ship by a customs officer or as soon as possible thereafter, board and examine the ship; and if the ship is liable to be subjected to further control under these regulations continue the detention or detain the ship, as the case may require;

(*c*) where a ship has been detained at or sent to a mooring station, or isolated at its place of mooring, discharge or loading, on account of the discovery or suspicion of plague-infected rats, cause all practicable steps to be taken to prevent the escape of rats from the ship.

Removal of Ship to mooring station after arrival in district.

18. If plague-infected rats are discovered, or plague, cholera, yellow fever, typhus fever or smallpox occurs, on any ship after it has come into a district the medical officer may if he thinks fit require the master to remove the ship to a mooring station.

Deratisation and Deratisation Exemption Certificates.

19.—(1) On the arrival of a ship from a foreign port at an approved port, whether or not the first port of call in England or Wales, the medical officer shall, unless a valid deratisation certificate or valid deratisation exemption certificate is produced in respect of the ship, take such steps as he may consider necessary to ascertain whether the ship is maintained in such a condition that the number of rats on board is kept down to the minimum.

(2) If, after the ship has been inspected, the medical officer is satisfied that the ship is free from rats or is maintained in such a condition that the number of rats on board is kept down to the minimum, he shall sign and issue a deratisation exemption certificate.

(3) If, after the ship has been inspected, the medical officer is of opinion that the ship is not maintained in such a condition that the number of rats on board is kept down to the minimum, he shall require the ship to be deratised in such manner as may be specified or approved by him, and the master shall forthwith make arrangements for the deratisation of the ship to be carried out to the satisfaction of the medical officer.

(4) After the deratisation has been completed to his satisfaction, the medical officer shall sign and issue a deratisation certificate.

20. Upon receipt of an application in writing from the owner of any ship in an approved port, or from the master of the ship acting for and on behalf of the owner, for a deratisation exemption certificate or a deratisation certificate in respect of the ship, the medical officer shall take such steps as he may consider necessary to satisfy himself that the ship is maintained in such a condition that the number of rats on board is kept down to the minimum, or give directions for the deratisation of the ship, as the case may require, and, on being satisfied as to the condition of the ship or that the deratisation of the ship has been properly carried out, he shall issue the appropriate certificate.

21.—(1) All deratisation and deratisation exemption certificates shall be in such form as the Minister may from time to time direct. CHOLERA, YELLOW FEVER, AND PLAGUE

(2) A copy of every such certificate shall be retained in the office of the sanitary authority, and a copy shall be forwarded to the Minister unless he otherwise directs.

(3) The owner or the master of the ship shall pay to the sanitary authority such fee for the inspection of the ship and for the issue of a certificate as the Minister may from time to time determine.

PART III.—SHIPS IN PORT.

Embarkation of Persons.

22.—(1) The medical officer may examine any person proposing to embark on a ship whom he suspects to be suffering from plague, cholera, yellow fever, typhus fever or smallpox and if, after examination, he is of opinion that the person shows symptoms of any of these diseases he may prohibit his embarkation.

(2) If severe smallpox (variola major) exists in any part of Great Britain, the medical officer may prohibit any person coming from such part who has been in such contact with any person suffering from the disease as to render him liable to transmit infection and who is not, in the opinion of the medical officer, adequately protected against smallpox, from embarking on any ship going beyond Great Britain, Ireland, the Channel Islands and the Isle of Man.

Application.

23. Where the Minister has, by notice published in the London Gazette, declared a district to be infected with plague, cholera, or yellow fever, or to be a district in which typhus fever or smallpox exists in an epidemic form, the following provisions of this Part of these regulations shall operate in that district until the notice is revoked by a subsequent notice published in the London Gazette.

Examination of Ships and persons on board.

24.—(1) The medical officer may at any time, and shall within twelve hours after receiving a request from the master so to do, visit any ship and may medically examine any person on board or proposing to embark on the ship.

(2) The medical officer or other authorised officer of the sanitary authority may and on the request of the master shall examine any clothing bedding or other article of personal use which belongs to or is in use or is intended for use by the master or a member of the crew or any person who proposes to embark on or is on board any ship and which, in the opinion of the medical officer or other authorised officer as aforesaid, may have been exposed to infection, and may required the disinfection or destruction of any such clothing bedding or article of personal use.

(3) The medical officer or other officer as aforesaid may require any parts of a ship which, in his opinion, may be infected to be disinfected to his satisfaction.

(4) No person shall take or cause to be taken on board a ship any body linen, clothing or bedding or any article whatsoever which, in the opinion of the medical officer or other officer as aforesaid is capable of carrying infection, unless that officer is satisfied that it has been efficiently disinfected.

Plague.

25. If any part of the district is declared to be infected with plague, the medical officer may, and shall if so required by the Minister—

(*a*) take steps to secure the deratisation of any ship on which he has reason to believe that there are rats, and for that purpose the provisions of Articles 19, 20, and 21 so far as they are applicable to the circumstances of the case shall apply; and

(*b*) require the master of a ship, under the direction of the medical officer and to his satisfaction, to take all such precautions and employ all such means for effectually stopping the access of rats from the shore to the ship, as in the opinion of the medical officer, are necessary for the prevention of the conveyance of infection by means of the ship.

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Cholera.

26. If any part of the district is declared to be infected with cholera, the medical officer may, and shall if so required by the Minister—

(*a*) take steps to secure that all tanks and filters used in connection with the supply of drinking water on a ship shall be emptied, cleansed and disinfected and that the tanks shall then be refilled with wholesome water;

(*b*) prohibit any person from taking foodstuffs on board a ship: Provided that the prohibition may be applied, as the medical officer may see fit, either generally to all foodstuffs or to any specified foodstuffs or any class or classes of foodstuff or to foodstuffs obtained from any specified source or sources of supply; and

(*c*) require that the bilges and any water used as ballast shall be disinfected.

Typhus Fever.

27. If typhus fever is declared to exist in an epidemic form in any part of the district the medical officer may require any person who proposes to embark on or is on board any ship to be deloused.

PART IV.—GENERAL.

Appointment and duties of officers and provision of services by Sanitary Authority.

28. The sanitary authority may for the purposes of these regulations, and if so required by the Minister shall—

(*a*) appoint one or more duly qualified medical practitioners for the purpose of performing and of assisting the medical officer of health of the sanitary authority in the performance of the duties assigned to the medical officer by these regulations and pay any such practitioner such reasonable remuneration for his services as the Minister may approve;

(*b*) give directions as to which of the duties assigned to the medical officer by these regulations are to be performed by any medical practitioner appointed by them (including the medical officer of health): Provided that the sanitary authority shall direct only their medical officer of health or, in his absence, the medical officer authorised to act in his place to perform the duties imposed by these regulations in relation to the signing and issuing of certificates and statements;

(*c*) provide or arrange for the provision of—

(i) premises and waiting rooms for the purposes of medical examinations;

(ii) apparatus or means for the cleansing and disinfection of ships, persons and clothing and other articles;

(iii) premises for the temporary accommodation of persons for whom such accommodation is required for the purposes of these regulations;

(iv) hospital accommodation for persons to whom these regulations are applicable;

(v) means of transport;

(*d*) do all such other things as in the opinion of the sanitary authority or of the Minister, as the case may be, are necessary for the purpose of enabling the provisions of these regulations to be complied with.

Powers and duties of Medical Officer and other officers.

29. For the purposes of these regulations the medical officer and any duly authorised officer of the sanitary authority shall have power to enter or board any ship in the district, and may cause the ship to be brought to and, if necessary, moored or anchored in some safe and convenient place while it is visited and examined.

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30.—(1) The medical officer may, and if so required by the sanitary authority or by the Minister shall :—

(*a*) examine any person who is suffering from infectious disease on board a ship in the district ;

(*b*) examine any person who is on board such a ship, where there are reasonable grounds for believing or suspecting that infectious disease is or may be present on the ship, or that persons on board the ship have been exposed to infection from infectious disease during the voyage of the ship or during a period of three weeks immediately preceding the arrival of the ship in the district ;

(*c*) examine any person who is on board a ship in the district and is reasonably believed to be verminous ;

(*d*) detain for the purpose of examination either upon the ship or at some appointed place on shore any person whom he is empowered or required under this Article to examine ;

(*e*) cause any such person and the clothing of or any other articles belonging to such person to be cleansed and disinfected ;

(*f*) prohibit any such person from leaving the ship, or from leaving the ship save upon such specified conditions as appear to the medical officer to be reasonably necessary to prevent the spread of infection in the district or elsewhere ;

(*g*) require the master to take or assist in taking such steps as, in the opinion of the medical officer, are reasonably necessary for preventing the spread of infection by any such person, for the destruction of vermin and for the removal of conditions on the ship likely to convey infection, including conditions the existence of which might facilitate the harbouring of vermin.

(2) The medical officer shall forthwith communicate to the sanitary authority any directions given to him by the Minister under this Article.

31.—(1) The medical officer may cause any person who is on board a ship in the district and who appears to be suffering from infectious disease to be removed, if his condition so permits, to some hospital or other suitable place appointed for that purpose by the sanitary authority.

(2) If the condition of any such person does not permit of his removal as aforesaid, the medical officer may, by notice in writing to the master, prohibit the removal of the person or his departure from the ship, save with the consent in writing of the medical officer.

Duties of Master.

32. The master of a ship in a district shall—

(*a*) answer all questions as to the health conditions on board which may be put to him by a customs officer or officer of the sanitary authority visiting his ship and furnish the sanitary authority and their officers with all such information and assistance as may be reasonably required by them for the purposes of these regulations ;

(*b*) notify forthwith the medical officer of any case of infectious disease on the ship and of any circumstances on board which are likely to lead to infection or the spread of infectious disease, including in his notification particulars as to the sanitary condition of the ship and the presence of dead rats or mortality or sickness among rats in the ship ;

(*c*) comply with these regulations and any directions or requirements of the sanitary authority or the medical officer or other authorised officer of the sanitary authority given or made in pursuance of these regulations.

Compliance with directions etc. of Sanitary Authority.

33.—(1) Every person to whom these regulations apply shall comply with all directions, requirements or conditions given, made or imposed by the sanitary authority or the medical officer or other authorised officer of the authority in pursuance of these regulations, and shall furnish all such information as may be reasonably required by them (including information as to his name, destination, and

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address) and every person who has for the time being the custody or charge of a child or other person who is under disability shall comply with any directions, requirements or conditions so given, made or imposed, and shall furnish all such information as aforesaid in respect of such child or other person.

(2) Every person who is placed under surveillance in pursuance of these regulations shall give facilities for any medical examination required by the medical officer or by the medical officer of health of any local authority in whose area he may be during the period of surveillance.

Cleansing of Ships.

34. Article 3 of the Port Sanitary Authorities (Assignment of Powers) Order, 1912 (*a*) (which relates to the cleansing of berths and cabins) shall be extended so as to apply to the whole of any ship or to any part thereof.

(*a*) S. R. & O. 1912 (No. 1260), p. 1084.

Charges for services of Sanitary Authority.

35.—(1) Where the master of any ship is required by or in pursuance of these regulations to carry out any measures with a view to reducing the danger or preventing the spread of infection, the sanitary authority may themselves, at the request of the master and, if they think fit, at his cost, cause any such requirement to be complied with instead of enforcing the requirement against the master. When the sanitary authority cause any such requirement to be complied with at the cost of the master they may, if they think fit, require the amount of the charge for the work or a part thereof to be paid to or deposited with them before the work is undertaken.

(2) The amount of the charge for any work so to be undertaken by the sanitary authority shall be such reasonable sum as to the exclusion of any charge or claim in respect of profit represents the actual or estimated cost to be incurred by the sanitary authority in undertaking the work, so, however, that it shall not exceed the sum of twenty pounds unless notice of the proposed charge has been given to the master before the work is undertaken.

(3) The sanitary authority or the medical officer shall, on the request of the master of any ship in regard to which action required of the master in pursuance of these regulations has been taken, furnish the master free of charge with a statement in writing recording the particulars of any such action (including the measures of disinfection which have been taken) in regard to which the master may reasonably require such a statement: Provided that no such statement in regard to deratisation measures shall take the form of a deratisation certificate unless such a certificate could be issued under Article 19 or 20 of these regulations.

Recovery of fees and charges.

36. Any fee payable to the sanitary authority in pursuance of paragraph (3) of Article 21 and every charge authorised by Article 35 shall be recoverable by the sanitary authority as expenses or demands within the meaning of section 251 or of section 261 of the Public Health Act, 1875, and those sections and the enactments referred to in or applied by those sections shall apply and have effect for the recovery of the said expenses as if the said sections and enactments were herein re-enacted and in terms made applicable to the case.

37. Subject to the provisions of Articles 21 (3) and 35 any expenses incurred by a sanitary authority in the execution of these regulations shall be defrayed in the same manner as the expenses incurred by them in the execution and discharge of their existing powers and duties.

Saving for mails.

38. Nothing in these regulations shall render liable to detention, disinfection, or destruction any article forming part of any mail (other than a parcel mail) conveyed under the authority of the Postmaster General, or of the postal administration of

any other government, or shall prejudicially affect the receipt on board and delivery in due course at the port or place of destination of any such mail (other than a parcel mail) in accordance with the provisions of the Post Office Acts.

Saving for Ships putting to sea.

39. The master of a ship in or approaching a district who does not desire to submit to any requirements of these regulations which may be applicable shall be at liberty to put to sea without being subjected to control under these regulations if he notifies the medical officer of his intention: Provided that if he desires to land goods, to disembark passengers or to take on fuel, foodstuffs or water, the medical officer may grant him permission so to do subject to such conditions, in conformity with the provisions of Article 54 of the International Sanitary Convention of Paris, 1926, as the medical officer thinks fit; and the master shall proceed accordingly and put to sea with due despatch.

FIRST SCHEDULE.

Regulations revoked.

(Article 3.)

PART I.—GENERAL REGULATIONS.

Date.	Subject or Short Title.
9th September, 1907	Regulations as to Cholera, Yellow Fever, and Plague: Ships arriving from foreign ports (*a*).
9th September, 1907	Regulations as to Cholera and Plague: Coasting Ships (*b*).
9th September, 1907	Regulations as to Cholera and Plague: Outward bound ships. Specified Articles (*c*).
14th July, 1920	The Port Sanitary Authorities (Infectious Diseases) Regulations, 1920 (*d*).
12th October, 1929	The Public Health (Deratisation of Ships) Regulations, 1929 (*e*).

PART II.—SPECIAL REGULATIONS OR ORDERS.

Date.	Name of Port and Port Sanitary Authority.	Subject.
18th February, 1909	Bristol and Gloucester	Regulations as to Cholera, Yellow Fever and Plague: Ships arriving from foreign ports (*f*).
25th February, 1909	Harwich and Ipswich	Ditto (*g*).
25th February, 1909	Liverpool and Manchester	Ditto (*h*).

(*a*) S. R. & O., 1907, No. 710.
(*b*) S. R. & O., 1907, No. 694.
(*c*) S. R. & O., 1907, No. 695.
(*d*) S. R. & O., 1920, No. 1294.
(*e*) S. R. & O., 1929, No. 832.
(*f*) S. R. & O., 1909, No. 191 (not printed in S. R. & O. series).
(*g*) S. R. & O., 1909, No. 192 (not printed in S. R. & O. series).
(*h*) S. R. & O., 1909, No. 193 (not printed in S. R. & O. series).

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SECOND SCHEDULE.*

Wireless Messages—Items of Information.

(Articles 6 (1) and 7.)

Item I.

The following is an International Quarantine Message from vessel indicated of port indicated which expects to arrive at time indicated on date indicated.

Item II.

My port of departure (first port of loading) and my last port of call were as indicated by the immediately following groups.

Item III.

Number indicated cases of infectious disease(s) indicated have occurred during the last 15 days.

Item IV.

I have no other case of sickness on board.
I have number indicated other cases of sickness on board.

Item V.

Number indicated deaths from sickness infectious or otherwise have occurred on board during the voyage.

Item VI.

I have a ship's surgeon on board.
I have no ship's surgeon on board.

Item VII.

I do not wish to disembark any sick.
I wish to disembark number indicated sick, suffering from disease(s) indicated.

Item VIII.

My crew consists of number indicated, and I have no passengers on board.
My crew consists of number indicated, and I have number indicated passengers.

Item IX.

I do not propose to disembark any passengers.
I propose to disembark number indicated passengers of class indicated.

* For notes on the sending of a standard quarantine message, see p. 229 of Vol. II. of the British Edition of the 1931 International Code of Signals.

THIRD SCHEDULE.

Flags and Signal Lights.

(Article 9.)

PART I.—*Flags and Signal Lights to be used until the January 1st, 1934.*

If the ship is an infected or suspected ship or has one or more cases of typhus fever or smallpox on board, the undermentioned signal shall be shown from the time when the ship is within three miles of the coast or within the limits of a district until the ship is free from control under these regulations :—

(*a*) *by day*, during the whole of the time between sunrise and sunset, a large flag of yellow and black borne quarterly, where it can best be seen; and

(*b*) *by night*, during the whole of the time between sunset and sunrise, three lights arranged at a distance of not less than six feet apart, in the form of an equilateral triangle, at a height of not less than twenty feet above the hull or where it can best be seen, the top light being white and the other two lights red.

PART II.—*Flags and Signal Lights to be used on and after the January 1st*, 1934.

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Whichever of the undermentioned signals is appropriate shall be shown until the ship is free from control under these regulations :—

(*a*) *by day*, during the whole of the time between sunrise and sunset, when the ship is within three miles of the coast or is within the limits of a district—

(i) the Flag Signal Q ; meaning—" my ship is healthy and I request free pratique " ;

(ii) the Two Flag Signal QQ : meaning—" my ship is *suspect*, that is to say, I have had a case or cases of infectious disease more than five days ago, or there is an unusual mortality among rats on board " ; or

(iii) The Two Flag Signal QL : meaning—" my ship is *infected*, that is to say, I have had a case or cases of infectious disease less than five days ago."

The day signal shall be shown at the masthead or where it can best be seen.

(*b*) *by night*, during the whole of the time between sunset and sunrise, but only when the ship is within the limits of a district a signal comprising a red light over a white light, the lights being not more than six feet apart, and meaning—" I have not free pratique."

The night signal shall be shown at the peak or other conspicuous place where it can best be seen.

FOURTH SCHEDULE.

Measures to be carried out in respect of an infected or suspected ship or of a ship with a case of typhus fever or smallpox on board.

(Articles 2 (2) and 12.)

PART A.—PLAGUE.

I. Infected Ships.

1. The ship shall be inspected and all persons on board shall be medically examined.

2. The sick shall immediately be disembarked and isolated.

3. All persons who have been in contact with the sick and those whom the medical officer has reason to consider suspect shall be disembarked, if possible.

4. The medical officer, after taking into consideration the date of the last case, the condition of the ship, and all the circumstances may either—

(*a*) isolate any such person ; or

(*b*) place him under surveillance ; or

(*c*) first isolate him and then place him under surveillance :

Provided that no person shall be isolated or kept under surveillance for a period extending in the aggregate beyond six days after the date of arrival of the ship in the district.

5. During any period of isolation or surveillance the members of the crew may be prohibited from leaving the ship, except for the purposes of their duty, and after notification to the sanitary authority.

6. Bedding which has been used, soiled linen, wearing apparel and other articles which, in the opinion of the medical officer, are infected shall be cleansed of vermin and, if necessary, disinfected.

7. The parts of the ship which have been occupied by persons suffering from plague or which the medical officer considers to be infected shall be cleansed of vermin and, if necessary, disinfected.

8. The medical officer may require the ship to be deratised before any cargo is discharged if he considers it possible, having regard to the nature of the cargo and the way in which it is loaded, to effect the deratisation of the ship before the discharge of cargo. If the ship has not been deratised before the discharge of cargo, or if it has been so deratised and the medical officer considers a further deratisation necessary and the master agrees, the ship shall be deratised as soon as the holds are empty. If the ship is in ballast, it shall be deratised before any cargo is taken on board.

If the ship is to discharge part only of its cargo and the medical officer considers it impossible to carry out a complete deratisation, the ship may remain in the district for the time required to discharge such part of its cargo, provided that all precautions, including isolation, are taken, to the satisfaction of the medical officer, to prevent rats from passing from the ship to the shore, either during unloading or at any other time.

The discharge of cargo shall be carried out under the control of the medical officer, who shall take all measures necessary to prevent the spread of infection.

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II. Suspected Ships.

9. The provisions contained in paragraphs 1, 6, 7 and 8 of Part A of this Schedule (relating to plague infected ships) shall also apply to ships suspected of plague.

10. The members of the crew and the passengers may be kept under surveillance for a period not exceeding six days after the date of arrival of the ship.

11. The members of the crew may, for the like period, be prohibited from leaving the ship except for the purposes of their duty, and after notification to the sanitary authority.

PART B.—CHOLERA.

I. Infected Ships.

1. The ship shall be inspected and all persons on board shall be medically examined.

2. The sick shall immediately be disembarked and isolated.

3. The members of the crew and the passengers may be disembarked and either be isolated or be placed under surveillance for a period not exceeding five clear days after the date of arrival of the ship.

Persons satisfying the medical officer that they have been vaccinated for cholera within the preceding six months, excluding the last six days thereof, may be placed under surveillance, but they shall not be isolated.

4. Bedding which has been used, soiled linen, wearing apparel and other articles, including foodstuffs, which, in the opinion of the medical officer, have been recently contaminated, shall be disinfected.

5. The parts of the ship which have been occupied by persons infected with cholera or which the medical officer considers to be infected shall be disinfected.

6. Unloading shall be carried out under the supervision of the medical officer who shall take all measures necessary to prevent the spread of infection.

7. If the drinking water stored on board is suspected by the medical officer, he shall cause it to be emptied after it has been disinfected, and to be replaced, after disinfection of the tanks and filters, by a supply of wholesome drinking water.

8. The medical officer may prohibit the emptying of water ballast unless it is first disinfected, if it was taken on board at an infected port.

9. The medical officer may require human dejecta and the waste water of the ship to be disinfected before they are discharged from the ship.

II. Suspected Ships.

10. The provisions contained in paragraphs 1, 4, 5, 7, 8 and 9 of Part B of this Schedule (relating to cholera infected ships) shall also apply to ships suspected of cholera.

11. The members of the crew and the passengers may be kept under surveillance for a period not exceeding five clear days after the date of arrival of the ship.

PART C.—TYPHUS FEVER.

1. This Part of this Schedule applies to ships which, during the voyage or, if the voyage has lasted more than six weeks, within the last six weeks, have had, or at the time of their arrival have, a case of typhus fever on board.

2. The ship shall be inspected and all persons on board shall be medically examined.

3. The sick shall immediately be disembarked, isolated and deloused.

4. Any other person reasonably suspected to be harbouring lice, or to have been exposed to infection, shall also be deloused, and may be placed under surveillance for a period not exceeding twelve days from the date on which he was deloused.

5. Bedding which has been used, linen, wearing apparel and any other article which the medical officer considers to be infected shall be disinsected.

6. The parts of the ship which have been occupied by persons suffering from typhus fever or which the medical officer considers to be infected shall be disinsected.

PART D.—SMALLPOX.

1. This Part of this Schedule applies to ships which, during the voyage or, if the voyage has lasted more than six weeks, within the last six weeks, have had, or at the time of their arrival have, a case of smallpox on board.

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2. The ship shall be inspected and all persons on board shall be medically examined.

3. The sick shall immediately be disembarked and isolated.

4. Any other person reasonably suspected by the medical officer to have been exposed to infection on board shall be offered vaccination, unless, in the opinion of the medical officer, the person is sufficiently protected by recent vaccination, or by a previous attack of smallpox. Every such person shall be placed under surveillance for a period not exceeding fourteen days after the date of arrival of the ship.

5. Bedding which has been used, soiled linen, wearing apparel and any other article which the medical officer considers to have been recently infected shall be disinfected.

6. The parts of the ship which have been occupied by persons suffering from smallpox or which the medical officer considers to be infected shall be disinfected.

FIFTH SCHEDULE.

Port Sanitary Regulations, 1933. (Article 13.)

DECLARATION OF HEALTH.

(To be rendered by the Master of a foreign-going ship arriving in England or Wales from a foreign port.)

Name of Vessel From via

Nationality Net Registered Tonnage

HEALTH QUESTIONS.

	Answer. YES or NO.
1. Has there been on board during the voyage * any case or suspected case of Plague, Cholera, Yellow Fever, Typhus Fever or Smallpox ? (Give particulars in the Schedule)	
2. Has Plague occurred or been suspected amongst the rats or mice on board during the voyage * ?.....	
3. Are you aware of sickness or deaths amongst the rats or mice on board other than is attributable to poison or any other method employed for killing them ?	
4. Has any person died on board during the voyage * otherwise than as the result of accident ? (Give particulars in the Schedule.)	
5. Is there on board or has there been during the voyage * any case of illness which you suspect to be of an infectious nature ? (Give particulars in the Schedule.).....	

NOTE.—*In the absence of a Surgeon the Master should regard the following symptoms as grounds for suspecting the existence of infectious disease :—*

Fever accompanied by prostration or persisting for several days, or attended with glandular swellings ; or any acute skin rash or eruption with or without fever ; severe diarrhœa or diarrhœa with symptoms of collapse ; jaundice accompanied with fever.

6. Are you aware of any *other* condition on board which may lead to infection or to the spread of infectious disease ?.....

I hereby declare that the particulars and answers to the questions given in this Declaration of Health (including the Schedule) are true and correct to the best of my knowledge and belief.

Date ..... Signed .....
(Master).

Countersigned .....
(Ship's Surgeon).

* If more than six weeks have elapsed since the date on which the voyage began, it will suffice to give particulars for the last six weeks.

Schedule to the Declaration.

PART I.

PARTICULARS OF EVERY CASE OF ILLNESS OR DEATH REFERRED TO IN QUESTIONS 1, 4 AND 5.

Name.	Class or Rating.	Age.	Sex.	Race.	Port and date of Embarkation.	Nature of Illness.	Date Illness began.	1. Result of Illness.* 2. Disposal of Case. Remarks.

* 1. State whether :—recovered ; still ill ; died.
2. State whether :—still on board ; landed abroad (give name of Port) ; or buried at sea.

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PART II.

PARTICULARS OF VOYAGE, PASSENGERS, CREW AND CARGO.

First Port of Loading ..... Date of Departure. .....
Ports of Call :—
Outwards .....
.....
.....
Homewards .....
.....
.....
Next Port (if voyage not completed).....
Name of Owners or Agents .....
Nature of Cargo.....
.....
Number of persons on board :—

	British.	Alien.
(A) *Crew :*		
(*a*) White		
(*b*) Coloured		
Totals :		

	British.	Alien.
(B) *Passengers :*		
(*a*) 1st Saloon		
(*b*) 2nd Saloon		
(*c*) 3rd Saloon		
(*d*) Steerage		
Totals :		
(C) *Other persons on Board*		

Signed .....
Master.

Given under the Official Seal of the Minister of Health this fourth day of February, in the year nineteen hundred and thirty-three.

(L.S.)

W. A. Ross,
Assistant Secretary,
Ministry of Health.

NOTE.—By Section 1 (3) of the Public Health Act, 1896, any person who wilfully neglects or refuses to obey or carry out, or obstructs the execution of any regulation made under Section 130 of the Public Health Act, 1875, or under that Section as extended to London by the Public Health (London) Act, 1891, or as amended by the Public Health Act, 1896, is liable to a penalty not exceeding one hundred pounds, and in the case of a continuing offence to a further penalty not exceeding fifty pounds for every day during which the offence continues.

COMMONS.

THE COMMONS ACT, 1899.

INSTRUCTIONS OF THE MINISTRY OF AGRICULTURE AND FISHERIES WITH RESPECT TO SCHEMES FOR THE REGULATION AND MANAGEMENT OF COMMONS UNDER PART I. OF THE COMMONS ACT, 1899 (62 & 63 VICT. c. 30).

1. The council of an urban or rural district are empowered by the above Act to make a scheme for the regulation and management of any common, town or village green within their district, with a view to the expenditure of money on the drainage, levelling and improvement thereof, and to the making of byelaws and regulations for the prevention of nuisances and the preservation of order.

2. The scheme is to be in the form prescribed by the Regulations of the Minister made under the Act, and is to identify, by reference to a map, the common or green to be thereby regulated.

The map, in the preparation of which accuracy is essential, should be made on the latest available edition of the 1/2500 scale Ordnance Survey Sheets supplemented, where necessary, by dotted red lines to show such of the limits of the land to be regulated as are not defined by Ordnance Survey detail. The whole area proposed to be regulated should be tinted light green and its limits sharply defined by an edging of dark green. Great care should be taken to avoid the inclusion by the colour edging of ponds, drains, streams, paths, shaws or other features lying against the boundaries of the land but outside the area proposed to be regulated. Where a parish boundary forms part of the boundary of the land, the dark green edging should not go beyond the parish boundary characteristic shown thus: . . . on the Ordnance Survey Sheet. The following note should be conspicuously written on the map: "The green colour includes the whole of the lands, ponds, paths, and streams, forming parts of the common (or commons or town or village green), but is not intended to include any boundary ditches forming parts of adjoining properties."

3. Not less than three months before the making of a scheme the council are to give such notice of their intention to make it as is prescribed in the Minister's Regulations, and are to state thereby where copies of the draft of the scheme may be obtained, and where the map therein referred to may be inspected. They are also to send to the Ministry as soon as possible two copies of the draft-scheme and a copy of the deposited map.

4. During the three months any person may obtain a copy of the draft scheme on payment of a sum not exceeding sixpence, and may inspect the map at the prescribed place, and may make in writing to the Ministry any objection or suggestion with respect to the scheme or map.

5. At the expiration of the three months the council by their clerk or other responsible officer are to send to the Minister the deposited map, and a Statutory Declaration—

(a) that the notice (in the form prescribed in the Minister's Regulations) has been advertised as required in a newspaper or newspapers having a wide circulation in the neighbourhood;

(b) that it has been served and published in several ways indicated in the Regulations;

(c) that the draft-scheme with the map has been deposited for the prescribed period at the office of the council; and

(d) that the officer making the declaration is informed and believes that the person (whose name should be given) served with a notice as being entitled to the soil of the land, either as lord of the manor or otherwise, is the person so entitled.

6. The Minister will, upon receipt of the Declaration and map, take into consideration any objections or suggestions that have been made during the three months, and may, if he thinks fit, direct that an inquiry shall be held by an officer of the

Ministry, and for this purpose may require the deposit of a sum of money sufficient to cover the expenses likely to be incurred by the Ministry in connection with the inquiry.

7. After the consideration of such objections or suggestions and of the report of the officer holding the inquiry (if any), the Ministry will inform the council whether the scheme will require to be modified before it can be approved.

8. When the final form of the scheme is settled the council will be asked (unless a deposit of a sufficient sum has been previously made) to pay the statutory fee of £2 and any additional expenses (*e.g.* cost of maps). On receipt of the money the Ministry will prepare two copies of the map mounted on linen, and send them to the council, for sealing in due course, with two copies of the scheme, which the council will prepare on parchment or tough paper. Copies of the scheme and map when sealed by the council should be sent to the Ministry. One of the copies will be returned with the Ministry's seal affixed, and the other will be retained by the Ministry for purposes of record.

9. Two printed copies of the approved scheme as prepared for issue to the public should be sent as soon as possible to the Ministry, and also two copies of any byelaws made from time to time under the scheme. It should be noted that any such byelaws must be confirmed by the Minister of Health and not by the Minister of Agriculture and Fisheries.

10. The Act contains a proviso that if, at any time before the Ministry has approved of the scheme, a written notice of dissent is received either—

(a) from the person entitled, as lord of the manor or otherwise, to the soil of the common; or

(b) from persons representing at least one-third in value of such interests in the common as are affected by scheme,

and such notice is not subsequently withdrawn, the Ministry is not to proceed further in the matter.

11. The management of any common regulated by scheme made by a district council is to be vested in the district council.

12. A *rural* district council may delegate to a parish council any powers of management thus conferred on the district council in relation to any commons within the parish, and thereupon the Public Health Acts will apply as if the parish council were a parochial committee (see Public Health Act, 1875, s. 202).

13. A parish council may agree to contribute the whole or any portion of the expenses of and incidental to the preparation and execution of a scheme for the regulation and management of any common within their parish (including any compensation paid under the Act) but subject to the restrictions on expenditure imposed by section eleven of the Local Government Act, 1894.

14. The Act provides that no estate, interest, or right of a profitable or beneficial nature in, over, or affecting any common shall, except with the consent of the person entitled thereto, be taken away or injuriously affected by any such scheme without compensation being made or provided for the same by the council making the scheme, and such compensation is, in case of difference, to be ascertained and provided in the same manner as if it were for the compulsory purchase and taking, or the injurious affecting of lands under the Lands Clauses Acts.

15. A district council may acquire, by gift or by purchase by agreement, the fee simple or any estate in or any rights in or over any common regulated by a scheme under the Act, and hold the same without licence in mortmain for the purposes of the scheme, and the expenses thus incurred by the district council will be part of their expenses of executing the scheme.

16. When a common is regulated by a scheme under the Act, the restrictions imposed by section twenty of the Commons Act, 1876, on the digging of gravel for the repair of the highways, will apply, so that no road authority will be able to take material for roads from any part of the common without the consent of the district council, or in default of such consent without an order of the justices in petty sessions.

17. The power to make a scheme includes power to amend or supplement a scheme.

18. The provisions with respect to byelaws contained in sections one hundred and eighty-two to one hundred and eighty-six, both inclusive of the Public Health Act, 1875, and any enactment extending those sections, will apply to all byelaws made in pursuance of a scheme under the Act, and any fine imposed by any such byelaw will be recoverable summarily and be payable to the council in whom the management of the common is vested.

19. All expenses incurred by the Ministry in relation to a scheme and all expenses of and incidental to the preparation and execution of the scheme (including any compensation paid under the Act), are to be paid by the district council, and are to be treated as part of the expenses of the district council in the execution of the powers conferred by the Public Health Acts.

20. A district council may for the purposes of the Act borrow money in like manner and subject to the like conditions as they may borrow for defraying expenses incurred in the execution of the Public Health Acts, and those Acts will apply accordingly.

21. The council of any urban district may, with a view to the benefit of the inhabitants of their district, and subject to the approval of the Minister of Health, enter into an undertaking with any other council making or having made a scheme to contribute any portion of the expenses incurred by that council in executing the scheme.

22. The above provisions of the Act apply to the council of a county borough in like manner as if that council were the council of an urban district.

23. No scheme under the Act can apply to any common which is or might be the subject of a scheme made under the Metropolitan Commons Acts, 1866 to 1898, or is regulated by a provisional order under the Inclosure Acts, 1845 to 1882, or has been acquired, or managed as an open space, under the powers of the Corporation of London (Open Spaces) Act, 1878, or any Act therein referred to, or is the subject of any private or local and personal Act of Parliament having for its object the preservation of the common as an open space, or is subject to byelaws made by a parish council under section eight of the Local Government Act, 1894.

24. The expression "common" as used in Part I. of the Act includes any town or village green, as well as any land subject to be inclosed under the Inclosure Acts, 1845 to 1882, that is, practically, any commonable land whether waste of a manor or not.

CHARLES J. H. THOMAS, *Secretary*.

MINISTRY OF AGRICULTURE AND FISHERIES,
WHITEHALL PLACE, LONDON, S.W.1.
24th April, 1928.

S. R. & O., 1935, No. 840.

THE COMMONS REGULATIONS, 1935. DATED AUGUST 10TH, 1935.

1. A Scheme made by a Council under the Commons Act, 1899, shall be in the form set forth in the Schedule to these Regulations, subject to such modifications, if any, as shall appear to the Council to be necessary or expedient and as shall be approved by the Minister of Agriculture and Fisheries (hereinafter referred to as "the Minister").

For the Commons Act, 1899, see 2 Halsbury's Statutes 607.

2. Notice of the intention of a Council to make a Scheme under the said Act shall be given by the Council in manner following:—

(*a*) By inserting an advertisement in the form set forth in the Schedule to these Regulations or to the like effect in at least one newspaper having a wide circulation in the neighbourhood of the common affected by the Scheme—the advertisement to be twice inserted with an interval of not less than one week between the insertions.

(*b*) By posting copies of the notice at two or more places on the common.

(*c*) By service of a copy of the notice upon the Council of every parish in which any part of the common is situate; and

(*d*) By registered letter sent to every person entitled as lord of the manor or otherwise to the soil of the common, and addressed to his usual or last known place of abode; provided that where the persons so entitled are numerous or cannot after diligent inquiry be ascertained the Minister may dispense with such notice.

Whenever His Majesty is so entitled, the notice shall be sent to the Commissioners of Crown Lands, unless His Majesty is so entitled in right of the Duchy of Lancaster, in which case it shall be sent to the Chancellor of the Duchy of Lancaster.

Whenever the Duke of Cornwall is so entitled, the notice shall be sent to the Lord Warden of the Stannaries.

3. Copies of the draft Scheme shall be placed on sale at the office of the Council making the Scheme at a price not exceeding sixpence per copy.

4. The plan referred to in a draft Scheme shall be deposited at the Office of the Council making the Scheme, and shall be available for inspection by any person interested in the Scheme at all reasonable times.

5. These Regulations shall come into operation on the nineteenth day of August, one thousand nine hundred and thirty-five, and may be cited as the Commons Regulations, 1935.

6. The Commons Regulations, 1924, are hereby revoked except as to any proceedings taken under them.

The revoked order is S. R. & O., 1924, No. 1157.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this tenth day of August, in the year one thousand nine hundred and thirty-five.

(L.S.) *Charles J. H. Thomas,*
Secretary.

SCHEDULE.

FORM I.

FORM OF SCHEME.

1. The piece of land with the ponds, streams, paths, and roads thereon, commonly known as Common, situate in the parish of in the County of and hereinafter referred to as "the common", as the same is delineated in a plan sealed by, and deposited at the office of the District Council of , hereinafter called "the Council" and thereon coloured green, being a "Common" within the meaning of the Commons Act, 1899, shall henceforth be regulated by this scheme, and the management thereof shall be vested in the Council.

2. The powers of the Council generally as to appointing or employing officers and servants and paying them under the general Acts applicable to the Council shall apply to all such persons as in the judgment of the Council may be necessary and proper for the preservation of order on and the enforcement of byelaws with respect to the common and otherwise for the purposes of this Scheme, and the Council may make rules for regulating the duties and conduct of the several officers and servants so appointed and employed and may alter such rules as occasion may require.

3. The Council may execute any necessary works of drainage, raising, levelling or other works for the protection and improvement of the common, and may, for the prevention of accidents, fence any quarry, pit, pond, stream or other like place on the common, and shall preserve the turf, shrubs, trees, plants and grass thereon, and for this purpose may, for short periods, enclose by fences such portions as may require rest to revive the same, and may plant trees and shrubs for shelter or ornament, and may place seats upon and light the common, and otherwise improve the common as a place for exercise and recreation. Save as hereinafter provided, the Council shall do nothing that may otherwise vary or

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alter the natural features or aspects of the common or interfere with free access to any part thereof, and shall not erect upon the common any shelter, pavilion, drinking fountain, convenience or other building without the consent of the person or persons entitled to the soil of the common and of the Minister of Agriculture and Fisheries (in this Scheme referred to as " the Minister "). The Minister, in giving or withholding his consent, shall have regard to the same considerations and shall, if necessary, hold the same enquiries as are directed by the Commons Act, 1876 (*a*), to be taken into consideration and held by the Minister before forming an opinion whether an application under the Inclosure Acts, 1845 to 1882 (*a*), shall be acceded to or not.

4. The Council shall maintain the common free from all encroachments, and shall not permit any trespass on or partial or other enclosure of any part thereof.

5. The inhabitants of the district and neighbourhood shall have a right of free access to every part of the common and a privilege of playing games and of enjoying other species of recreation thereon, subject to any bye-laws made by the Council under this Scheme.

6. The (*here insert description of any particular trees or objects of historical, scientific or antiquarian interest*) are, so far as possible, to be preserved by the Council.

7. The Council shall have power to repair and maintain the existing paths and roads on the common, other than highways reparable by the inhabitants at large, and to set out, construct, and maintain or authorise the construction and maintenance of such new paths and roads on the common as appear to the Council to be necessary or expedient, and to take any proceedings necessary for the stopping or diversion of any highway over the common.

8. The Council may set apart for games any portion or portions of the common as they may consider expedient, and may form grounds thereon for cricket, football, tennis, bowls and other similar games, and may allow such grounds to be temporarily enclosed with any open fence, so as to prevent cattle and horses from straying thereon; but such grounds shall not be so numerous or extensive as to affect prejudicially the enjoyment of the common as an open space or the lawful exercise of any right of common, and shall not be so near to any dwelling-house or road as to create a nuisance or be an annoyance to the inhabitants of the house or to persons using the road.

9. The Council may, with the consent of the person or persons entitled to the soil of the common and of the Minister, temporarily set apart and fence such portion or portions of the common as they may consider expedient for the parking of motor and other vehicles, and may make such charges for the use of such part as they may deem necessary and reasonable: provided that any area so set apart shall not be so near to any dwelling-house as to create a nuisance or be an annoyance to the inhabitants of the house. The Minister, in giving or withholding his consent, shall have regard to the same considerations and shall, if necessary, hold the same enquiries as are directed by the Commons Act, 1876, to be taken into consideration and held by the Minister before forming an opinion whether an application under the Inclosure Acts, 1845 to 1882, shall be acceded to or not.

10. The Council may, for the prevention of nuisances and the preservation of order on the common, and subject to the provisions of Section 10 of the Commons Act, 1899, make, revoke and alter byelaws for any of the following purposes, viz.:—

(*a*) For prohibiting the placing or depositing and leaving on the common without lawful authority of road-sand, materials for repair of roads, wood, glass, china, earthenware, tin, carton, paper or other refuse or litter, so as to affect or tend to affect injuriously the public amenities of the common.

(*b*) For prohibiting any person without lawful authority from digging, cutting or taking turf, sods, gravel, sand, clay, or other substance on or from the common, and from cutting, felling, or injuring any gorse, heather, timber, or other tree, shrub brushwood or other plant growing on the common.

(*c*) For regulating the place and mode of digging and taking turf, sods, gravel, sand, clay, or other substance, and cutting, felling and taking trees or underwood on or from the common in exercise of any right of common or other right over the common.

(*d*) For prohibiting the injury, defacement, or removal of seats, shelters, pavilions, drinking fountains, fences, notice-boards, or any works erected or maintained by the Council on the common.

(*e*) For prohibiting or regulating the posting or painting of bills, placards, advertisements, or notices on trees or fences, erections or notice-boards on the common.

(*a*) For the Commons Act, 1876, see 2 Halsbury's Statutes 579. For the Inclosure Acts, 1845 to 1882, see 2 Halsbury's Statutes 443 *et seq.*

(*f*) For prohibiting any person without lawful authority from bird catching, setting traps or nets, or laying snares for birds or other animals, taking birds' eggs or nests, and shooting or chasing game or other animals on the common.

(*g*) For prohibiting the drawing, driving or placing upon the common or any part thereof without lawful authority of any carriage, cart, caravan, truck, motor cycle or other vehicle or any aircraft (except in the case of accident or other sufficient cause); or camping or the lighting of any fire thereon.

(*h*) For prohibiting or, in the case of a fair lawfully held, for regulating the placing on the common of any show, exhibition, swing, roundabout or other like thing.

(*i*) For prohibiting or regulating the firing or discharge of firearms or the throwing or discharge of missiles on the common.

(*j*) For regulating games to be played and other means of recreation to be exercised on the common, and assemblages of persons thereon.

(*k*) For regulating the use of any portion of the common temporarily enclosed or set apart under this Scheme for any purpose.

(*l*) For prohibiting or regulating the driving, exercising, or breaking in of horses without lawful authority on any part of the common.

(*m*) For prohibiting any person without lawful authority from turning out or permitting to remain on the common any cattle, sheep or other animals.

(*n*) For prohibiting any person from bathing in any pond or stream on the common save in accordance with the byelaws.

(*o*) Generally, for prohibiting or regulating any act or thing tending to injury or disfigurement of the common, or to interference with the use thereof by the public for the purposes of exercise and recreation.

(*p*) For authorising any officer of the Council, after due warning, to remove from the common any vehicle or animal drawn, driven or placed, or any structure erected or placed thereon in contravention of this Scheme or of any byelaw made under this Scheme, or to exclude from the common any person who within his view commits, or whom he reasonably suspects of committing, an offence against any such byelaw or against the Vagrancy Act, 1824 (*a*).

(*q*) For prohibiting the hindrance or obstruction of an officer of the Council in the exercise of his powers or duties under this Scheme or under any byelaw made thereunder.

11. All byelaws made under this Scheme shall be published on notice boards placed on such parts of the common (not less than) as to the Council may appear desirable.

12. Nothing in this Scheme or any byelaw made thereunder shall prejudice or affect any right of the person entitled as lord of the manor or otherwise to the soil of the common, or of any person claiming under him, which is lawfully exercisable in, over, under, or on the soil or surface of the common in connection with game, or with mines, minerals, or other substrata or otherwise, or prejudice or affect any right of the commoners in or over the common, or the lawful use of any highway or thoroughfare on the common, or affect any power or obligation to repair any such highway or thoroughfare.

13. Printed copies of this Scheme shall at all times be sold at the office of the Council to all persons desiring to buy the same at a price of each (*b*).

FORM II.

FORM OF NOTICE.

Commons Act, 1899.

Notice is hereby given that the Council intend to make a Scheme under the above Act for the regulation and management of COMMON in their District with a view to the expenditure of money on the drainage, levelling and improvement of the Common, and to the making of byelaws for the prevention of nuisances and the preservation of order thereon.

Copies of the draft of the Scheme may be obtained (price per copy) and the plan therein referred to may be inspected at the offices of the Council.

Any objection or suggestion with respect to the Scheme or plan may be sent, post free, to the Secretary, Ministry of Agriculture and Fisheries, 7, Old Bailey, London, E.C.4, within three months from the date of this notice.

Clerk of the above Council.

(Date.)

(*a*) See 12 Halsbury's Statutes 913.

(*b*) The price should be not more than 6d.

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COMPENSATION.

See OFFICERS, *post*.

CONFERENCES.

CIRCULAR 1424.

LOCAL GOVERNMENT ACT, 1933: CONFERENCES.

MINISTRY OF HEALTH, WHITEHALL, S.W.1,
July 10th, 1934.

SIR,—I am directed by the Minister of Health to enclose a copy of an Order which he has made under section 267 of the Local Government Act, 1933.

For L. G. A., 1933, s. 267, see *ante*, p. 1147.

A copy of the section is printed at the end of this circular. It is important to notice that the section and the Order apply only to conferences or meetings convened by one or more Local Authorities or by an Association of Local Authorities, as distinct from conferences which are not so convened. There are conferences on subjects in which Local Authorities are interested which are called by other bodies, especially these of a professional or technical character.

Where a Local Authority wishes to send members to a conference not expressly authorised by statute, and to charge the expenses in accounts which are subject to district audit, the position will be the same as before the commencement of the Local Government Act, 1933. That is to say, it will be necessary to obtain the Minister's sanction under the proviso in subsection (1) of section 228 of the Act of 1933, which has taken the place of the Local Authorities (Expenses) Act, 1887.

I am, Sir, etc.

S. R. & O., 1934, No. 690.

THE LOCAL GOVERNMENT (CONFERENCES) REGULATIONS, 1934, DATED JULY 5TH, 1934, MADE BY THE MINISTER OF HEALTH UNDER SECTION 267 OF THE LOCAL GOVERNMENT ACT, 1933 (23 & 24 GEO. 5, c. 51).

The Minister of Health in pursuance of the powers conferred on him by section 267 of the Local Government Act, 1933 hereby makes the following regulations.

For L. G. A., 1933, s. 267, see *ante*, p. 1147.

1. These regulations may be cited as the Local Government (Conferences) Regulations, 1934, and shall come into operation on the date hereof.

2. The power conferred by section 267 of the Local Government Act, 1933 on local authorities other than parish councils to pay any reasonable expenses incurred by members or officers of the authority or of any committee thereof in attending a conference or meeting convened by one or more local authorities or by any association of local authorities shall extend to the following conferences or meetings:—

(i) the annual conferences of the Association of Municipal Corporations, the Urban District Councils' Association, and the Rural District Councils' Association, the periodical meeting of the Public Assistance Conference, and any meeting of the council or any committee of any of the said Associations or the Public Assistance Conference; and

(ii) any other conference or meeting convened as aforesaid to discuss any matter connected with the discharge of their functions.

3. The said power shall be exercised subject to the following conditions :—

(i) the expenses of a member or officer shall not be paid by the local authority unless his attendance at such meeting or conference is authorised by them;

(ii) the local authority shall not pay the expenses of more than three members in respect of their attendance at a conference or meeting referred to in Article 2 (1) of these regulations ; and

(iii) the local authority shall not pay the expenses of more than two members in respect of their attendance at a conference or meeting referred to in Article 2 (ii) of these regulations.

4. A local authority other than a parish council may in any case in which they consider it desirable to do so incur any reasonable expense in purchasing reports of the proceedings of any conference or meeting the expenses of attending which may be defrayed under these regulations.

Given under the official seal of the Minister of Health this fifth day of July nineteen hundred and thirty-four.

(L.S.) *E. H. Rhodes,*

Assistant Secretary,
Ministry of Health.

CONTRACTS.

NOTE.—See also the Trade Disputes and Trade Unions Act, 1927, printed in a later volume.

FAIR WAGES CLAUSES IN CONTRACTS—CIRCULAR.

LOCAL GOVERNMENT BOARD, WHITEHALL, S.W.,

September 2nd, 1911.

SIR,—I am directed by the Local Government Board to draw the attention of the local authority to the accompanying memorandum embodying the resolution passed by the House of Commons on the 10th March, 1909, on the subject of fair wages clauses in Government contracts, and the recommendations made by the advisory committee of representatives of Government departments which has been established as suggested in paragraph 124 of the Report of the Fair Wages Committee of 1908 (Cd. 4422).

It will be seen that the advisory committee recommend that clauses such as those inserted in Government contracts should also be introduced into contracts which are not entered into by Government departments but which involve the expenditure of public money or other consideration granted by a Government department or which require the approval of the department.

It appears to the Board that the policy adopted in the case of Government contracts should be followed in the cases of all contracts for the execution of works or the supply of materials which are entered into by local authorities or by or on behalf of any committee wholly or in part appointed by a local authority. Whilst they are aware that many local authorities specify in their contracts conditions to be observed by the contractor as to rates of wages and other matters affecting persons employed by him, the Board think that in every case the authority should give the matter careful consideration with the view to the introduction in the contracts of clauses on the lines of those inserted in Government contracts.

I am, Sir, your obedient servant,

H. C. MONRO, *Secretary.*

To the Clerk to the Local Authority.

CONTRACTS

FAIR WAGES CLAUSES IN GOVERNMENT CONTRACTS.

The following clauses recommended by the Fair Wages Advisory Committee for general use in Government contracts, with a view to carrying out the objects of the fair wages resolutions of the House of Commons, have been generally adopted by the contracting departments:—

FOR INCLUSION IN ALL CONTRACTS.

1.—*Fair Wages Clause.*

The contractor shall in the execution of his contract observe and fulfil the obligations upon contractors specified in the resolution passed by the House of Commons on the 10th March, 1909, namely: "The contractor shall . . . pay rates of wages and observe hours of labour not less favourable than those commonly recognised by employers and trade societies (or, in the absence of such recognised wages and hours, those which in practice prevail amongst good employers) in the trade in the district where the work is carried out. Where there are no such wages and hours recognised or prevailing in the district, those recognised or prevailing in the nearest district in which the general industrial circumstances are similar shall be adopted. Further, the conditions of employment generally accepted in the district in the trade concerned shall be taken into account in considering how far the terms of the fair wages clauses are being observed. The contractor shall be prohibited from transferring or assigning, directly or indirectly, to any person or persons whatever, any portion of his contract without the written permission of the department. Sub-letting, other than that which may be customary in the trade concerned, shall be prohibited. The contractor shall be responsible for the observance of the fair wages clauses by the sub-contractor."

2.—*Exhibition of Notice at Works.*

The contractor shall cause the preceding condition to be prominently exhibited for the information of his workpeople, on the premises where work is being executed under the contract.

3.—*Inspection of Wages Books, &c.*

The contractor shall keep proper wages books and time sheets, showing the wages paid and [so far as practicable] the time worked by the workpeople in his employ in and about the execution of the contract, and such wages books and time sheets shall be produced whenever required for the inspection of any officer authorised by the department (*a*).

(*a*) Specify the department.

FOR INCLUSION IN CONTRACTS IN CERTAIN TRADES.

4.—*Factory Clause.*

All work executed under the contract shall be carried out at the contractor's own factory or workshop at , or other place approved by the department (*a*), and no work under the contract shall be done in the homes of the workpeople.

5.—*Direct Payment of Wages.*

All wages earned by workers engaged on work under the contract shall be paid directly to them and not through a foreman or others supervising or taking part in the operations on which the workers are engaged.

SEMI-GOVERNMENT CONTRACTS.

The Fair Wages Advisory Committee have recommended, that in the case of contracts which are not entered into by a Government department but which involve the expenditure of public money or other consideration granted by the department, or which have to be approved by a Government department, the department concerned should adopt the principle already followed in some instances and should require the insertion in such contracts of fair wages clauses on the lines of those inserted in Government contracts, with such modifications as may be necessary in particular cases.

March, 1911.

CON-
TRACTS

TRADE BOARDS ACT, 1909, CONTRACTS OF LOCAL AUTHORITIES CIRCULAR.

LOCAL GOVERNMENT BOARD, WHITEHALL, S.W.,
July 29th, 1910.

I am directed by the Local Government Board to state that they have been desired by the Board of Trade to draw the attention of local authorities to certain provisions in the Trade Boards Act, 1909, which are of importance in their bearing upon the contracts of local authorities.

For the Trade Boards Act, 1909, see 19 Halsbury's Statutes 692.

The trades to which the Act at present applies (*a*) are set out in the schedule to the Act and comprise:—

1. Ready-made and wholesale bespoke tailoring and any other branch of tailoring in which the Board of Trade consider that the system of manufacture is generally similar to that prevailing in the wholesale trade.
2. The making of boxes or parts thereof made wholly or partially of paper, cardboard, chip, or similar material.
3. Machine-made lace and net finishing and mending or darning operations of lace curtain finishing.
4. Hammered and dollied or tommied chain-making.

But the Board of Trade may, by Provisional Order to be confirmed by Parliament, extend the provisions of the Act to any other trade if the rate of wages prevailing in any branch of the trade is exceptionally low as compared with that in other employments, and the circumstances of the trade are such as to render the application of the Act expedient.

The Act provides for the establishment of Trade Boards, the chief business of which will be to fix minimum rates of wages for their trades. The Board of Trade may make an Order making a rate obligatory in cases to which it is applicable on all persons employing labour and on all persons employed. Until the issue of such an obligatory Order the minimum rate fixed by a Trade Board has only the limited operation indicated in section 7 of the Act (*b*). The provisions of this section are those to which it is particularly desired to draw the attention of the local authority.

The effect of the section, so far as the local authority are concerned, is that, pending the coming into full operation of any minimum rate of wages fixed by the Trade Board, the local authority are precluded from entering into contracts with any employer in the particular trade and area to which the rate is applicable, who has not given the specified notice to the Trade Board that he is willing that the minimum rate should be obligatory upon him.

Great importance is attached to the observance by local authorities of the statutory obligation thus imposed upon them, and it is requested that before entering into a contract the local authority will ascertain whether it involves employment to which a minimum rate of wages is applicable in pursuance of the section quoted, and, if so, whether the person to whom the contract is proposed to be given is an employer by whom notice under the section has been given to the Trade Board.

No minimum rates of wages have yet been fixed under the Act, and some of the Trade Boards are only now on the point of being constituted. Notice of certain rates which they propose to fix, has, however, been given by the Trade Board for the hammered and dollied or tommied chain trade.

(*a*) By Trade Boards Provisional Orders Confirmation Act, 1913 (3 and 4 Geo. 5, c. clxii), the list has been extended to hollow-ware (*ibid.* Sch. III), linen and cotton embroidery (Sch. IV), shirt making (Sched. II), and sugar confectionery and fruit preserving (Sch. I.).

(*b*) This section is now repealed, but rates made thereunder still have the limited operation provided by s. 4 (5) of the Trades Boards Act, 1918 (19 Halsbury's Statutes 711).

CONTRACTS

When rates have been fixed by any Trade Board information as to the registration of employers under section 7 of the Act will be obtainable on application to the secretary of the Trade Board in question at the office of Trade Boards, Trafalgar Buildings, Northumberland Avenue, London, S.W.

I am, etc.

CIRCULAR 400.

CIRCULAR TO LOCAL AUTHORITIES.

MINISTRY OF HEALTH,

May 15th, 1923.

CONTRACTS.

SIR,—I am directed by the Minister of Health to inform you that the Government have decided that, as regards all works in respect of which grants are given expressly because of unemployment by the Unemployment Grants Committee or by any Government Department, it shall be a condition of the grant that all contracts for or incidental to the works are to be placed in this country.

This follows a similar condition with regard to schemes in respect of which guarantees are given under the Trade Facilities Act.

The Government also urge that, in view of present conditions, the same principle should be adopted, in the absence of special circumstances, in the case of all contracts in respect of works carried out by Local Authorities, whether or not the expenditure on the works is assisted by grants from the National Exchequer or from the Road Fund.

I am, etc.

CIRCULAR 569.

CIRCULAR OF MINISTRY OF HEALTH, DATED MARCH 24TH, 1925, AND ADDRESSED TO ALL LOCAL AUTHORITIES.

CONTRACTS.

SIR,—I am directed by the Minister of Health to inform you that at the Imperial Economic Conference in 1923 the following resolution was passed:—

"(1) That this Imperial Economic Conference reaffirms the principle that in all Government contracts effective preference be given to goods made and materials produced within the Empire, except where undertakings entered into prior to this Conference preclude such a course or special circumstances render it undesirable or unnecessary.

"(2) That, so far as practicable, efforts be made to ensure that the materials used in carrying out contracts be of Empire production.

"(3) That State, provincial and local government authorities should be encouraged to take note of the foregoing resolutions."

The Government will be glad if the matter is considered by your authority with a view to giving effect to this resolution, subject to the condition that, in view of the present special circumstances with regard to unemployment, no alteration should be made in the policy laid down in Circular 400 of the May 15th, 1923, with regard to the placing of contracts in this country.

I am, etc.

CIRCULAR 686.

TO LOCAL AUTHORITIES.

MINISTRY OF HEALTH,
March 31st, 1926.

KING'S ROLL.

SIR,—I am directed by the Minister of Health to refer to Circular 473 of 19th January, 1924, which invited local authorities to take steps to give effect to the recommendation of the King's Roll National Council by giving a preference in all their contracts to firms who are on the King's Roll.

The Minister directs the attention of your authority to the following resolution passed by both Houses of Parliament on the February 16th, 1926:—

"That, in the opinion of this House, it is the duty of the Government in all Government contracts to make provision for the employment to the fullest possible extent of disabled ex-service men, and to this end to confine such contracts, save in exceptional circumstances, to employers enrolled on the King's National Roll."

A large number of local authorities already adopt the practice of either restricting their contracts to firms on the Roll or giving preference to such firms. If your authority have not done so, the Minister will be glad if they will give the matter their consideration with a view to the adoption of this course.

The Minister takes this opportunity of again drawing attention to Circulars 400 of May 15th, 1923, and 569 of March 24th, 1925, with regard to contracts, and of emphasising the help that may be given to British trade if local authorities will not only place their contracts with British firms, but also make sure that so far as is reasonably practicable British materials and components only are used in the goods purchased.

I am, etc.

CIRCULAR 1388.

LOCAL GOVERNMENT ACT, 1933: SECTION 266. STANDING ORDERS: CONTRACTS.

MINISTRY OF HEALTH, WHITEHALL, S.W.1,
March 28th, 1934.

SIR,—I am directed by the Minister of Health to invite the Council's attention to section 266 of the Local Government Act, 1933, under which all contracts made by the Council on or after June 1st next must be made in accordance with the Council's standing orders. This will mean that the Council, if they have not already done so, will be obliged to adopt standing orders with respect to contracts not later than the end of May.

Draft standing orders, drawn up for the assistance of Local Authorities, are enclosed. Notes upon some of the clauses and a copy of section 266 of the Act of 1933 (*a*) are printed as an appendix to this circular. The basis of the draft is section 174 of the Public Health Act, 1875, which will be repealed when the Act of 1933 comes into force. That section, it will be remembered, governed all contracts made by Town Councils and Urban District Councils for purposes of the Public Health Acts and some other Acts to which the section had been applied, but did not govern other contracts of those Authorities or the contracts of County Councils, Rural District Councils, and Parish Councils. All these different classes of Local Authorities (except the London County Council) are within the scope of section 266 of the Local Government Act, 1933.

(*a*) For L. G. A., 1933, s. 266, see *ante*, p. 1123.

CONTRACTS

The practice of Local Authorities must necessarily vary to some extent, according to the number and size of their transactions and according as they delegate the power of making contracts to Committees, but the draft model standing orders have been prepared for the use of all Local Authorities. Possibly some Local Authorities, who have many and complicated contractual transactions, will find more elaborate standing orders necessary. It is recommended that departures from the model should not be made except for some good cause in the circumstances of the particular Local Authority. There is manifest advantage to Local Authorities themselves if firms and persons having contracts with them can rely upon finding the standing orders—which have gathered a new importance by the enactment of section 266 of the Local Government Act, 1933—to be uniform in different districts.

I am, Sir, etc.

NOTES.

Clause 1. The section provides that contracts must be in accordance with the standing orders, but cases will arise where strict compliance with a rigid standing order is impossible or undesirable. In order to secure compliance with the section the standing orders themselves should therefore provide for exceptions.

The passages in sub-clause (1) are alternatives, the last two of which assume the existence of a standing Committee of the Council within whose purview come all the functions of the Council. This may be the General Purposes Committee where that is a definite Committee (not the Council as a whole sitting in private) or, where there is no other appropriate Committee, the Finance Committee. If the Council have no such Committee, or having such a Committee do not desire to delegate this function or to call for a report from that Committee before exercising the function, they will prefer one of the earlier alternatives—or, if the Council be a Parish Council, the simplified form in the footnote may suffice.

Clause 2. This reproduces the existing law with slight modification. In section 174 of the Public Health Act, 1875, the officer named is the surveyor. Nowadays it may be desirable that a consulting engineer, for example, shall make this report.

Clause 3. This reproduces the existing law, and adds a provision for wider publicity where the contract exceeds, say, £1,000: it is suggested that the figure inserted should not be greater. Those Local Authorities who rarely enter into contracts of £1,000 or over, such as Parish Councils, may usefully insert a smaller figure. A shorter period than the ten days, shown in brackets, should not be inserted. With a suitable figure in the first line, this clause will permit routine purchases and also, when opportunity offers, special purchases for cash without recourse to an "exception" in pursuance of clause 1. Section 174 of the Public Health Act, 1875, does not indicate how the "public notice" is to be given, but under section 266 of the Local Government Act, 1933, the standing orders must contain provisions covering the point. Notice in a local newspaper is important for apprising the public of what is intended, but may not reach the firms best qualified to tender.

Clause 6. The amount of £50 is that in section 174 of the Public Health Act, 1875. Local Authorities having numerous transactions may wish to insert a higher figure (see also the note on clause 3 about purchases for cash), but it is suggested that a higher figure than £100 be not inserted.

Clause 7 (2). The existing law requires security for every contract exceeding £100 in value or amount and a pecuniary penalty where the contract is over £50 in value or amount.

Clause 8. This follows the suggestion in the circular letters issued from the Ministry in 1925 and 1929.

Clause 9. The principle here was suggested to Local Authorities in the circular letter issued from the Ministry in January, 1931. The clause has been drawn up so as to impose compliance with the British standard specification in all cases where an appropriate specification exists. The effect in conjunction with clause 1 will be that if a Committee making contracts desires to depart from the British standard specification in any instance, or to authorise a contractor to do so, it must obtain the approval of the Council (or of the appropriate committee, according to the Council's arrangements).

CONTRACTS

Clause 10. This follows, with necessary adaptation, the usual clause in Government contracts.

Clause 11. Some Local Authorities have their own form of "fair wages clause," but the form inserted in the model standing orders follows the fair wages resolution of the House of Commons.

STANDING ORDERS WITH RESPECT TO CONTRACTS.

See the Model Standing Orders with notes thereto at pp. 1128 *et seq.*, *ante*.

CREMATION.

S. R. & O., 1930, No. 1016.

REGULATIONS, DATED OCTOBER 28TH, 1930, MADE BY THE SECRETARY OF STATE FOR THE HOME DEPARTMENT, UNDER SECTION 7 OF THE CREMATION ACT, 1902 (2 EDW. 7, C. 8), AND SECTION 10 OF THE BIRTHS AND DEATHS REGISTRATION ACT, 1926 (16 & 17 GEO. 5, C. 48).*

In pursuance of Section 7 of the Cremation Act, 1902, and Section 10 of the Births and Deaths Registration Act, 1926, I hereby make the following Regulations:—

Definitions.

"Cremation Authority" means any burial authority or any company or person by whom a crematorium has been established.

"Medical Referee" means a medical referee or a deputy medical referee appointed in pursuance of Regulation 10.

"The Act of 1926" means the Births and Deaths Registration Act, 1926.

For the Act of 1926, see 15 Halsbury's Statutes 768.

Maintenance and Inspection of Crematoria.

1. Every crematorium shall be—

(*a*) maintained in good working order;

(*b*) provided with a sufficient number of attendants; and

(*c*) kept constantly in a cleanly and orderly condition:

Provided that a crematorium may be closed by order of the Cremation Authority if not less than one month's notice be given by advertisement in two newspapers circulating in the locality and by written notice fixed at the entrance to the crematorium.

The Cremation Authority shall give notice in writing to the Secretary of State of the opening or closing of any crematorium.

2. Every crematorium shall be open to inspection at any reasonable time by any person appointed for that purpose by the Secretary of State or by the Minister of Health.

Conditions under which Cremations may take place.

3. No cremations of human remains shall take place except in a crematorium of the opening of which notice has been given to the Secretary of State.

4. It shall not be lawful to cremate the remains of any person who is known to have left a written direction to the contrary.

5. It shall not be lawful to cremate human remains which have not been identified.

* These Regulations having been laid before both Houses of Parliament for 40 days came into force on the 9th December, 1930.

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6. Except where an inquest has been held or a post-mortem examination has been made in pursuance of Section 21 (1) of the Coroners (Amendment) Act, 1926, and a certificate given by a Coroner in Form "E" (see Regulation 8), no cremation shall be allowed until the death of the deceased has been duly registered or a certificate has been given in pursuance of Section 2 (2) of the Act of 1926 that the death of the deceased is not required by law to be registered in England.

The production of a duplicate which has been duly issued in pursuance of Section 2 (4) of the Act of 1926 may be accepted in lieu of the production of the original certificate in subsection (1) or subsection (2).

For s. 21 (1) of the Coroners' (Amendment) Act, 1926, see 3 Halsbury's Statutes 790.

7. No cremation shall be allowed to take place unless application therefor be made, and the particulars stated in the application be confirmed by statutory declaration, in accordance with Form "A" in the Schedule hereto.

The application must be signed and the statutory declaration made by an executor or by the nearest surviving relative of the deceased, or, if made by any other person, must show a satisfactory reason why the application is not made by an executor or by the nearest surviving relative.

8. Except as hereafter provided, no cremation shall be allowed to take place unless

(*a*) A certificate in Form "B" has been given by a registered medical practitioner who has attended the deceased during his last illness and who can certify definitely as to the cause of death, and a confirmatory medical certificate in Form "C" has been given by another medical practitioner who must be qualified as prescribed in Regulation 9; or

(*b*) A post-mortem examination has been made by a medical practitioner expert in pathology appointed by the Cremation Authority (or in case of emergency appointed by the Medical Referee), and a certificate given by him in Form "D"; or

(*c*) A post-mortem examination has been made and the cause of death has been certified by the Coroner under Section 21 (2) of the Coroners (Amendment) Act, 1926, and a certificate has been given by the Coroner in Form "E"; or

(*d*) An inquest has been held and a certificate has been given by the Coroner in Form "E"; provided that in any case in which the death occurs in connection with an industrial, railway, flying or road accident and the Coroner adjourns the inquest with a view to the investigation of the causes of the accident, he may give a certificate in Form "E" with the necessary modifications if he is satisfied that death was due to an accident, without waiting for the termination of the inquest.

No cremation shall take place except on the written authority of the Medical Referee given in Form "F".

9. The confirmatory medical certificate in Form "C", if not given by the Medical Referee, must be given by a registered medical practitioner of not less than five years' standing, who shall not be a relative of the deceased or a relative or partner of the doctor who has given the certificate in Form "B".

10. Every Cremation Authority shall have a Medical Referee and a Deputy Medical Referee, who must be registered medical practitioners of not less than five years' standing and must possess such experience and qualifications as will fit them for the discharge of the duties required of them by these Regulations. The Medical Referee or Deputy Medical Referee if otherwise qualified may be a person holding the office of Coroner or Medical Officer of Health.

The Deputy Medical Referee shall act in the absence of the Medical Referee and in any case in which the Medical Referee has been the medical attendant of the deceased.

The Secretary of State shall appoint as Medical Referee and Deputy Medical Referee such fit persons as may be nominated by the Cremation Authority.

Any Medical Referee or Deputy Medical Referee appointed by the Secretary of State may in case of emergency act as the Medical Referee or Deputy Medical Referee of a Cremation Authority other than that for which he has been appointed.

11. It shall be lawful for the Medical Referee if he has personally investigated the cause of death to give a certificate in Form " C," and if he has made the post-mortem examination to give a certificate in Form " D." The Medical Referee, if a Coroner, may himself give the Coroner's certificate in Form " E."

12. The duties of the Medical Referee shall be as follows :—

(1) He shall not allow any cremation to take place if it appears that the deceased left a written direction to the contrary.

(2) He shall not (except where a post-mortem examination has been made under Regulation 8 (*c*), or an inquest has been held, and a certificate given by a Coroner in Form " E ") allow any cremation to take place unless he is satisfied—

(*a*) by the production of a certificate in pursuance of Section 2 (1) of the Act of 1926 that the death of the deceased has been duly registered ; or

(*b*) by the production of a certificate in pursuance of Section 2 (2) of the Act of 1926 that the death of the deceased is not required by law to be registered in England.

The production of a duplicate which has been duly issued in pursuance of Section 2 (4) of the Act of 1926 may be accepted in lieu of the production of the original certificate under subsection (1) or subsection (2).

(3) He shall, before allowing the cremation, examine the application and certificates and ascertain that they are such as are required by these Regulations and that the inquiry made by the persons giving the certificates has been adequate. He may make any inquiry with regard to the application and certificates that he may think necessary.

(4) He shall not allow the cremation unless he is satisfied that the application is made by an executor or by the nearest surviving relative of the deceased, or, if made by any other person, that the fact that the executor or nearest relative has not made the application is sufficiently explained, and that the person making the application is a proper person to do so.

(5) He shall not allow the cremation unless he is satisfied that the fact and cause of death have been definitely ascertained ; and in particular, if the cause of death assigned in the medical certificates be such as, regard being had to all the circumstances, might be due to poison, to violence, to any illegal operation, or to privation or neglect, he shall require a post-mortem examination to be held, and if that fails to reveal the cause of death, shall decline to allow the cremation unless an inquest be held and a certificate given by the Coroner in Form " E ".

(6) If it appears that death was due to poison, to violence, to any illegal operation or to privation or neglect, or if there is any suspicious circumstance whatsoever, whether revealed in the certificates or otherwise coming to his knowledge, he shall decline to allow the cremation unless an inquest be held and a certificate given by the Coroner in Form " E ".

Provided that if in any case to which the foregoing rule applies it is shown to the satisfaction of the Secretary of State that by reason of any special circumstances it is impracticable or undesirable that an inquest shall be held, he may by order under his hand authorise the Medical Referee to allow the cremation without an inquest being held and certificate given by the Coroner.

(7) If a Coroner has given notice that he intends to hold an inquest on the body, the Medical Referee shall not allow the cremation to take place until the inquest has been held.

(8) He may in any case decline to allow the cremation without stating any reason.

(9) He shall make such reports to the Secretary of State as may from time to time be required.

In the case of the remains of a person who has died in any place out of England the Medical Referee may accept a Declaration containing the particulars prescribed

CREMATION

in Form "A" if it be made before any person having authority in that place to administer an oath or to take a declaration; and he may accept certificates in Forms "B", "C", and "D", if they be signed by any medical practitioners who are shown to his satisfaction to possess qualifications substantially equivalent to those prescribed in the case of each certificate by these Regulations.

In any such case the Secretary of State, if satisfied that the case is one in which cremation may properly take place, may by order under his hand authorise the Medical Referee to allow the cremation without the production of Forms "B" and "C".

13. The foregoing Regulations 5 to 12 shall not apply to the cremation of the remains of a deceased person who has already been buried for not less than one year. Such remains may be cremated, subject to such conditions as the Secretary of State may impose in the exhumation licence granted by him or otherwise; and any such cremation in which those conditions are not observed shall be deemed a contravention of these Regulations.

14. In the case of any person dying of plague, cholera, or yellow fever on board ship or in a hospital or temporary place of reception of the sick provided by a Port or other Local Authority under the Public Health Acts or by a Hospital Committee under the Isolation Hospital Acts, the Medical Referee, if satisfied as to the cause of death, may dispense with any of the requirements of Regulations 4, 5, 6, 7, 8, 9, and 12. These Regulations may also be temporarily suspended or modified in any district during an epidemic or for other sufficient reason by an order of the Secretary of State on the application of a Local Authority.

15. Notwithstanding the foregoing Regulations 6 to 12, the Medical Referee may permit the cremation of the remains of a stillborn child if it be certified to be stillborn by a registered medical practitioner after examination of the body, and if the Referee after such inquiries as he may think necessary is satisfied that it was stillborn, and that there is no reason for further examination; but, before permitting such cremation, the Medical Referee shall, except where an inquest has been held and a certificate given by a Coroner in Form "E", require the production of a certificate in pursuance of Section 7 (4) of the Act of 1926 that the stillbirth has been duly registered.

The production of a duplicate which has been duly issued in pursuance of Section 2 (4) of the Act of 1926 may be accepted in lieu of the production of the original certificate in subsection (1) or subsection (2).

Disposition of Ashes.

16. After the cremation of the remains of a deceased person the ashes shall be given into the charge of the person who applied for the cremation if he so desires. If not, they shall be retained by the Cremation Authority, and, in the absence of any special arrangement for their burial or preservation, they shall either be decently interred in a burial ground or in land adjoining the crematorium reserved for the burial of ashes, or shall be scattered thereon. In the case of ashes left temporarily in the charge of the Cremation Authority and not removed within a reasonable time, a fortnight's notice shall be given to the person who applied for the cremation before the remains are interred or scattered.

Registration of Cremations, etc.

17. Every Cremation Authority shall appoint a registrar who shall keep a register of all cremations carried out by the Cremation Authority in Form "G". He shall make the entries relating to each cremation immediately after the cremation has taken place, except the entry in the last column, which he shall make as soon as the remains of the deceased have been handed to the relatives or otherwise disposed of.

18. Any certificate given by a Coroner in Form "E" shall have attached thereto a detachable portion (which shall be in the form set out in the Schedule to these Regulations) for use by the registrar in pursuance of the following Regulation.

19.—(1) (*a*) Subject to the provisions of paragraphs (2) and (3) of this Regulation the registrar shall, within ninety-six hours of the cremation of the body of any deceased person, send to the registrar of births and deaths for the sub-district in

which the death took place or, if the death took place elsewhere than in England, to the registrar of births and deaths for the sub-district in which the crematorium is situated, a notification of the cremation of the body and of the date and place of such cremation.

(*b*) Where the body has been cremated without inquest, the notification shall be sent in the manner for the time being prescribed by the Registrar-General under the Act of 1926, for notifications under Section 3 (1) of that Act.*

(*c*) Where the body has been cremated after inquest or a post-mortem examination made in pursuance of Section 21 (1) of the Coroners (Amendment) Act, 1926, such notification as aforesaid shall be sent upon the detachable portion of the certificate given by the Coroner in Form "E".

(2) This Regulation shall not apply to any cremation of human remains which has taken place under Regulation 13.

(3) Where any cremation of human remains has taken place under Regulation 14, the registrar shall (subject to the provisions of any order made by the Secretary of State under that Regulation) within ninety-six hours of the cremation forward to the Registrar-General a copy of the relative entry in the register of cremations together with particulars of the place of death of the deceased and the cause of death as established to the satisfaction of the Medical Referee.

20. All applications, certificates, statutory declarations and other documents relating to any cremation shall be marked with a number corresponding to the number in the register, shall be filed in order, and shall be carefully preserved by the Cremation Authority. Provided that the Cremation Authority may, if they think fit, destroy any such applications, certificates, statutory declarations or other documents (but not the register of cremations or any part of such register) after the expiration of fifteen years from the date of the cremation to which they relate.

All such registers and documents shall be open to inspection at any reasonable hour by any person appointed for that purpose by the Secretary of State, the Minister of Health or the Chief Officer of any Police Force.

21 When any crematorium is closed as provided in Regulation 1, the Cremation Authority shall send all registers and documents relating to the cremations which have taken place therein to the Secretary of State, or otherwise dispose of them as he may direct.

22. I hereby revoke the Regulations made by the Secretary of State on April 26th, 1920, June 23rd, 1925, and May 6th, 1927.

The revoked orders are S.R. & O., 1920, No. 1286; 1925, No. 761; and 1927, No. 575, respectively.

J. R. Clynes,

One of His Majesty's Principal Secretaries of State.

Home Office,
Whitehall.

October 28th, 1930.

* Regulation 87 (1) of the Registration (Births, Stillbirths, Deaths and Marriages) Consolidated Regulations, 1927 (S. R. & O., 1927, No. 485) requires the notification to be made upon the portion, provided for the purpose, of the certificate issued by the registrar of births and deaths under Section 2 of the Act of 1926.

CREMATION

SCHEDULE.

DRAFT FORMS.

FORM A.

Application for Cremation, with Statutory Declaration.

I. (*Name of applicant*)
(*Address*)
(*Occupation*)
apply to the
to undertake the cremation of the remains of
(*Name of deceased*)
(*Address*)
(*Occupation*)
(*Age*) (*Sex*)
(*Whether married, widow, widower, or unmarried*)

The true answers to the questions set out below are as follows :—

1. Are you an executor or the nearest surviving relative of the deceased ?

2. If not, state

(*a*) Your relationship to the deceased. (*a*)
(*b*) The reason why the application is made by you and not by an executor or any nearer relative. (*b*)

3. Did the deceased leave any written directions as to the mode of disposal of his remains ? If so, what ?

4. Have the near relatives * of the deceased been informed of the proposed cremation ?

5. Has any near relative of the deceased expressed any objection to the proposed cremation ? If so, on what ground ?

6. What was the date and hour of the death of deceased ?

7. What was the place where deceased died ? (Give address and say whether own residence, lodgings, hotel, hospital, nursing home, etc.)

8. Do you know, or have you any reason to suspect, that the death of the deceased was due, directly or indirectly, to

(*a*) violence ;
(*b*) poison ;
(*c*) privation or neglect ?

9. Do you know any reason whatever for supposing that an examination of the remains of the deceased may be desirable ?

10. Give name and address of the ordinary medical attendant of the deceased.

11. Give names and addresses of the medical practitioners who attended deceased during his last illness.

I do hereby solemnly and sincerely declare that all the particulars stated above are true, and that to the best of my knowledge and belief no material particular has been omitted ; and I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act, 1835.

(*Signature*)

* The term "near relative" as here used includes widow or widower, parents, children above the age of 16, and any other relative usually residing with the deceased.

* Declared at
the day of
before me.

(*Signature*)

* This declaration must be made before a Justice of the Peace or a Commissioner for Oaths.

FORM B.

Certificate of Medical Attendant.

I am informed that application is about to be made for the cremation of the remains of
(*Name of deceased*)
(*Address*)
(*Occupation*)

Having attended the deceased before death, and seen and identified the body after death, I give the following answers to the questions set out below :—

1. On what date, and at what hour did he or she die ?

2. What was the place where the deceased died ? (Give address and say whether own residence, lodging, hotel, hospital, nursing home, etc.)

3. Are you a relative of the deceased ? If so, state the relationship.

4. Have you, so far as you are aware, any pecuniary interest in the death of the deceased ?

5. Were you the ordinary medical attendant of the deceased ? If so, for how long ?

6. Did you attend the deceased during his or her last illness ? If so, for how long ?

7. When did you last see the deceased alive ? (Say how many days or hours before death.)

8. How soon after death did you see the body, and what examination of it did you make ?

9. What was the cause of death ?

I.

Immediate cause .....a.....

Morbid conditions, if any, giving rise to immediate cause (stated in order proceeding backwards from immediate cause).
due to
b.....
due to
c.....

II.

Other morbid conditions (if important) contributing to death but not related to immediate cause.
.....
.....

10. What was the mode of death ? (Say whether syncope, coma, exhaustion, convulsions, etc.)

What was its duration in days, hours, or minutes ?

11. State how far the answers to the last two questions are the result of your own observations, or are based on statements made by others. If on statements made by others, say by whom.

12. Did the deceased undergo any operation during the final illness or within a year before death ? If so, what was its nature, and who performed it ?

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13. By whom was the deceased nursed during his or her last illness ? (Give names, and say whether professional nurse, relative, etc. If the illness was a long one, this question should be answered with reference to the period of four weeks before the death.)

14. Who were the persons (if any) present at the moment of death ?

15. In view of the knowledge of the deceased's habits and constitution do you feel any doubt whatever as to the character of the disease or the cause of death ?

16. Have you any reason to suspect that the death of the deceased was due, directly or indirectly to

(*a*) violence ;

(*b*) poison ;

(*c*) privation or neglect ?

17. Have you any reason whatever to suppose a further examination of the body to be desirable ?

18. Have you given the certificate required for registration of death ? If not, who has ?

I hereby certify that the answers given above, are true and accurate to the best of my knowledge and belief, and that I know of no reasonable cause to suspect that the deceased died either a violent or an unnatural death or a sudden death of which the cause is unknown or died in such place or circumstances as to require an inquest in pursuance of any Act.

(*Signature*)

(*Address*)

(*Registered qualifications*)

(*Date*)

NOTE.—This certificate must be handed or sent in a closed envelope by the medical practitioner who signs it to the medical practitioner who is to give the confirmatory certificate below.

FORM C.

Confirmatory Medical Certificate.

I, being neither a relative of the deceased, nor a relative or partner of the medical practitioner who has given the foregoing medical certificate, have examined it and have made personal inquiry as stated in my answers to the questions below :—

1. Have you seen the body of the deceased ?

2. Have you carefully examined the body externally ?

3. Have you made a post-mortem examination ?

4. Have you seen and questioned the medical practitioner who gave the above certificate ?

5. Have you seen and questioned any other medical practitioner who attended the deceased ?

6. Have you seen and questioned any person who nursed the deceased during his last illness, or who was present at the death ?

7. Have you seen and questioned any of the relatives of the deceased ?

8. Have you seen and questioned any other person ?

(In the answers to questions 5, 6, 7, and 8, give names and addresses of persons seen and say whether you saw them alone.)

I am satisfied that the cause of death was
and I certify that I know of no reasonable cause to suspect that the deceased died either a violent or an unnatural death or a sudden death of which the cause is unknown or died in such place or circumstances as to require an inquest in pursuance of any Act.

(*Signature*)
(*Address*)

(*Date*)

(*Registered qualifications*)
(*Office*)

NOTE.—The Certificates in Forms B and C must be handed or sent in a closed envelope to the Medical Referee by one or other of the medical practitioners by whom they are given.

FORM D.

Certificate after Post-Mortem Examination.

I hereby certify that, acting * *on the instructions of*
Medical Referee to the I made a post-mortem examination of the remains of

(*Name*)
(*Address*)
(*Occupation*)

The result of the examination is as follows :
I am satisfied that the cause of death was and that there is no reason *for making any toxicological analysis* † *or* for the holding of an inquest.

(*Signature*)
(*Address*)

(*Date*)

(*Registered qualifications*)

* Where the Medical Referee himself gives this certificate, strike out the words in italics and insert " as ".

† The words in italics should be omitted where a toxicological analysis has been made and its result is stated in this certificate or in a certificate attached to it.

FORM E.

Coroner's Certificate.

I certify that I * { held an inquest (†*which has been adjourned until to ascertain the cause of the* *accident*) / directed a post-mortem examination to be made

on the body of

and that * { the verdict of the Jury / my conclusion / the cause of death as disclosed by the report of the post-mortem examination

was as follows :—

Medical evidence was given by

I am satisfied from the evidence that the cause of death was
and that no circumstance exists which could render necessary any further examination of the remains or any analysis of any part of the body.

(*Date*)

Coroner.

* Strike out whichever is inapplicable.

† The words in italics are to be struck out in all cases except those in which death occurs in connection with an industrial, railway, flying or road accident.

CREMATION

Notification of Cremation.

(For use by the registrar appointed by the Cremation Authority.)

This is to notify that the body of .....
.....
deceased, who died on.....
at .....
was cremated on (*a*).....
at (*b*) .....

Witness my hand this.....
day of ....., 19....

(*Signature*) .....
on behalf of.....
.....

(*a*) Here state date of cremation.
(*b*) Here state place of cremation.

FORM F.

Authority to Cremate.

Whereas application has been made for the cremation of the remains of

(*Name**)
(*Address*)
(*Occupation*)

And whereas I have satisfied myself that all the requirements of the Cremation Act, 1902, and of the Regulations made in pursuance of that Act, have been complied with, that the cause of death has been definitely ascertained, and that there exists no reason for any further inquiry or examination:

I hereby authorise the Superintendent of the Crematorium at to cremate the said remains.

(*Signature*)
Medical Referee to the

(*Date*)

NOTE.—This authority should be signed in duplicate—one copy to be retained with certificates and the other sent by the Medical Referee to the Superintendent of the Crematorium.

FORM G.

Register of Cremations.

carried out by
at the Crematorium at

No.	Date of cremation.	Name, Residence, and Occupation of deceased.	Age and Sex.	Whether married or unmarried.	Date of Death.	Name and address of person who applied for cremation.	Names and addresses of persons signing certificates.	District where death has been registered.	How ashes were disposed of.

NOTE.—Additional particulars may be added in the form of Register by the Cremation Authority.

* In the case of a stillborn child, in place of the name, address, and occupation, insert a description sufficient to identify the body, and in place of the words "that the cause of death has been definitely ascertained" insert the words "that the child was stillborn".

DISEASES AND HOSPITALS.

See also "CHOLERA, etc.," *ante*, "MILK AND DAIRIES," *post*, "OFFICERS," *post*, *and* PUBLIC HEALTH, *post*.

S. R. & O., 1910, No. 867.

DIPHTHERIA ANTI-TOXIN (OUTSIDE LONDON) ORDER, 1910.
DATED AUGUST 15TH, 1910.

* * * * * *

ARTICLE I.—We sanction the provision by the council of every county borough, the council of every urban district, and the council of every rural district, or their contracting with any person for the provision, in pursuance of section 133 of the Public Health Act, 1875, of a temporary supply of diphtheria anti-toxin, and of medical assistance in connexion with the temporary supply of diphtheria anti-toxin, for the poorer inhabitants of their district, subject to the following condition, that is to say,—

The arrangements with respect to the keeping, distribution, and use of the diphtheria anti-toxin shall be made in accordance with the advice of the medical officer of health.

ARTICLE II.—The duties assigned to the medical officer of health by such one of the two General Orders dated the twenty-third day of March, one thousand eight hundred and ninety-one, as applies to his case, or other the regulations for the time being issued by us and superseding the regulations prescribed by the said Orders, shall be deemed to extend to and to include all action by the medical officer of health in the execution of this Order.

ARTICLE III.—Where one-half of the salary of a medical officer of health is intended to be payable by a county council or by the council of a county borough under the Local Government Act, 1888, such one of the two General Orders dated the twenty-third day of March, one thousand eight hundred and ninety-one, as applies to his case, or other the regulations for the time being issued by us and superseding the regulations prescribed by the said Orders, shall apply and have effect as if the regulations thereby prescribed included a provision authorising the council of the district, or requiring them at our direction, to pay from time to time to the medical officer of health, in addition to the salary or other compensation payable under the said regulations, a reasonable compensation for all action by the medical officer of health in the execution of this Order.

S. R. & O., 1912, No. 1226.

PUBLIC HEALTH (CEREBRO-SPINAL FEVER AND ACUTE POLIOMYELITIS) REGULATIONS, 1912. DATED AUGUST 15TH, 1912.

WHEREAS [*recites section* 130 *of the P. H. A.*, 1875, *as amended by the P. H. A.*, 1896; *these provisions are now re-enacted in P. H. A.*, 1936, *s.* 143, *ante*, *p.* 405].

NOW THEREFORE, we by this our Order, and in the exercise of the powers conferred upon us by the Public Health Act, 1875, and the Public Health Act, 1896, and of every other power enabling us in that behalf, do make the following regulations, that is to say:—

ARTICLE I.—In these regulations—

The expression "local authority" means the council of a municipal borough or other urban district or the council of a rural district; and

The expression "medical practitioner" means duly qualified medical practitioner.

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ARTICLE II.—These regulations shall come into operation on the first day of September, one thousand nine hundred and twelve, and, subject as provided in Article V. hereof, shall then and thereafter apply and have effect throughout England and Wales, and shall be enforced and executed by every local authority.

ARTICLE III.—Subject as provided in these regulations the persons mentioned in section 3 of the Infectious Disease (Notification) Act, 1889 (hereinafter referred to as "the Act of 1889") and the local authority shall, under these regulations, have the same powers and duties in relation to cases of cerebro-spinal fever and of acute poliomyelitis as they have under that Act and under the Infectious Disease (Prevention) Act, 1890, and under the Public Health Acts in the case of infectious diseases to which the Act of 1889 applies.

The Infectious Disease (Notification) Act, 1889, and the Infectious Disease (Prevention) Act, 1890, are repealed by the P. H. A., 1936. See now part V, thereof, *ante*, p. 405.

ARTICLE IV.—Every medical practitioner who sends to the medical officer of health a certificate of a case of cerebro-spinal fever or acute poliomyelitis under the Act of 1889 or under these regulations shall at the same time state on the certificate the age and sex of the patient and the date of the onset of the disease.

ARTICLE V.—(1) In any district in which the Act of 1889 applies to cerebro-spinal fever and acute poliomyelitis by virtue of an Order made by the local authority and approved by us thereunder these regulations shall not come into operation, except to the extent of the regulations prescribed by Articles IV. and VI. hereof, until such Order as aforesaid shall expire or shall have been revoked.

(2) Nothing in these regulations shall apply or have effect in relation to any district in which cases of cerebro-spinal fever and acute poliomyelitis are for the time being required to be notified to the medical officer of health in pursuance of the provisions of a local Act or of an order made thereunder.

(3) Nothing in these regulations shall require a medical practitioner to notify any case of cerebro-spinal fever or acute poliomyelitis which has already, to his knowledge, been notified under these regulations or under the Act of 1889.

ARTICLE VI.—The local authority shall forthwith cause notice to be given to every medical practitioner practising within the district of the local authority of the duties imposed upon him by these regulations.

ARTICLE VII.—These regulations may be cited as "The Public Health (Cerebro-Spinal Fever and Acute Poliomyelitis) Regulations, 1912."

Given under the Seal of Office of the Local Government Board, this fifteenth day of August, in the year one thousand nine hundred and twelve.

S. R. & O., 1916, No. 467.

THE PUBLIC HEALTH (VENEREAL DISEASES) REGULATIONS, 1916.

DATED JULY 12TH, 1916 (*a*).

* * * * * *

NOW THEREFORE, we, the Local Government Board, do by this our Order, and in the exercise of the powers conferred on us by the Public Health Act, 1875, the Public Health (London) Act, 1891, the Public Health Act, 1896, and the Public Health (Prevention and Treatment of Disease) Act, 1913, and every other power enabling us in that behalf, make the following regulations, and also declare and direct as follows:—

ARTICLE I.—Every council shall, subject to the approval of the Local Government Board, make arrangements for enabling any medical practitioner, practising in the area of the council, to obtain, at the cost of the council, a scientific report on any material which the medical practitioner may submit from a patient suspected to be suffering from venereal disease.

(*a*) The M. of H. may make regulations prescribing the qualifications of medical officers and health visitors appointed by a local authority under these regulations (P. H. A., 1936, s. 180 (1), *ante*, p. 445, replacing L. G. A., 1929, s. 59 (1)). See the Regulations at p. 3436, *post*.

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ARTICLE II.—(1) Every council shall prepare and submit to the Local Government Board a scheme—(*a*) for the treatment at and in hospitals or other institutions of persons suffering from venereal disease; and (*b*) for supplying medical practitioners with salvarsan or its substitutes for the treatment and prevention of venereal disease; and when the Board have approved the scheme the council shall make arrangements for carrying it into effect at the cost of the council.

(2) All information obtained in regard to any person treated under a scheme approved in pursuance of this Article shall be regarded as confidential.

ARTICLE III.—(1) Any council may, subject to the approval of the Local Government Board, make arrangements for any of the purposes of this Order with the managers of any hospital, institution or society; but until the Board have approved of those arrangements and of the hospital, institution or society, no expenditure under the arrangements shall be incurred.

(2) Any approval given by the Local Government Board under this Article may be given for such term and subject to such conditions as the Board may think fit, and any such approval may be withdrawn by the Board.

ARTICLE IV.—Any council may make such provision for the giving of instructional lectures and for the publication of information on questions relating to venereal disease as the council may think necessary or desirable.

ARTICLE V.—For the purposes of this Order—

(1) The expression "council" means county council, county borough council, and the common council of the City of London.

(2) The expression "area of the council" means the administrative county, the county borough, or the City of London, as the circumstances may require; and in the case of the administrative county of London, it means the administrative county exclusive of the City of London.

(3) "Venereal disease" means syphilis, gonorrhœa and soft chancre.

ARTICLE VI.—The expenses incurred under these regulations shall in the case of a county council be defrayed as expenses for general county purposes, in the case of a county borough council as part of the expenses incurred by the council in the execution of the Public Health Acts, and in the case of the common council of the City of London as part of the expenses incurred by the council in the execution of the Public Health (London) Act, 1891.

ARTICLE VII.—These regulations shall come into operation on the date of this Order, and shall then and thereafter apply and have effect throughout England and Wales, and shall be executed by every council.

S. R. & O., 1917, No. 146.

THE PUBLIC HEALTH (SMALL-POX PREVENTION) REGULATIONS, 1917. DATED FEBRUARY 12TH, 1917.

* * * * * *

Definitions.

ARTICLE I.—In these regulations, unless the contrary intention appears:—

(*a*) The expression "local authority" means, as the case may be, the mayor, aldermen, and commons of the City of London in common council assembled, the council of a metropolitan borough, the council of a municipal borough or other urban district, the council of a rural district, or the council of the Isles of Scilly.

(*b*) The expression "medical officer of health" includes any assistant medical officer of health.

ARTICLE II.—The medical officer of health of any local authority may, on the occurrence of any case of small-pox and where the circumstances, in his opinion, so require and permit, perform vaccination or re-vaccination on any person who has

DISEASES AND HOSPITALS

come in contact with the infection and is willing to be vaccinated, and without charge to the said person.

ARTICLE III.—The medical officer of health shall keep a record of every vaccination or re-vaccination performed by him, with the results as ascertained by inspection, which shall contain the following particulars :—

The date of the vaccination or re-vaccination, the names, age, and address of each person vaccinated, the result of the vaccination or re-vaccination, and the source of the lymph used together with the official reference number if it is obtained from the national vaccine establishment.

ARTICLE IV.—Any expenses incurred by a local authority in the execution of these regulations shall be deemed to be incurred in the execution of the Public Health Act, 1875, or the Public Health (London) Act, 1891, as the case may be, and may be defrayed accordingly.

ARTICLE V.—A person shall not wilfully obstruct a medical officer of health in the exercise of any power or the discharge of any duty under these regulations, and a refusal to comply with a reasonable requisition of a medical officer of health shall, for the purposes of these regulations, be deemed to be a wilful obstruction of the medical officer of health.

CIRCULAR TO BOROUGHS, ETC.

THE PUBLIC HEALTH (SMALL-POX PREVENTION) REGULATIONS, 1917.

LOCAL GOVERNMENT BOARD, WHITEHALL, S.W.,

February 13th, 1917.

SIR,—I am directed by the President of the Local Government Board to state that it has been represented to him that it is desirable that further facilities should be provided for securing on the occurrence of any case of small-pox the prompt vaccination and revaccination of persons who have come in contact with the infection.

Regulations have therefore been made empowering medical officers of health of sanitary districts to perform vaccination or revaccination of any such persons who are willing to be vaccinated. Two copies of the Order are enclosed with an additional copy of this circular. It is requested that one of the copies of the circular and regulations may be handed to the medical officer of health.

In the performance of vaccination in pursuance of the regulations the following instructions should be observed :—

(*a*) Vaccination should at every stage be carried out with aseptic precautions, which should include the cleansing of the surface of the skin before vaccination, the use of sterilised instruments, and the protection of the vaccinated surface against extraneous infection both on the performance of the operation and on inspection of the results.

Advice as to the precautions to be taken in this respect until the scabs have fallen and the arm has healed should always be given to the person vaccinated, or, in the case of the vaccination of a child not more than fourteen years of age, to the parent or other person having the custody of the child.

(*b*) In all ordinary cases of primary vaccination the medical officer of health should aim at producing four separate good-sized vesicles or groups of vesicles, not less than half an inch from one another. The total area of vesiculation resulting from the vaccination should not be less than half a square inch.

(*c*) If any person vaccinated or revaccinated by a medical officer of health in pursuance of these regulations require medical treatment in consequence of the vaccination or revaccination the local authority should offer to provide such medical treatment as may be required.

It will be clearly understood that the powers conferred upon the medical officer of health under these regulations are only intended to be exercised in the cases of persons who have been in immediate contact with persons suffering from small-pox.

The local authority should arrange to pay to the medical officer of health such sum

as is reasonable in respect of the extra work which he undertakes in pursuance of these regulations. For their guidance the Board may state that in their view the payment should be not less than two shillings and sixpence for every vaccination or revaccination performed.

Additional copies of the regulations and circular will be supplied on application.

I am, etc.

[Revised instructions as to vaccination by public vaccinators were issued in consequence of the report of a committee on the subject. See now Circular and the Vaccination Order, 1930 (S. R. & O., 1930, No. 2).]

S. R. & O., 1918, No. 67.

PUBLIC HEALTH (NOTIFICATION OF INFECTIOUS DISEASE) REGULATIONS, 1918. DATED JANUARY 19TH, 1918.

* * * * * *

NOW THEREFORE, we, in the exercise of the powers conferred upon us by the Public Health Act, 1875, the Infectious Disease (Notification) Act, 1889, the Public Health (London) Act, 1891, and the Public Health Act, 1896, and of every other power enabling us in that behalf, do by this our Order make the following regulations, that is to say:—

ARTICLE I.—These regulations shall come into operation on the 1st day of March, 1918, and shall apply and have effect throughout England and Wales.

ARTICLE II.—The said Orders dated the 12th day of September, 1889, and the 3rd day of December, 1891, and so much of the Public Health (Tuberculosis) Regulations, 1912, as prescribed the Form A in the schedule thereto, and so much of the Public Health (Measles and German Measles) Regulations, 1915, as prescribed the form in the schedule thereto, shall be and the same are hereby rescinded.

ARTICLE III.—(1) The Form of Certificate contained in the schedule A hereto shall, unless we otherwise prescribe, or save as we otherwise sanction, be the form for the purpose of any certificate or notification of an infectious disease to be given by a medical practitioner to the medical officer of health for a municipal borough or for any other urban district or for a rural district or for a port sanitary district (other than the port of London) under—

(*a*) Sub-section (1) (*b*) of section 3 of the Infectious Disease (Notification) Act, 1889;

(*b*) The said General Order dated the 19th day of September, 1900;

(*c*) The Public Health (Cerebro-Spinal Fever and Acute Poliomyelitis) Regulations, 1912;

(*d*) Article V. of the Public Health (Tuberculosis) Regulations, 1912;

(*e*) The Public Health (Ophthalmia Neonatorum) Regulations, 1914; and

(*f*) The Public Health (Measles and German Measles) Regulations, 1915.

(2) The Form of Certificate contained in the schedule B hereto shall, until we otherwise prescribe, be the form for the purpose of any certificate or notification of an infectious disease to be given by a medical practitioner to the medical officer of health for the city of London, for the port of London, or for a metropolitan borough under any of the enactments and regulations specified in sub-division (1) of this article and under sub-section (1) (*b*) of section 55 of the Public Health (London) Act, 1891.

ARTICLE IV.—The provisions contained in Article IX. of the Public Health (Tuberculosis) Regulations, 1912, in Article VII. of the Public Health (Ophthalmia Neonatorum) Regulations, 1914, and in Article VII. of the Public Health (Measles and German Measles) Regulations, 1915, relative to the transmission of a notification

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to a medical officer of health shall be altered by the addition to each of those articles of the following words; that is to say:—

"Provided that the requirement herein contained that a notification shall be enclosed in a sealed envelope shall be deemed to be complied with if the notification is folded in such a manner that during its transmission the particulars of the notification cannot be observed."

ARTICLE V.—These regulations may be cited as "The Public Health (Notification of Infectious Disease) Regulations, 1918."

SCHEDULE A.

[Form for notification of diseases (Non-Metropolitan).]

SCHEDULE B.

[Form for notification of diseases (Metropolitan).]

S. R. & O., 1918, No. 1741.

THE PUBLIC HEALTH (ACUTE ENCEPHALITIS LETHARGICA AND ACUTE POLIO-ENCEPHALITIS) REGULATIONS, 1918. DATED DECEMBER 17TH, 1918.

* * * * * *

WHEREAS we, the Local Government Board, are empowered by section 130 of the Public Health Act, 1875, as amended by the Public Health Act, 1896 (*a*), from time to time to make, alter and revoke regulations with a view to the treatment of persons affected with any epidemic, endemic, or infectious disease, and for preventing the spread of the disease; and to provide for the enforcement and execution of the regulations;

And whereas acute encephalitis lethargica and acute polio-encephalitis are epidemic and infectious diseases;

And whereas it appears to us to be expedient that such regulations as are hereinafter set forth should be made in relation to acute encephalitis lethargica and acute polio-encephalitis:

NOW THEREFORE, we, by this our Order, and in the exercise of the powers conferred upon us by the Public Health Act, 1875, the Public Health (London) Act, 1891, and the Public Health Act, 1896, and of every other power enabling us in that behalf, do make the following regulations, that is to say:—

ARTICLE I.—In these regulations, unless the contrary intention appears:—

(*a*) The expression "local authority" means, as the case may be, the mayor, aldermen, and commons of the City of London in common council assembled, the council of a metropolitan borough, the council of a municipal borough or other urban district, or the council of a rural district:

(*b*) The expression "district" means the district subject to the jurisdiction of the local authority for the purposes of the Public Health (London) Act, 1891, or the Public Health Act, 1875, as the case may be;

(*c*) The expression "medical practitioner" means a duly qualified medical practitioner;

(*d*) The expression "the Act of 1889" means the Infectious Disease (Notification) Act, 1889 (*b*), and the expression "the Act of 1891" means the Public Health (London) Act, 1891.

ARTICLE II.—These regulations shall come into operation on the 1st day of January, 1919, and shall continue in operation for the period of one year from that date (*c*) and shall be enforced and executed in every district by the local authority.

ARTICLE III.—Subject as provided in these regulations, and subject to the provisions of section 5 of the Local Government (Emergency Provisions) Act, 1916 (*d*), every local authority and medical practitioner, shall, under these regulations, have the same powers and duties in relation to the notification to the medical officer of health—

(1) of cases of acute encephalitis lethargica, as they have under the Act of 1889 or the Act of 1891, as the case may be, and

(2) of cases of acute polio-encephalitis, as they have under the Act of 1889,

in the case of infectious diseases to which those Acts respectively apply.

ARTICLE IV.—The certificate to be sent by a medical practitioner to the medical officer of health of a case of acute encephalitis lethargica or of acute polio-encephalitis, shall be in that form prescribed by the Public Health (Notification of Infectious Disease) Regulations, 1918, which is appropriate to the case.

ARTICLE V.—Nothing in these regulations shall require a medical practitioner to notify any case of acute encephalitis lethargica or of acute polio-encephalitis which has already, to his knowledge, been notified to the medical officer of health.

ARTICLE VI.—The local authority shall forthwith cause notice to be given to every medical practitioner practising within the district of the local authority of the duties imposed upon him by these regulations.

(*a*) For these sections, see 13 Halsbury's Statutes, pp. 678 and 871. They are superseded by s. 143 of the P. H. A., 1936, *ante*, p. 405; see notes *ibid.* The present regulations remain in force by proviso (c) to s. 346 (1) of the Act of 1936, *ante*, p. 721.

(*b*) See now ss. 144 *et seq.* of the P. H. A., 1936, *ante*, p. 410.

(*c*) By an amending Order (S. R. & O., 1919, No. 2048) this Order is continued in force until the Minister by Order otherwise directs.

(*d*) Now repealed by P. H. A., 1936, *ante*, p. 732. For its purport, see 13 Halsbury's Statutes 813, and note on s. 146 of the P. H. A., 1936, *ante*, p. 414.

S. R. & O., 1919, No. 767.

THE PUBLIC HEALTH (CEREBRO-SPINAL FEVER) REGULATIONS, 1919.

DATED JUNE 16TH, 1919.

* * * * * *

ARTICLE I.—The council of any administrative county and of any county borough may provide or arrange—

(1) for the examination and treatment of any person who for the time being is in the county or borough as the case may be and is either suspected to be suffering from cerebro-spinal fever, or has been in contact with a person suffering or suspected to be suffering from the disease: and

(2) for the provision of serum and vaccine for the treatment of cases or suspected cases of the disease, together with the necessary apparatus for the use of the serum or vaccine.

ARTICLE II.—The expenses incurred under these regulations, and any expenses incurred before the date hereof under the regulations hereby rescinded, shall in the case of a county council be defrayed as expenses for general county purposes, and in the case of a county borough council as part of the expenses incurred by the council in the execution of the Public Health Acts.

ARTICLE III.—These regulations shall come into operation on the date of this Order, and shall then and thereafter apply and have effect throughout England and Wales.

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* S. R. & O., 1940, No. 204.

THE MEASLES AND WHOOPING COUGH REGULATIONS, 1940.

DATED FEBRUARY 9TH, 1940, MADE BY THE MINISTER OF HEALTH.

Whereas the Minister of Health is empowered by section 143 of the Public Health Act, 1936 (*a*), to make regulations with a view to the treatment of persons affected with any epidemic, endemic or infectious disease and for preventing the spread of such diseases, and by such regulations to apply, with or without modifications, to any disease to which the regulations relate any enactment relating to the notification of disease or to notifiable diseases;

And whereas measles and whooping cough are endemic and infectious diseases;

And whereas the Minister of Health is further empowered by section 283 of the said Act (*b*) to prescribe the form of any certificate to be used for any of the purposes of the said Act;

And whereas by regulations made by the Minister of Health on the dates set out in column 1 of the third schedule to these regulations provision was made for the notification of cases of the diseases specified in column 2 thereof in the districts mentioned in column 3 thereof:

Now therefore the Minister of Health in exercise of his powers under the said sections 143 and 283 and of all other powers enabling him in that behalf hereby makes the following regulations:—

1.—(1) These regulations may be cited as the Measles and Whooping Cough Regulations, 1940.

(2) These regulations shall come into operation on the date hereof, and shall be enforced and executed by the local authorities.

(3) Every local authority shall give notice of these regulations by advertisement in a local newspaper circulating within their district and in such other manner as they think sufficient for informing persons interested, and shall also send a copy to each registered medical practitioner who after due inquiry is ascertained to be practising within the district.

(4) These regulations shall not extend to London.

2. The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

* The history of the notification of measles, briefly stated, is as follows:—

1. Measles was made notifiable throughout England and Wales by the Local Government Board's Order of 27th November, 1915.

2. The Order of 1915 was rescinded by an Order of 1919, which as from 1st January, 1920, made the disease notifiable in those districts only where an Order for the purpose was made with the Minister's approval under the Infectious Disease (Notification) Act, 1889, or the Public Health (London) Act, 1891, and subsequent enactments (see pp. 3158–61 of the tenth edition of this work).

3. In 1938, measles and whooping cough were made notifiable throughout the County of London by the County of London (Measles and Whooping Cough) Regulations, 1938 (S. R. & O., 1938, No. 1100), various local orders of metropolitan boroughs being rescinded. The County of London (Measles and Whooping Cough) Amendment Regulations, 1939, have also been made, substituting a notification fee of one shilling for the previous fee of two shillings and sixpence, and making all cases notifiable, instead of limited classes of cases. Both sets of London regulations are outside the scope of this work.

4. The Measles and Whooping Cough Regulations, 1939, which came into force on October 23, 1939, made these diseases notifiable throughout England and Wales, except London. These regulations were provisional, and are superseded by the Measles and Whooping Cough Regulations, 1940, here printed.

(*a*) *Ante*, p. 405.

(*b*) *Ante*, p. 574.

3. Sections 144 to 146 of the Public Health Act, 1936, being enactments relating to the notification of disease, shall as modified and set out in the first schedule to these regulations apply to measles and whooping cough.

4.—(1) Upon the receipt of a certificate under these regulations or on becoming aware in any other way of a case or suspected case of measles or whooping cough in a district the medical officer of health or an officer of the local authority acting under the instructions of the medical officer of health shall make such inquiries and take such steps as are necessary or desirable for investigating the source of infection for preventing the spread of infection and for removing conditions favourable to infection:

Provided that nothing in this regulation shall be deemed to authorise the medical officer of health or other officer of a local authority to take any of the steps herein mentioned at any institution other than one belonging to a local authority except with the consent of the managers of that institution.

(2) The duties assigned to a medical officer of health by the Sanitary Officers (Outside London) Regulations, 1935 (*a*), shall be deemed to extend to and to include all action by a medical officer of health in the execution of these regulations.

(*a*) S. R. & O., 1935, No. 1110, *post*, p. 3448.

5. The form set out in the second schedule to these regulations is hereby prescribed as the form of certificate to be used for the purposes of these regulations.

6. The regulations made on the dates set out in column 1 of the third schedule to these regulations and providing for the notification of the diseases specified in column 2 thereof in the districts mentioned in column 3 thereof are hereby rescinded:

Provided that the rescission of the said regulations shall not affect any right or liability acquired or incurred thereunder.

FIRST SCHEDULE.

Public Health Act, 1936.

Section 144.—(1) When an inmate of any building used for human habitation, not being a hospital in which persons suffering from an infectious disease are received, is suffering from measles or whooping cough, every medical practitioner attending on, or called in to visit, that inmate (in this section referred to as "the patient") shall, as soon as he becomes aware that the patient is suffering from measles or whooping cough, send to the medical officer of health of the district in which the building is situate a certificate in the prescribed form.

(2) Any medical practitioner who fails to send a certificate which he is required by this section to send shall be liable to a fine not exceeding forty shillings.

Section 145.—(1) A local authority shall, upon application, supply forms of certificate for use under the last preceding section free of charge to any medical practitioner practising in their district, and shall pay to a medical practitioner for each certificate duly sent by him under that section a fee of one shilling.

(2) Where the medical practitioner attending a patient is himself the medical officer of health of the district, he shall be entitled to the fee to which, if he were not the medical officer of health, he would have been entitled in respect of a certificate sent by him to the medical officer.

Section 146.—(1) Where a case of measles or whooping cough occurs in a building in the occupation of any of His Majesty's forces, or of any person employed by or under the Admiralty, the Army Council, or the Air Council, it shall be the duty of the medical practitioner attending the patient to certify the case to the medical officer of health of the district, if it would have been his duty so to certify it had it occurred in a building in private occupation.

(2) Unless the medical practitioner is a medical officer holding a commission in His Majesty's forces, the local authority shall pay to him for the certificate a fee of one shilling whether the case occurs in his private practice or not.

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SECOND SCHEDULE.

Form of Certificate.

To the Medical Officer of Health of.....

I hereby certify and declare that in my opinion, ...(1), an inmate of.....(2), is suffering from {measles. / whooping cough.

Age of Patient.....Sex of Patient.....

Date of onset of disease.....19....

If patient is inmate of a hospital, the place from which the patient was brought to the hospital.....

Date on which patient was so brought..... 19....

If case occurred in private practice.....

If case occurred in practice as medical officer of a public body or institution, and if so, what body or institution.....

The following additional particulars to be given in the case of Measles.....

Date of first appearance of rash..... 19...

Signed .....

Address .....

Dated the.....day of.....19....

(1) Insert full name.

(2) Insert full address.

THIRD SCHEDULE.

1. Date of regulations.	2. Diseases notifiable.	3. Districts.
22nd June, 1915 . .	Whooping cough.	St. Helens County Borough.
16th February, 1916 .	Do.	Southport County Borough.
15th April, 1916 . .	Do.	Horsforth Urban District.
28th February, 1920 .	Measles and whooping cough.	Bradford City.
Do.	Measles.	Burnley County Borough.
3rd March, 1920 . .	Do.	Cities of Leeds and Newcastle-upon-Tyne.
		County Boroughs of Darlington, Derby and Middlesbrough.
		Boroughs of Barnes and Chesterfield.
13th March, 1920 . .	Do.	Boroughs of Eccles and Yeovil.
19th March, 1920 . .	Measles and whooping cough.	Colchester Borough.
25th March, 1920 . .	Measles.	Warrington County Borough.
31st March, 1920 . .	Do.	Manchester City, Southport County Borough.
		Boroughs of Bridport and Wanstead and Woodford.
		Cheshunt Urban District.
Do.	Do.	Boroughs of Congleton, Ilminster and Taunton.
Do.	Do.	Urban Districts of Crompton and Bredbury and Romiley.
13th April, 1920 . .	Measles and whooping cough.	Featherstone Urban District.
14th April, 1920 . .	Do.	Horwich Urban District.

1. Date of regulations.	2. Diseases notifiable.	3. Districts.
23rd August, 1920 .	Measles.	Axbridge Rural District.
25th August, 1920 .	Do.	Whickham Urban District.
21st September, 1920 .	Do.	Ashwell Rural District.
15th October, 1920 .	Do.	Folkestone Borough.
15th January, 1921 .	Measles and whooping cough.	Wakefield County Borough.
4th September, 1922 .	Measles.	Nuneaton Borough.
24th January, 1923 .	Do.	Preston County Borough.
17th August, 1923 .	Do.	Ripon City.
15th December, 1923 .	Do.	Carlisle County Borough.
3rd May, 1924 . .	Whooping cough	Eccles Borough.
9th August, 1924 .	Measles.	Glossop Borough.
11th February, 1925 .	Do.	Wigan County Borough.
24th December, 1926 .	Whooping cough.	Darlington County Borough.
19th April, 1928 . .	Measles.	Sunderland County Borough.
20th December, 1928 .	Do.	Crosby Borough.
17th May, 1929 . .	Measles.	Sevenoaks Urban District.
27th June, 1929 . .	Measles and whooping cough.	West Bromwich County Borough.
30th December, 1930 .	Measles.	Sevenoaks Rural District.
25th February, 1932 .	Do.	Walthamstow Borough.
15th April, 1935 . .	Do.	Chislehurst and Sidcup Urban District.
20th September, 1935 .	Measles and whooping cough.	Whitstable Urban District.
15th April, 1936 . .	Measles.	Salford County Borough.
6th June, 1936 . .	Do.	Orpington Urban District.
1st December, 1936 .	Do.	Bletchley Urban District.
4th August, 1938 .	Do.	East Barnet Urban District.
29th September, 1938 .	Do.	West Ham County Borough.
13th January, 1939 .	Do.	Oldham County Borough.
19th September, 1939 .	Do.	Kerrier Rural District.

Given under the official seal of the Minister of Health, this ninth day of February, nineteen hundred and forty.

(L.S.)

J. N. BECKETT,
Assistant Secretary, Ministry of Health.

DISEASES AND HOSPITALS

CIRCULAR 1896 (*a*).

England and Wales (excluding London).
County Councils.
Local Authorities.

MINISTRY OF HEALTH,
Whitehall, S.W.1,
1st November, 1939.

MEASLES AND WHOOPING COUGH.

SIR,—1. I am directed by the Minister of Health to forward to the Authority a copy of the Measles and Whooping Cough Regulations, 1939 (*b*), which have been made as provisional regulations to come into operation forthwith and to apply to England and Wales with the exception of London. Similar regulations have been made to apply to London.

2. The Regulations provide for the notification of all cases of measles and whooping cough by medical practitioners to Medical Officers of Health. The object is to enable the Department to ascertain readily and rapidly the incidence of these diseases as it may be affected by the displacement of child population caused by the recent emergency measures and the changes that may have occurred in the geographical distribution of the infectious diseases.

3. The fee payable to a medical practitioner for each certificate under the Regulations will be one shilling.

4. Returns by Medical Officers of Health of the notifications received under the Regulations should be made to the Registrar-General weekly on the same form and in the same manner as for the notifiable diseases specified in Section 343 of the Public Health Act, 1936.

5. The intention is that the Regulations shall remain in operation only so long as the special conditions created by the present emergency continue and that they shall then be revoked (*b*). All existing local regulations relating to the notification of measles and whooping cough are being revoked but the Minister will be prepared to consider the question of remaking these local regulations when the present general regulations cease to operate.

6. It is important that every local Authority should cause notice of the Regulations to be given to all medical practitioners resident or practising within their area and that steps should be taken to make the Regulations as widely known as possible.

7. Copies of this Circular and of the Regulations are being sent to the Medical Officer of Health. Additional copies of the Regulations may be purchased from His Majesty's Stationery Office or through any bookseller.

I am, Sir,
Your obedient Servant,
J. N. BECKETT.

The Clerk to the Authority.

Assistant Secretary.

(*a*) A similar circular, 1896A., was sent to the L.C.C., the Common Council of the City of London, and the Councils of Metropolitan Boroughs.

(*b*) The provisional Regulations of October 23, 1939, have been superseded by the Measles and Whooping Cough Regulations, 1940, printed *ante*, p. 2478. The statement as to revocation at the end of the present emergency presumably applies to the Regulations of 1940.

S. R. & O., 1922, No. 948.

THE MINISTRY OF HEALTH (RATS AND MICE DESTRUCTION, TRANSFER OF POWERS) ORDER, 1922.

At the Court at Buckingham Palace, the 10th day of August, 1922.

* * * * * *

And whereas it appears to His Majesty that the powers and duties conferred or imposed upon the Minister of Agriculture and Fisheries under the Rats and Mice (Destruction) Act, 1919 (*a*), relate, as respects port sanitary districts and vessels, to matters affecting or incidental to the health of the people, and that it is expedient that the said powers and duties should be transferred to the Minister of Health:

Now, therefore, His Majesty, by and with the advice of his privy council, is pleased to order, and it is hereby ordered, as follows:—

* * * * * *

On and after the date of this Order, the powers and duties of the Minister of Agriculture and Fisheries under the Rats and Mice (Destruction) Act, 1919, so far as they relate to the supervision of the administration and enforcement of that Act in any port sanitary district or in regard to vessels, shall be transferred to the Minister of Health.

References to the Minister of Health shall be substituted for references to the Minister of Agriculture and Fisheries in sections 3 and 7 of the said Act so far as those sections relate to the enforcement of that Act in a port sanitary district or in regard to vessels.

(*a*) See Vol. V, *post*.

S. R. & O., 1925, No. 757.

THE PUBLIC HEALTH (PREVENTION OF TUBERCULOSIS) REGULATIONS, 1925, DATED 31ST JULY, 1925.

MADE BY THE MINISTER OF HEALTH UNDER SECTION 130 OF THE PUBLIC HEALTH ACT, 1875, AS EXTENDED BY THAT PUBLIC HEALTH (LONDON) ACT, 1891, THE PUBLIC HEALTH ACT, 1896, AND THE PUBLIC HEALTH (REGULATIONS AS TO FOOD) ACT, 1907.

The Minister of Health, in the exercise of the powers conferred on him by the Public Health Act, 1875, the Public Health (London) Act, 1891, the Public Health Act, 1896, and the Public Health (Regulations as to Food) Act, 1907, hereby makes the following regulations:—

1. These Regulations may be cited as the Public Health (Prevention of Tuberculosis) Regulations, 1925, and shall come into operation forthwith.

2. In these regulations—

The expression "local authority" means, as the case may be, the Common Council of the City of London, the Council of a Metropolitan Borough, the Council of a Municipal Borough or other Urban District or the Council of a Rural District;

The expression "milk" means milk (including cream, skimmed milk and separated milk), intended for sale for human consumption;

The expression "dairy" includes any farm, cowshed, milk store, milk shop or other place from which milk is supplied on, or for sale, but does not include a shop or other place in which milk is sold for consumption on the premises only.

3. The local authority shall enforce and execute these regulations and for this purpose shall make such inquiries and take such other steps as may seem to them to be necessary for securing the due observance of the regulations in their district.

4. No person who is aware that he is suffering from tuberculosis of the respiratory tract shall enter upon any employment or occupation in connection with a dairy

DISEASES AND HOSPITALS

which would involve the milking of cows, the treatment of milk, or the handling of vessels used for containing milk.

5. Notwithstanding anything contained in the Public Health (Tuberculosis) Regulations, 1912, if a local authority, on the report in writing of their medical officer of health, are satisfied that a person residing in their district who is engaged in any such employment or occupation as aforesaid is suffering from tuberculosis of the respiratory tract and is in an infectious state, they may by notice in writing signed by the clerk or the medical officer of health require such person to discontinue his employment or occupation on or before the date specified in the notice, such date being not less than seven days after the service of the said notice, and such person shall thereupon comply with the said notice. A notice issued by the local authority under these regulations shall be in the form set forth in the Schedule thereto.

6.—(1) If any person deems himself aggrieved by a requirement of a local authority under these regulations, he may, within fourteen days after the service of notice of the requirement, appeal to a court of summary jurisdiction and shall in that event give written notice to the clerk to the local authority of his intention to appeal and the ground thereof.

(2) The court may make such order in the matter as may seem equitable to them, and may award costs, which shall be recoverable summarily as a civil debt, and the order so made shall be binding and conclusive.

(3) Upon the hearing of an appeal under this article the court shall have power with the consent of the appellant to direct that he be examined by a registered medical practitioner nominated by the court.

7. The provisions of section 308 of the Public Health Act, 1875 (which relates to compensation for damages sustained by reason of the exercise of the powers of the Act) (*a*), shall apply to any person who sustains any damage by reason of the exercise of any of the powers to these regulations in relation to any matter as to which he is not himself in default.

(*a*) Repealed by the Public Health Act, 1936, and so far as relevant replaced by s. 278 of that Act, *ante*, p. 556. See notes thereon and on s. 303, *ante*, p. 635.

SCHEDULE.

* * * * * *

S. R. & O., 1926, No. 971.

THE PUBLIC HEALTH (OPHTHALMIA NEONATORUM) REGULATIONS, 1926, DATED 31ST JULY, 1926 (*a*).

These regulations are amended by Amending Regulations of 1928, *post*, p. 2497, and 1937 (S. R. & O., 1937, No. 35).

The Minister of Health, in exercise of the powers conferred upon him by the Public Health Act, 1875, the Public Health (London) Act, 1891, and the Public Health Act, 1896, and of every other power enabling him in that behalf, hereby makes the following regulations:—

1. These regulations may be cited as the Public Health (Ophthalmia Neonatorum) Regulations, 1926, and shall come into operation on the 1st day of October, 1926.

2.—(1) In these Regulations, unless the contrary intention appears:—

"[Local authority" means a local authority for the purposes of the Notification of Births Acts, 1907 and 1915] (*a*).

"Medical officer of health" means medical officer of health of a local authority;

"Medical practitioner" means any person for the time being registered under the Medical Acts;

"Ophthalmia neonatorum" means a purulent discharge from the eyes of an infant commencing within twenty-one days from the date of its birth;

"The Minister" means the Minister of Health;

"The Infectious Disease (Notification) Acts" means the Infectious Disease (Notification) Acts, 1889 to 1899 (*b*), and includes section 55 of the Public Health (London) Act, 1891, and any provisions relating to the notification of infectious disease contained in any local Act or Order made thereunder.

["Administrative Area" means the area in respect of which a local authority is the local authority for the purposes of the Notification of Births Acts, 1907 and 1915;

"District" means the City of London, a metropolitan borough, a municipal borough, or urban or rural district"] (*c*).

(*a*) This definition was substituted by the Amending Regulations of 1937.
(*b*) 13 Halsbury's Statutes 811. Now repealed by the P. H. A., 1936, and replaced by Part V thereof, *ante*, p. 405.
(*c*) The definitions of "administrative area" and "district" were added by the Amending Regulations of 1937.

(2) The Interpretation Act, 1889, shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3. The Public Health (Ophthalmia Neonatorum) Regulations, 1914, and, so far as they relate to ophthalmia neonatorum, the Notification of Infectious Disease (London) Regulations, 1920, are hereby revoked, but without prejudice to any right, obligation, or liability acquired, accrued or incurred thereunder.

4. The local authority shall enforce and execute these Regulations in their [administrative area] and shall forthwith cause notice to be given to all medical practitioners resident or practising within the [administrative area] of the duties thereby imposed upon them.

The words in square brackets were substituted by the Amending Regulations of 1937.

5.—(1) Subject to the provisions of these regulations every medical practitioner, on first becoming aware that a child upon whom he is in professional attendance is suffering from ophthalmia neonatorum, shall forthwith make and sign a notification of the case in the form prescribed for the purpose of certificates under the Public Health (Notification of Infectious Disease) Regulations, 1918, at the same time stating in writing, either on the form or on a separate sheet attached to the form, the date of birth of the child, the name and address [at the time of notification] (*a*) of the parent or other person, if any, having charge of the child, and the date of the onset of the disease, and shall transmit the notification and statement to the [medical officer of health of the local authority of the administrative area within which the medical practitioner is attending such child] (*b*) at the date of notification.

Provided that a medical practitioner shall not be required to notify a case of ophthalmia neonatorum, under these regulations if the case is notifiable or has been notified under the Infectious Disease (Notification) Acts.

(2) Every medical practitioner who transmits to a medical officer of health [of a district] (*c*) a notification of a case of ophthalmia neonatorum under the Infectious Disease (Notification) Acts shall at the same time state in writing, either on the form or on a separate sheet attached to the form, the date of birth of the child, the name and address [at the time of notification] (*a*) of the parent or other person, if any, having charge of the child, and the date of the onset of the disease.

(*a*) Words in square brackets inserted in consequence of Amending Regulations of 1928, *post*, p. 2497.
(*b*) Words in square brackets substituted by Amending Regulations of 1937.
(*c*) Words in square brackets added by Amending Regulations of 1937.

6. A notification to be transmitted to a medical officer of health in pursuance of these regulations shall be addressed to that officer and may be transmitted by being delivered to him or by being delivered at his office or residence, or may be sent by prepaid letter post addressed to him at his office or at his residence. The notification shall either be enclosed in a sealed envelope or shall be folded in such manner that during its transmission the particulars of the notification cannot be observed.

DISEASES AND HOSPITALS

7.—(1) The local authority shall pay to every medical practitioner a fee of two shillings and sixpence for each notification duly made, signed and transmitted by him under these regulations if the case occurs in his private practice, and of one shilling if the case occurs in his practice as medical officer of any public body or of any institution.

(2) Every fee shall be paid as soon as practicable after the end of the quarter during which the notification was sent, and the local authority shall not require before payment an account of fees claimed under these Regulations.

(3) The said fees shall in each case be deemed to cover all expenses, including the cost of transmission.

[8. A medical officer of health who receives a notification under these regulations shall—

(1) if he is the medical officer of health of an administrative county forward within twenty-four hours of receipt of the same a copy thereof to the medical officer of health of the district within which the child is being attended; or

(2) if he is the medical officer of health of a district forward within twenty-four hours after receipt of the same a copy thereof to the medical officer of health of the administrative county within which the district is situate].

Paragraph substituted by Amending Regulations of 1937.

9. The provisions of sub-section (4) of section 55 of the Public Health (London) Act, 1891, shall apply to any notification received by a medical officer of health of any local authority in the administrative county of London, in pursuance of these Regulations, in like manner as the provisions of the subsection apply to a certificate received by a medical officer of health under the said section.

10. Where a child is an inmate of any building, ship, vessel, boat, tent, van, shed, or similar structure belonging to His Majesty the King, nothing in these Regulations shall be construed as requiring a notification to be transmitted to a medical officer of health in respect of that child in any case (*a*) falling within the provisions of paragraph (*b*) of section 5 of the Local Government (Emergency Provisions) Act, 1916 (as made permanent by the Expiring Laws Act, 1925, and as applied to the Royal Air Force by the Air Force (Application of Enactments) (No. 2) Order, 1918.

* * * * * *

(*a*) The word "not," which was formerly contained here was deleted by the Amending Regulations of 1937.

CIRCULAR 722.

County Councils.
Local Sanitary Authorities.

MINISTRY OF HEALTH, WHITEHALL, LONDON, S.W.1,
9th August, 1926.

PUERPERAL FEVER AND PUERPERAL PYREXIA.

SIR,—I am directed by the Minister of Health to forward to you the enclosed copies of the Public Health (Notification of Puerperal Fever and Puerperal Pyrexia) Regulations, 1926, which will come into operation on the 1st October, 1926.

Notification.

Puerperal fever has been notifiable throughout the country since the Infectious Disease (Notification) Extension Act, 1899, came into force. Experience has shown, however, that for a variety of reasons notification of this disease has been far from complete, with the result that not only are the statistics relating to the disease inaccurate and misleading (particularly as regards incidence and fatality rate), but measures for the prevention and effective treatment of the condition have been seriously hampered. In this connection, reference may be made to pages 58 to 62

Dame Janet Campbell's report on Maternal Mortality (Reports on Public Health and Medical Subjects No. 25) which was issued in 1924.

The main reason for the comparative failure to notify is to be found in the fact that puerperal fever is ill defined and is not a specific disease comparable with scarlet fever or diphtheria. There is frequently, therefore, a genuine doubt as to the correct diagnosis. The term moreover bears a connotation which may be thought to imply some slur upon the patient or medical attendant, and this may possibly act as a deterrent to notification of a doubtful case. In any event, it is certain that many cases are not notified at all and that severe cases are often notified only when it is too late for effective action to be taken; and it is therefore important to modify the existing arrangements for the notification of puerperal fever by requiring the prompt notification of this morbid process as soon as symptoms suggestive of septic infection become manifest, in order that adequate nursing and treatment can be ensured and the spread of infection to others prevented.

The Minister consulted the section of obstetrics and gynæcology of the Royal Society of Medicine in this matter, and a representative committee appointed by the section submitted a report in February, 1925, upon which the enclosed Regulations are based.

The Minister is advised that it will ultimately be desirable to replace the term "puerperal fever" by the term "puerperal pyrexia," the latter being defined in terms which involve no theory as to causation, but without legislation amending the Infectious Disease (Notification) Acts it is not practicable to substitute "puerperal pyrexia" for "puerperal fever" as a disease notifiable under those Acts. The Regulations therefore, while prescribing new forms for the notification of cases of puerperal fever, also require the notification of cases of puerperal pyrexia (as defined in the Regulations) *in addition to* the present notification of puerperal fever under the Infectious Disease (Notification) Acts, thus placing an obligation upon medical practitioners to notify all cases of pyrexia during the puerperium irrespective of the cause to which the fever may be attributed. It is recognised that this requirement will lead to a great increase in the number of notifications and that many cases so reported will be relatively trivial in degree, but the great importance of securing adequate treatment in the early stages of puerperal infection is regarded as outweighing any objection to the notification of a certain amount of minor illness which gives no cause for anxiety.

Reports received on inquiries recently carried out in regard to the occurrence of puerperal infection in connection with various maternity institutions in different parts of the country, lead the Minister to think that pyrexia during the puerperium is not infrequently looked upon as a comparatively unimportant incident, and that proper precautions to prevent the spread of infection are at times neglected with disastrous results. He desires to take this opportunity of impressing upon all those concerned with administration or treatment in maternity institutions that the presence of infection, however slight in degree, in a patient or in a member of the staff should be considered as liable to give rise to an outbreak of virulent infection and should be dealt with accordingly.

Article 3 of the Regulations requires the local authority to cause notice to be given to all medical practitioners resident or practising within the district of the authority of the duties imposed upon them by the Regulations, and Article 4 requires the authority also to supply practitioners with copies of the notification forms which are prescribed in the Schedules to the Regulations. In this connection, it will be desirable to explain that the effect of Articles 7 and 8 is merely to require medical practitioners when notifying a case of puerperal fever under the Infectious Disease (Notification) Act, 1889, or under section 55 of the Public Health (London) Act, 1891, to use the form prescribed in Part I. or Part II., as the case may be, of the First Schedule to the present Regulations, instead of the forms contained in the Schedules to the Public Health (Notification of Infectious Disease) Regulations, 1918. The attention of practitioners should also be specially called to the definition of "puerperal pyrexia" and to the fact that the notification forms enable practitioners, when notifying a case of either puerperal fever or puerperal pyrexia, to indicate whether any assistance in dealing with the case is desired.

It will be observed that Article 13 of the Regulations requires the medical officer of health of any local authority in London, who receives a notification of a case of

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puerperal pyrexia, to send a copy of the notification, within twelve hours after its receipt, to the metropolitan asylum managers. This requirement already applies to notifications of cases of puerperal fever by virtue of section 55 (4) of the Public Health (London) Act, 1891, and in this connection I am to draw the attention of metropolitan borough councils to Circular 622 which was issued on the 14th September, 1925, and to suggest that the attention of medical practitioners in London should again be drawn to the special arrangements described in that Circular which have been made by the metropolitan asylum managers for the treatment of cases of puerperal fever.

Facilities for Treatment.

It will be realised that if the more complete notification is to have practical value it should be supplemented by the provision, when necessary, of facilities for assistance in diagnosis and for the treatment of patients who are not able to secure adequate treatment for themselves. These facilities can most readily be provided by the local authorities which are administering schemes under the Maternity and Child Welfare Act, 1918, and it will be observed that provision is made in Article 5 of the Regulations by which these authorities will receive prompt information of cases arising in the districts of sanitary authorities which do not administer such schemes. Maternity and child welfare authorities are empowered, with the sanction of the Minister, to make provision for the special treatment of women suffering from puerperal pyrexia, for consultation with an obstetric specialist, for skilled nursing, or for institutional treatment; and it is important that these authorities and their medical officers of health should do all that is possible to meet the requests of medical practitioners for special assistance for women suffering from puerperal pyrexia which is, or is likely to be, serious in character, in order that maternal mortality and morbidity from this cause may be so far as possible prevented.

If special assistance from the local authority is desired, the medical officer of health should ask the medical practitioner to supply him with further information which might include some or all of the following points:—

1. Conditions in the patient, if any, prior to the labour, which might have been factors in producing the pyrexia, *e.g.* septic foci, vaginal discharge, carious teeth, etc.

2. The names of all persons who have made internal examinations, including the name of the person who delivered the patient: their occupations and professional qualifications (if any).

3. Day and hour of commencement of labour or miscarriage.

4. The clinical course of labour or miscarriage, mentioning any special means used to assist labour, *e.g.* obstetrical operations or manual removal of placenta; and any injuries incurred by the patient.

5. The duration of labour and time of termination of labour or miscarriage.

6. The clinical history subsequent to delivery, including the amount and character of lochia; copy of temperature chart, etc.

7. The time of the onset and the probable cause of pyrexia.

8. Any cases of specific fevers, erysipelas, puerperal pyrexia, or other possible forms of sepsis, visited recently by doctor or other attendant, giving dates.

I am, etc.

The Clerk of the Council or The Town Clerk.

S. R. & O., 1926, No. 972.

THE PUBLIC HEALTH (NOTIFICATION OF PUERPERAL FEVER AND PUERPERAL PYREXIA) REGULATIONS, 1926, DATED 31ST JULY, 1926, MADE BY THE MINISTER OF HEALTH.

These regulations are amended by Amending Regulations of 1928 at p. 2498, *post*.

The Minister of Health in exercise of the powers conferred on him by the Public Health Act, 1875, the Infectious Disease (Notification) Act, 1889, the Public Health (London) Act, 1891, and of every other power enabling him in that behalf hereby makes the following Regulations:

PART I.—*General.*

1. These Regulations may be cited as the Public Health (Notification of Puerperal Fever and Puerperal Pyrexia) Regulations, 1926, and shall come into operation on the 1st day of October, 1926.

2.—(1) In these Regulations, unless the contrary intention appears:

"Local authority" means the common council of the City of London, the council of a metropolitan borough, the council of a municipal borough or other urban district, the council of a rural district, or a port sanitary authority.

"Medical officer of health" means medical officer of health of a local authority;

"Medical practitioner" means any person for the time being registered under the Medical Acts;

"The Minister" means the Minister of Health;

"The Infectious Disease (Notification) Acts" means the Infectious Disease (Notification) Acts, 1889 to 1899 (*a*), and includes section 55 of the Public Health (London) Act, 1891, and any provisions relating to the notification of infectious disease contained in any local Act or order made thereunder.

(2) The Interpretation Act, 1889, shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(*a*) 13 Halsbury's Statutes 811, repealed by the P. H. A., 1936, and replaced by Part V, thereof, *ante*, p. 405.

3. The local authority shall enforce and execute these Regulations in their district and shall forthwith cause notice to be given to all medical practitioners resident or practising within the district of the duties thereby imposed upon them.

4. For the purposes of these Regulations the local authority shall provide and maintain a sufficient supply of printed copies of the appropriate forms set out in the Schedules to these Regulations, and shall as soon as practicable after these Regulations come into operation, and afterwards from time to time when application is made to them, furnish printed copies of the said forms to every medical practitioner resident or practising within the district.

5. The medical officer of health of the authority shall forward a copy of every notification received by him under Part II. or Part III. of these Regulations to the medical officer of health of the administrative county within which the district is situate within 24 hours after the receipt of the notification.

6. Where a woman is an inmate of any building, ship, vessel, boat, tent, van, shed, or similar structure belonging to His Majesty the King, nothing in these Regulations shall be construed as requiring a notification to be transmitted to a medical officer of health in respect of that woman in any case not falling within the provisions of paragraph (*b*) of section 5 of the Local Government (Emergency Provisions) Act, 1916 (as made permanent by the Expiring Laws Act, 1925, and as applied to the Royal Air Force by the Air Force (Application of Enactments) (No. 2) Order, 1918).

PART II.—*Puerperal Fever.*

7. The form of certificate contained in Part I. of the First Schedule to these Regulations shall be the form for the purpose of any notification of puerperal fever to be given by a medical practitioner to the medical officer of health of a municipal borough or of any other urban district or of a rural district or of a port sanitary district (other than the London port sanitary district) under subsection (1) (*b*) of section 3 of the Infectious Disease (Notification) Act, 1889, and the form of certificate contained in Part II. of the said schedule shall be the form for the purpose of any notification of puerperal fever to be given by a medical practitioner to the medical officer of health of the City of London, of the London port sanitary district

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or of a metropolitan borough under subsection (1) (*b*) of section 55 of the Public Health (London) Act, 1891.

8. In so far as they relate to puerperal fever the Public Health (Notification of Infectious Disease) Regulations, 1918, are hereby revoked but without prejudice to any right, obligation or liability acquired, accrued or incurred thereunder.

PART III.—*Puerperal Pyrexia.*

9. In this part of these Regulations the expression "puerperal pyrexia" means any febrile condition (other than a condition which is required to be notified as puerperal fever under the Infectious Disease (Notification) Acts) occurring in a woman within 21 days after childbirth or miscarriage in which a temperature of 100·4° Fahrenheit (38° Centigrade) or more has been sustained during a period of 24 hours or has recurred during that period.

10. Subject to the provisions of this part of these Regulations every medical practitioner, on first becoming aware that a woman upon whom he is in professional attendance is suffering from puerperal pyrexia, shall forthwith make and sign a notification of the case in the form contained in the Second Schedule to these Regulations, and shall transmit the notification to the medical officer of health of the district within which [he is attending such woman] (*a*) at the date of notification.

(*a*) Words in square brackets inserted in consequence of Amendment Regulations of 1928, *post*, p. 2498.

11. A notification to be transmitted to the medical officer of health in pursuance of this Part of these Regulations shall be addressed to that officer and may be transmitted by being delivered to him or by being delivered at his office or residence, or may be sent by prepaid letter post addressed to him at his office or at his residence. The notification shall either be enclosed in a sealed envelope or shall be folded in such manner that during its transmission the particulars of the notification cannot be observed.

12.—(1) The local authority shall pay to every medical practitioner a fee of two shillings and sixpence for each notification duly made, signed and transmitted by him under this part of these Regulations if the case occurs in his private practice, and of one shilling if the case occurs in his practice as medical officer of any public body or of any institution.

(2) Every fee shall be paid as soon as practicable after the end of the quarter during which the notification was sent, and the local authority shall not require before payment an account of fees claimed under these Regulations.

(3) The said fees shall in each case be deemed to cover all expenses, including the cost of transmission.

13. The provisions of subsection (4) of section 55 of the Public Health (London) Act, 1891, shall apply to any notification received by a medical officer of health of any local authority in the Administrative County of London, in pursuance of this Part of these Regulations, in like manner as the provisions of the subsection apply to a certificate received by a medical officer of health under the said section.

SCHEDULE I.

PART I.

[Form for notification of puerperal fever (Non-Metropolitan).]

PART II.

[Form for notification of puerperal fever (Metropolitan).]

SCHEDULE II.

[Form of notification of puerperal pyrexi·

S. R. & O., 1927, No. 1004.

THE PUBLIC HEALTH (INFECTIOUS DISEASES) REGULATIONS, 1927, DATED 19TH OCTOBER, 1927.

Whereas by the Public Health (Pneumonia, Malaria, Dysentery, etc.) Regulations, 1919, made under s. 130 of the Public Health Act, 1875, as extended to London by the Public Health (London) Act, 1891, and as amended by the Public Health Act, 1896, provision was made for the notification, prevention, and treatment of malaria, dysentery, trench fever, acute primary pneumonia, and acute influenzal pneumonia, and for the prevention and treatment of enteric fever, relapsing fever, and typhus fever:

And whereas it is expedient that the following regulations should be substituted for the provisions of the said Regulations:

Now, therefore, the Minister of Health, in the exercise of the powers conferred upon him by the Public Health Act, 1875, the Public Health (London) Act, 1891, and the Public Health Act, 1896, and of every other power enabling him in that behalf, hereby makes the following Regulations, that is to say:—

Definitions, etc.

1.—(1) In these Regulations, unless the contrary intention appears:—

"Local Authority" means, as the case may be, the mayor, aldermen, and commons of the City of London in common council assembled, the council of a metropolitan borough, the council of a municipal borough or other urban district, the council of a rural district, or a port sanitary authority;

"District" means the district of a local authority;

"Medical Officer of Health" means medical officer of health of a local authority;

"Medical Practitioner" means a person for the time being registered under the medical Acts;

"Occupier" includes a person having the charge, management, or control of a building, or of the part of a building in which the patient is, and in the case of a house the whole of which is let out in separate tenements, or in the case of a lodging-house the whole of which is let to lodgers, the person receiving the rent payable by the tenants or lodgers either on his own account or as the agent of another person, and in the case of a ship, vessel, or boat, the master or other person in charge thereof;

"Dysentery" includes amœbic and bacillary dysentery;

"Enteric Fever" includes typhoid and paratyphoid fevers;

"The Act of 1891" means the Public Health (London) Act, 1891;

"The Regulations of 1919" means the Public Health (Pneumonia, Malaria, Dysentery, etc.) Regulations, 1919;

"The Minister" means the Minister of Health.

(2) The provisions of these Regulations shall apply to every ship, vessel, boat, tent, van, shed, or similar structure used for human habitation, in like manner as nearly as may be as if it were a building. A ship, vessel, or boat lying in any river, harbour, or other water not within the district of any local authority shall be deemed for the purposes of these Regulations to be within the district of such local authority as may be fixed by the Minister, and where no local authority has been fixed, then of the local authority of the district which nearest adjoins the place where such ship, vessel, or boat is lying.

(3) The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Commencement of Regulations.

2. These Regulations shall come into operation on the 1st January, 1928, and shall then and thereafter apply and have effect throughout England and Wales, and shall be enforced and executed by every local authority.

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Revocation of existing Regulations and application of provision of Acts and Orders.

3.—(1) The Regulations of 1919 are hereby revoked.

(2) The provisions as to notification contained in these Regulations shall have effect in place of any provisions contained in any Order made by any local authority under the Infectious Disease (Notification) Act, 1889, providing for the notification to the medical officer of health of cases of malaria or pneumonia occurring in the district of the local authority.

(3) The provisions of subsection (4) of section 55 of the Act of 1891 shall apply to any notification received by a medical officer of health of any local authority in the administrative county of London in pursuance of these Regulations, in like manner as the provisions of the subsection apply to a certificate received by a medical officer of health under the said section.

Notice of Provisions of Regulations.

4. The local authority shall forthwith cause notice to be given to all medical practitioners resident or practising within the district of the local authority of the duties imposed upon them by these Regulations and of the alterations which have been effected by these Regulations in the duties which were imposed upon them by the Regulations of 1919.

NOTIFICATION OF MALARIA, DYSENTERY, ACUTE PRIMARY PNEUMONIA, AND ACUTE INFLUENZAL PNEUMONIA.

Notification by Medical Practitioners.

5. Subject to the provisions of these Regulations, every medical practitioner, as soon as he becomes aware that a person upon whom he is in professional attendance is suffering from malaria, or dysentery, or acute primary pneumonia, or acute influenzal pneumonia, shall forthwith transmit a notification thereof to the medical officer of health of the district, in the form and containing the particulars set forth in Schedule A or Schedule B, as the case may be, of the Public Health (Notification of Infectious Disease) Regulations, 1918:

Provided that a medical practitioner shall not be required to notify to the medical officer of health of the district a case of malaria occurring in an institution in which the infection has been induced for therapeutic purposes; but, at least four days before the discharge of the patient from the institution, the medical practitioner under whose charge he has been shall, if he is of opinion that the patient may be regarded as liable to relapses of malaria, notify the case to the medical officer of health of the district in which the patient proposes to reside, in the form and containing the particulars set forth in the Second Schedule to these Regulations.

Supply of Forms of Notification.

6. For the purposes of these Regulations every local authority shall provide and maintain a sufficient supply of printed copies of the prescribed Forms of Notification, and shall from time to time when application is made to them, furnish printed copies of the said forms to every medical practitioner practising within the district of the local authority.

Transmission of Notifications.

7. A notification to be transmitted to a medical officer of health in pursuance of these Regulations shall be enclosed in a sealed envelope addressed to that officer, and may be transmitted by being delivered to him or by being delivered at his office or residence, or may be sent by prepaid letter post addressed to him at his office or at his residence:

Provided that the requirement herein contained that a notification shall be enclosed in a sealed envelope shall be deemed to be complied with if the notification is folded in such a manner that during its transmission the particulars of the notification cannot be observed.

Fees for Notification.

8.—(1) The local authority shall pay to every medical practitioner a fee of two shillings and sixpence for each notification duly made, signed, and transmitted by him under these Regulations if the case occurs in his private practice, and of one shilling if the case occurs in his practice as medical officer of any public body or of any institution.

(2) Every fee shall be paid as soon as practicable after the end of the quarter to which the notification was sent, and the local authority shall not require before payment an account of fees claimed under these Regulations.

(3) The said fees shall in each case be deemed to cover all expenses, including the cost of transmission.

(4) The receipt of such fees shall not disqualify the medical practitioner for serving as a member of a local authority or in any other public office.

ACTION TO BE TAKEN IN REGARD TO THE VARIOUS DISEASES TO WHICH THESE REGULATIONS RELATE.

Duties of Medical Officers of Health.

9. A medical officer of health on receipt of a notification under these Regulations in relation to a case occurring in a place which is not in his district shall, unless such notification is made under the proviso to Regulation 5 hereof, forthwith forward the notification to the medical officer of health of the district in which the place is situated.

10. Upon the receipt of a notification under these Regulations, or on becoming aware in any other way of a case or suspected case of malaria, or dysentery, or acute primary pneumonia, or acute influenzal pneumonia, in his district, the medical officer of health, or an officer of the local authority acting under the instructions of the medical officer of health, shall make such inquiries and take such steps as are necessary or desirable for investigating the source of infection, for preventing the spread of infection, and for removing conditions favourable to infection, and if no medical practitioner is in attendance on the patient, the medical officer of health shall also take such steps as are necessary or desirable for ascertaining the nature of the case.

11. The duties of a medical officer of health on becoming aware of a case or cases in his district of (i) malaria, or (ii) typhus fever, or relapsing fever, or (iii) enteric fever or dysentery, shall, in addition to those set forth in Article 10 above, comprise the duties set forth in Parts I., II., and III. of the First Schedule to this Order respectively.

Savings.

12. Nothing in these Regulations shall be deemed to authorise a medical officer of health or other officer of any local authority to take any of the steps herein mentioned at any institution other than one belonging to the local authority, except with the consent of the managers of that institution.

13. Where a patient is an inmate of any building, ship, vessel, boat, tent, van, shed, or similar structure belonging to His Majesty the King, nothing in these Regulations shall be construed as requiring a notification to be transmitted to a medical officer of health in respect of that patient in any case not falling within the provisions of para. (*b*) of section 5 of the Local Government (Emergency Provisions) Act, 1916 (as made permanent by the Expiring Laws Act, 1925, and as applied to the Royal Air Force by the Air Force (Application of Enactments) (No. 2) Order, 1918).

Expenses of Medical Officer of Health.

14. Any expenses incurred by a medical officer of health in carrying out the duties imposed upon him by these Regulations shall be defrayed by the local authority of the district for which he is medical officer of health.

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Duties of Local Authorities.

15.—(1) The local authority may provide or contract for the provision of medical assistance for any person in the district who is suffering from any of the diseases mentioned in these Regulations and is in need of such assistance.

(2) In cases of (i) malaria, (ii) typhus fever or relapsing fever, or (iii) enteric fever or dysentery, the local authority shall perform the duties imposed on it by Parts I., II., and III.. of the First Schedule to this Order respectively.

Duties of recipients of Notices under the First Schedule.

16. A person to whom a notice is given by the local authority under the provisions contained in the First Schedule hereto shall observe and perform any instructions lawfully given in such notice.

Compensation.

17. The provisions of section 308 of the Public Health Act, 1875 (which relates to compensation for damages sustained by reason of the exercise of the powers of the Act) shall apply to any person who sustains any damage by reason of the exercise of any of the powers of these Regulations in relation to any matter as to which he is not himself in default.

Short Title.

18. These Regulations may be cited as "The Public Health (Infectious Diseases) Regulations, 1927."

SCHEDULES.

FIRST SCHEDULE.

PART I.

Malaria.

1. In every case of malaria occurring in his district of which the medical officer of health becomes aware, and in which he considers that action is necessary to prevent the spread of infection, he shall take all necessary and practicable steps to ensure that the person suffering from malaria :—

(1) is supplied with efficient mosquito netting,

(2) receives necessary quinine treatment,

(3) receives proper advice as to the continuation of quinine treatment in order to prevent relapses, and

(4) receives proper advice as to the precautions to be taken to prevent the spread of infection.

2. On the occurrence within a district of two or more cases in which the infection has, in the opinion of the medical officer of health, been contracted within the district, the local authority may, and if required by the Minister shall, appoint and pay a medical practitioner approved by him who shall—

(1) make systematic visits to houses where malaria has occurred or where risk of malaria infection arises, and shall offer to examine persons therein who are suspected of being infected with malaria and shall endeavour to obtain material for microscopic examination in order to determine whether malarial infection is present, and

(2) secure that effective measures are taken to prevent the spread of infection by the administration of quinine, by the use of mosquito netting, and by the destruction of mosquitoes, and otherwise,

3. In every case occurring in his district of which the medical officer of health becomes aware and in which he has reason to believe that the infection was contracted in England or Wales (including every case in which the notification relates to a patient in whom the malaria has been induced for therapeutic purposes), the medical officer of health shall immediately send the name and address of the patient to the Minister, and, unless the district is a county borough, to the medical officer of health of the county in which the district is situate.

PART II.

Typhus Fever and Relapsing Fever.

1. In any case of typhus fever or relapsing fever occurring in his district of which the medical officer of health becomes aware.

(i) he shall immediately send the name and address of the patient to the Minister, and, unless the district is a county borough, to the medical officer of health of the county in which the district is situated;

(ii) if he is satisfied that it is necessary, he shall report accordingly to the local authority who may, by notice in writing, require—

(*a*) that such measures as may be specified in the notice shall be immediately taken to the satisfaction of the medical officer of health to obtain the complete destruction of lice on the person and clothing of every occupant of the building, and to secure the destruction of lice or their products in the building;

(*b*) the temporary segregation, for a period to be specified in the notice, of other inmates of the building or of other persons recently in contact with the patient until their persons and clothing have been completely freed from lice.

(iii) The notice may be addressed to the head of the family to which the patient belongs, or to any person in charge of or in attendance on the patient, or any other person in the building of which the patient is an inmate, or the occupier of the building, and also to a person with whom the patient has recently been in contact.

PART III.

A.—*Enteric Fever and Dysentery.*

1.—(i) In any case of enteric fever or dysentery occurring in his district of which the medical officer of health becomes aware, and in connection with which he is of opinion after inquiry that such a course is necessary to prevent the spread of infection, he shall report accordingly to the local authority who may by notice in writing require that, until a further notice in writing is given by them revoking the first mentioned notice on the ground that the risk of infection is removed—

(*a*) the person specified in the notice shall discontinue any occupation connected with the preparation or handling of food or drink for human consumption,

(*b*) suitable measures to be specified in the notice shall be taken with respect to cleansing, disinfection, disposal of excreta, destruction of flies, and prevention of contamination of articles of food or drink for human consumption.

(ii) The notice may be addressed to the head of the family to which the patient belongs, or to any person in charge of or in attendance on the patient, or to any other person in the building or place of which the patient is an inmate, or to the occupier of the building or place.

2.—(i) If a medical officer of health has grounds for suspecting that any person in the district who is employed in any trade or business concerned with the preparation or handling of food or drink for human consumption is a carrier of enteric fever or dysentery infection, he shall report accordingly to the local authority, who may give notice in writing to the responsible manager of the trade or business concerned certifying that for the purpose of preventing the spread of the disease they consider it necessary for their medical officer of health or a medical officer acting on his behalf to make a medical examination of such suspected person, and the responsible manager and all other persons concerned shall give to the medical officer of health all reasonable assistance in the matter.

(ii) If from the result of any such examination, or from bacteriological or protozoological examination of material obtained at any such examination, or from any other evidence which he may deem sufficient for the purpose, the medical officer of health is of opinion that the specified person is a carrier of enteric fever or dysentery infection, the medical officer of health shall report to the local authority who may give a notice in writing to that effect to the responsible manager and to the suspected person with a

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view to preventing, during a period to be specified in such notice, the employment of the person to whom the notice relates in the conduct of the trade or business, or in any other trade or business concerned with the preparation or handling of food or drink for human consumption.

SECOND SCHEDULE.

Notification of Malaria (induced for therapeutic purposes).

To the medical officer of health for the of .

In accordance with the requirements of Article 5 of the Public Health (Infectious Diseases) Regulations, 1927, I hereby certify and declare that * who proposes to reside at † at present an inmate of ‡ and due for discharge on has suffered from malaria induced for therapeutic purposes, and, in my opinion, may be regarded as liable to be attacked by relapses of this disease.

Particulars:

Age of patient Sex

Date of induction of the disease

Observations §

(Signed) .....

Medical Practitioner.

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* Name in full of person who has suffered from the disease.

† No, or name of house, and name of the street or road, and parish or place, in which the person proposes to reside. In the case of a ship, boat, tent, van, shed, or other similar structure, the name or description of the dwelling and the name of the place where it is situate should be given. The particulars given should be sufficient to enable the address to be promptly found.

‡ Name and address of institution.

§ Notes on the clinical course of the disease and the form of treatment (quinine, etc.) employed.

CIRCULAR 820.

To Sanitary Authorities, etc.

MINISTRY OF HEALTH,
24th October, 1927.

PUBLIC HEALTH (INFECTIOUS DISEASES) REGULATIONS, 1927.

SIR,—I am directed by the Minister of Health to state that he has had under review the Public Health (Pneumonia, Malaria, Dysentery, etc.) Regulations, 1919, which provide for the notification and treatment of certain infectious diseases, and contain provisions for the prevention and treatment of other infectious diseases which are notifiable under the general law. After careful consideration it has been decided to issue new Regulations dealing with these diseases, and to revoke the Regulations of 1919 as from the 1st January next.

Copies of the new Regulations are enclosed, and I am to draw attention to Article 4 which requires the local authority to cause notice to be given forthwith to all medical practitioners resident or practising within the district of the local authority of the duties imposed upon them by the new Regulations, and of the alterations which have been made in the duties which were imposed on them by the Regulations of 1919.

The following is a statement of the principal alterations which are effected by the new Regulations:—

(1) It has been decided that there is no longer any necessity to require cases of trench fever to be notified to the medical officer of health.

(2) As regards malaria and dysentery, Article 5 of the Regulations provides for the notification of every case of those diseases by any medical practitioner who becomes aware that a person upon whom he is in professional attendance is suffering

from either disease, except in those cases of malaria for which provision is made in the proviso to that Article. It has not been considered desirable to continue the exemption from notification, contained in Article V. of the Regulations of 1919, of a case which has already been notified within six months of the date on which a medical practitioner first becomes aware of the disease in that case.

(3) The proviso to Article 5 of the new Regulations exempts from notification a case of malaria in which the disease has been induced in an institution for therapeutic purposes. But if the medical practitioner under whose charge the patient has been is of opinion that the patient may be regarded as liable to relapses of malaria, he is required, at least four days before the discharge of the patient from the institution, to notify the case, in the form set out in the Second Schedule to the Regulations, to the medical officer of health of the district in which the patient proposes to reside.

(4) Article 8 provides for the payment by the local authority of a fee of 2*s.* 6*d.* to the notifying practitioner for each notification made under the Regulations if the case occurs in his private practice, and of 1*s.* if the case occurs in his practice as medical officer of any public body or institution.

(5) Article 17 provides that section 308 of the Public Health Act, 1875, shall apply to any person who sustains any damage by reason of the exercise of any of the powers of the Regulations in relation to any matter in which he is not himself in default. This provision has been included more particularly with reference to the powers conferred in Part III. of the First Schedule to the Regulations.

I am to add that it has not been thought desirable to include in the present Regulations any provision similar to Article XIX. (2) of the Regulations of 1919. I am, however, to draw attention to the provisions contained in section 124 of the Public Health Act, 1875, and section 66 of the Public Health (London) Act, 1891, as to the removal to hospital of persons suffering from dangerous infectious disease.

Copies of this Circular and of the enclosed Regulations have been forwarded to the medical officer of health, and further copies may be obtained from the addresses shown below.

I am, etc.

S. R. & O., 1928, No. 419.

THE PUBLIC HEALTH (OPHTHALMIA NEONATORUM) AMENDMENT REGULATIONS, 1928, DATED MAY 25, 1928, MADE BY THE MINISTER OF HEALTH.

1. These Regulations may be cited as the Public Health (Ophthalmia Neonatorum) Amendment Regulations, 1928, and these Regulations and the Public Health (Ophthalmia Neonatorum) Regulations, 1926 (hereinafter called "the principal Regulations") shall be construed together and may be cited as the Public Health (Ophthalmia Neonatorum) Regulations, 1926 and 1928.

2. These Regulations shall come into operation on the first day of July, 1928.

3. *Amends Art. 5 of Regulations of* 1926, *ante, p.* 2485.

4. Any notification under the principal Regulations of a case of ophthalmia neonatorum in a hospital within the administrative county of London shall be sent to the medical officer of health of the district comprising the place from which the child or the mother of the child was brought to the hospital.

Given under the official seal of the Minister of Health this twenty-fifth day of May, one thousand nine hundred and twenty-eight.

(L.S.) A. B. MACLACHLAN,
Assistant Secretary, Ministry of Health.

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S. R. & O., 1928, No. 420.

THE PUBLIC HEALTH (NOTIFICATION OF PUERPERAL FEVER AND PUERPERAL PYREXIA) AMENDMENT REGULATIONS, 1928, DATED MAY 25, 1928, MADE BY THE MINISTER OF HEALTH.

1. These Regulations may be cited as the Public Health (Notification of Puerperal Fever and Puerperal Pyrexia) Amendment Regulations, 1928, and these Regulations and the Public Health (Notification of Puerperal Fever and Puerperal Pyrexia) Regulations, 1926 (hereinafter called "the principal Regulations"), shall be construed together and may be cited together as the Public Health (Notification of Puerperal Fever and Puerperal Pyrexia) Regulations, 1926 and 1928.

2. These Regulations shall come into operation on the first day of July, 1928.

3. *Amends Art.* 10 *of Regulations of* 1926, *ante*, p. 2490.

4. Any notification under the principal Regulations of a case of puerperal pyrexia in a hospital within the administrative county of London shall specify, either on the form of notification or on a separate sheet attached to the form, the place from which and the date at which the patient was brought to the hospital, and shall be sent to the medical officer of health of the district in which the said place is situate.

Given under the official seal of the Minister of Health this twenty-fifth day of May, one thousand nine hundred and twenty-eight.

(L.S.) A. B. MACLACHLAN,
Assistant Secretary, Ministry of Health.

S. R. & O., 1930, No. 299.

THE PARROTS (PROHIBITION OF IMPORT) REGULATIONS, 1930, DATED APRIL 24, 1930, MADE BY THE MINISTER OF HEALTH.

The Minister of Health, in the exercise of the powers conferred upon him by section 130 of the Public Health Act, 1875, the Public Health (London) Act, 1891, the Public Health Act, 1896, and of every other power enabling him in that behalf, with a view to preventing the spread of the infectious disease known as psittacosis, hereby makes the following regulations, with the consent of the Commissioners of His Majesty's Customs and Excise so far as they apply to the officers of Customs and Excise, that is to say:—

1. These regulations may be cited as the Parrots (Prohibition of Import) Regulations, 1930, and shall come into operation on the 20th day of May, 1930.

2.—(1) In these regulations unless the context otherwise requires:—

"The Minister" means the Minister of Health;

"sanitary authority" means a port sanitary authority and the council of a borough or urban or rural district which includes or abuts on any part of a Customs port which part is not within the jurisdiction of a port sanitary authority;

"district" means the district of a sanitary authority, and in the case of a sanitary authority other than a port sanitary authority includes the waters of any Customs port abutting on any part of their district so far as such waters are not within the district of a port sanitary authority;

"ship" includes a vessel, boat or aircraft;

"master" used in relation to a ship includes the officer or other person for the time being in charge or command of the ship;

" medical officer of health " means the medical officer of health of a sanitary authority or a registered medical practitioner temporarily acting in that capacity and includes any other officer authorised by the sanitary authority and acting under the instructions of the medical officer of health ;

" officer of Customs and Excise " includes any person acting under the authority of the Commissioners of His Majesty's Customs and Excise ;

" parrot " means a bird of the species Psittaciformes, and includes any of the birds commonly called parrots, parrakeets, lovebirds, macaws, cockatoos, cockatiels, conures, caiques, lories and lorikeets ;

" importer " includes any person who, whether as owner, consignor or consignee, agent or broker, is in possession of or in anywise entitled to the custody or control of any parrot which is delivered or landed from a ship at any place in England or Wales ; and " import " shall be construed accordingly.

(2) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. Subject to such provisions of these regulations as prescribe functions to be exercised by officers of Customs and Excise and by the medical officer of health and any other officer of a sanitary authority the sanitary authority shall enforce and execute these regulations.

4. A person shall not import any parrot into England or Wales whether for sale or otherwise :

Provided that nothing in these regulations shall be deemed to prohibit the importation of any parrot which is proved to the satisfaction of the medical officer of health to be required for purposes of medical or veterinary research, or which is consigned to the Zoological Society of London or to a person for the time being specially authorised by the Minister to import parrots otherwise than for sale.

5. The master of every ship approaching any port shall, if he has reason to believe that a parrot is on board, bring these regulations to the notice of the person having the custody or control of the parrot, and shall immediately on the arrival of the ship notify the proper officer of Customs and Excise accordingly.

6.—(1) Where it appears to the proper officer of Customs and Excise that there is a parrot on board, or if it comes to his notice that a parrot is being landed in contravention of these regulations, he shall by a notice in writing given to the master or to the importer require that it shall not be removed from the place specified in the notice, without the consent in writing of the medical officer of health.

The proper officer of Customs and Excise shall at the same time notify the medical officer of health of the serving of the notice.

(2) The medical officer of health on receiving a notice given by the proper officer of Customs and Excise in pursuance of the foregoing paragraph of this article, or on becoming aware in any other manner that a parrot is being imported in contravention of these regulations, shall give a notice in writing to the importer forbidding its removal from the place specified in the notice for any purpose other than exportation, and stating that, unless, within such reasonable time as may be specified in the notice, regard being had to the period during which the ship will remain in port, he gives to the sanitary authority a written undertaking to export the parrot at his own expense within three days or such longer period as the ship may remain in the port, the parrot will be destroyed: Provided that where the parrot appears to the medical officer of health to be diseased or to be associated with cases of human illness he may in lieu of giving such notice cause it to be destroyed or otherwise disposed of to his satisfaction.

(3) If within the time specified in a notice given in pursuance of paragraph (2) of this article, the sanitary authority have not received such a written undertaking as is described in the notice or if within that time they have received an undertaking that the importer will at his own expense export the parrot, and the importer fails to export the parrot within the time specified in the undertaking, the sanitary authority shall cause the parrot to be destroyed.

7. Where in pursuance of article 6 the proper officer of Customs and Excise or the medical officer of health has given a notice forbidding the removal of any parrot no

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person shall remove such parrot contrary to the terms of the notice except with the express permission of the medical officer of health.

8. A person shall, if so required, give to the proper officer of Customs and Excise and the medical officer of health acting in the execution of these regulations, all reasonable assistance in his power, and shall, in relation to anything within his knowledge, furnish any such officer with all information he may reasonably require for the purpose of these regulations, and a person, in relation to anything within his knowledge and material to any purpose of proceedings in pursuance of these regulations, shall make a true statement and truly answer any question, when required or put by a competent authority in the course and for any purpose of those proceedings.

Given under the Official Seal of the Minister of Health this Twenty-fourth day of April, in the year One thousand nine hundred and thirty.

(L.S.) A. B. MACLACHLAN,
Assistant Secretary, Ministry of Health.

NOTE.—The Public Health Act, 1896, provides by subsection (3) of section 1 that if any person wilfully neglects or refuses to obey or carry out, or obstructs the execution of any regulation made under any of the enactments mentioned in that Act, he shall be liable to a penalty not exceeding £100, and, in the case of a continuing offence, to a further penalty not exceeding £50 for every day during which the offence continues.

CIRCULAR 1108.

MINISTRY OF HEALTH, WHITEHALL, S.W.1.
April 28th, 1930.

PSITTACOSIS.

PARROTS (PROHIBITION OF IMPORT) REGULATIONS, 1930.

SIR,—I am directed by the Minister of Health to refer to Circular 1081, dated February 11th, 1930, and the accompanying Memorandum (Memo. 151/Med.) on the subject of Psittacosis.

In view of the fact that a considerable number of cases of this disease have occurred in England and Wales during the last two months, the Minister is satisfied that, for the protection of the public health, it is necessary to prohibit for the present the importation into this country of parrots (including in this term all birds of the parrot species). With this object Regulations have been made under Section 130 of the Public Health Act, 1875, and a copy of the Regulations is enclosed herewith.

It will be observed that the Regulations will take effect on the 20th May next, and that their enforcement, subject to the exercise of certain functions by Officers of Customs and Excise, will rest with the Sanitary Authority and their Officers.

Article 4 of the Regulations prohibits the importation of parrots into England and Wales subject to the exceptions specified. In cases where the parrots are stated to be required for purposes of medical or veterinary research, the Medical Officer of Health should satisfy himself by inquiry of the importer that this is, in fact, the case, and if so satisfied should allow the parrots to proceed to their destination. In the event of any persons being authorised, under the latter part of the proviso to Article 4, to import parrots otherwise than for sale, the Authority or Authorities concerned will be duly informed.

Under Article 6 of the Regulations, the Officer of Customs and Excise and the Medical Officer of Health are required to serve notices prohibiting the removal of parrots from the place specified in the notice. This place will normally be the ship, but in cases where the parrot has been landed before the notice has been served the place specified may be either the ship, if the parrot is to be exported, or some other place which should be arranged between the Medical Officer of Health and the Officer of Customs and Excise, having regard to local circumstances.

It will be observed that under the proviso to Article 6 (2) if the parrot is diseased,

or is associated with cases of human illness, the Medical Officer of Health may forthwith cause the bird to be destroyed or otherwise disposed of to his satisfaction. This latter alternative is intended to authorise the Medical Officer of Health in suitable cases to forward the bird to the Laboratory of the Ministry as suggested in Memo. 151/Med. or elsewhere for any purpose connected with the investigation of the disease.

I am to add that the forms of notice to be given by the Medical Officer of Health under Article 6 (2) of the Regulations are being printed, and supplies will be forwarded to you under separate cover.

A copy of this Circular is being sent to the Medical Officer of Health.

I am, Sir,
Your obedient Servant,
A. B. MACLACHLAN,
Assistant Secretary.

The Clerk to the
Authority.

S. R. & O., 1930, No. 572.

THE PUBLIC HEALTH (TUBERCULOSIS) REGULATIONS, 1930.
DATED JULY 8TH, 1930.

The Minister of Health, in exercise of his powers under the Public Health Act, 1875, the Public Health (London) Act, 1891, and the Public Health Act, 1896, and of all other powers enabling him in that behalf, hereby makes the following regulations, that is to say :—

Short title and commencement.

1.—(1) These regulations may be cited as the Public Health (Tuberculosis) Regulations, 1930.

(2) These regulations shall come into operation on the 1st day of January, 1931, and shall then and thereafter apply and have effect throughout England and Wales, and shall be enforced and executed by every local authority.

Interpretation.

2.—(1) The Interpretation Act, 1889, applies to the Interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(2) In this Order, unless the context otherwise requires—

"Minister" means the Minister of Health;

"Local authority" means, as the case may be, the mayor, aldermen and commons of the City of London in common council assembled, the council of a metropolitan borough, the council of a municipal borough or other urban district, or the council of a rural district;

"District" means the district subject to the jurisdiction of the local authority for the purposes of the Public Health (London) Act, 1891, or of the Public Health Act, 1875, as the case may be;

"Tuberculosis dispensary" means a non-residential institution approved by the Minister for the treatment of tuberculosis;

"Sanatorium" means a residential institution approved by the Minister for the treatment of tuberculosis;

"Poor law institution" means any general institution, hospital, children's home or other establishment under the management of a poor law authority;

"Hospital" means any hospital, dispensary, or similar institution for the treatment of the sick, and includes a lunatic asylum but does not include a poor law institution, a tuberculosis dispensary or a sanatorium;

"Institution" means a hospital, poor law institution, tuberculosis dispensary, or sanatorium;

DISEASES AND HOSPITALS

"Medical practitioner" means any person for the time being registered under the medical Acts;

"Medical officer" when used in relation to any institution (other than a hospital) means the medical practitioner who is in medical charge of the patients at that institution or any medical practitioner who may be duly authorised or appointed to act as his deputy or substitute, and the said expression when used in relation to any hospital means any medical practitioner who is in medical attendance on a patient at that hospital;

"Medical officer of health" means medical officer of health of a local authority;

"School medical inspector" means any medical practitioner appointed under Section 80 (1) of the Education Act, 1921 (*a*), to undertake the medical inspection of children attending a public elementary school;

"Week" means a week ending at mid-night on Saturday;

"Quarter" means each period of three months ending on the 31st day of March, the 30th day of June, the 30th day of September, or the 31st day of December, as the case may be.

(*a*) 7 Halsbury's Statutes 174.

Rescission of previous regulations.

3. The Public Health (Tuberculosis) Regulations, 1912, the Public Health (Tuberculosis) Regulations, 1921, and the Public Health (Tuberculosis) Regulations, 1924, are hereby rescinded.

Supply of forms of notification.

4. For the purposes of these regulations, every local authority shall provide and maintain a sufficient supply of printed copies of the forms set out in the First Schedule to these regulations, and shall from time to time when application is made to them, furnish printed copies of those forms to the medical officers of every poor law institution and sanatorium situate within the district.

Notification by medical practitioners.

5. Subject to the provisions of these regulations, every medical practitioner called in to visit any person (whether at an institution or otherwise) and every school medical inspector inspecting children attending public elementary schools, shall, within forty-eight hours after first becoming aware that such person or one of such children is suffering from tuberculosis, make and sign a notification of the case in the form set forth in Schedule A or Schedule B, as the case may be, to the Public Health (Notification of Infectious Diseases) Regulations, 1918, and shall transmit the notification to the medical officer of health of the district within which the place of residence of the person is situate at the date of notification:

Provided that a medical practitioner or school medical inspector shall not notify a case under this article if he has reasonable grounds for believing that the case has in fact already been notified to the medical officer of health of the district within which the place of residence of the person is at the time situate:

Provided further that if a notification is required in pursuance of this article in respect of an in-patient at an institution, the notification shall be sent to the medical officer of health of the district in which the usual place of residence of the patient is situate.

Weekly notification by medical officers of poor law institutions and sanatoria.

6. The medical officer of a poor law institution or of a sanatorium, shall, as soon as practicable after the end of each week—

(*a*) make and sign a notification in the Form I set forth in the First Schedule to these regulations of all persons previously notified as suffering from tuberculosis and admitted during the week, and transmit the notification to the medical officer of health of the district within which the places of residence of the persons notified are situate; and

(*b*) make and sign a notification in the Form II set forth in the First Schedule to these regulations of all persons notified as suffering from tuberculosis and discharged during the week, other than cases transferred to a poor law institution or a sanatorium, and transmit the notification to the medical officer of health of the district within which the places of destination of the persons notified are situate.

When the places of residence, or the places of destination, as the case may be, of the persons to be notified are situate in more than one district a separate notification shall be transmitted to the medical officer of health of each district.

This Article shall not apply to the medical officer of a poor law institution or of a sanatorium which is under the control of the council of a county borough except in respect of any person whose place of residence or whose place of destination, as the case may be, is situate outside the county borough.

Diagnosis of tuberculosis.

7. For the purposes of these regulations a medical practitioner shall be deemed to have become aware that a person is suffering from tuberculosis when he has arrived at this conclusion from evidence other than that derived solely from tuberculin tests applied to that person.

Transmission of notifications.

8. A notification to be transmitted to a medical officer of health in pursuance of these regulations shall be enclosed in a sealed envelope addressed to that officer, and may be transmitted by being delivered to him, or by being delivered at his office or residence, or may be sent by prepaid letter post addressed to him at his office or at his residence:

Provided that the requirement herein contained, that a notification shall be enclosed in a sealed envelope, shall be deemed to be complied with if the notification is folded and sealed in such a manner that during its transmission the particulars of the notification cannot be observed.

Remuneration of medical practitioners.

9.—(1) Each medical practitioner acting in any of the capacities mentioned in column 1 of the Second Schedule to these regulations shall be entitled to receive such fees (if any) for each notification duly made, signed and transmitted by him under articles 5 & 6 of these regulations as are specified in columns 2 & 3 of the said schedule opposite to the description of the capacity in which he acts.

(2) As soon as practicable after the end of the quarter during which the notification was sent the local authority of the district within which the place of residence or place of destination of the person notified is situate shall pay the fee for the same, and a medical practitioner shall not be required for that purpose to submit an account of fees claimed by him under these regulations.

(3) The said fees shall in each case be deemed to cover all expenses, including the cost of transmission.

Duties of medical officers of health.

10.—(1) Any medical officer of health receiving a notification which has been erroneously addressed to him by a medical practitioner shall forthwith transmit the notification to the medical officer of health to whom the notification ought, in pursuance of these regulations, to have been addressed, and shall at the same time inform the medical practitioner that he has done so, and shall give to him the name and address of the medical officer of health to whom the notification has been sent.

(2) Every medical officer of health shall cause to be entered in a register to be kept by him for that purpose all the particulars contained in every notification received by him under these regulations and relating to a person whose place of residence or place of destination is situate within the district for which he is medical officer of health. He shall also enter in the register particulars of any person previously notified as suffering from tuberculosis who removes into the district of which he is medical officer of health and of whose removal to that district he is informed by the medical officer of health of another district, who shall supply him

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with the necessary particulars for the purpose; and of any person who normally resided in the district and whose death from tuberculosis has come to his knowledge, but who has not been notified to him as suffering from tuberculosis.

(3) The said register shall be kept in the custody of the medical officer of health and shall not be open to inspection by any person other than a person specially authorised by resolution of the local authority, the medical officer of health of the administrative county within which the district is situate, the medical officer of a tuberculosis dispensary which serves any area within which the district is situate, a school medical inspector for any area within which the district is situate, or an officer of any government department authorised in that respect by that department.

(4) Every notification and every document relating to a person notified under these regulations shall be regarded by the medical officer of health, and by every person who has access thereto, as confidential.

(5) Every medical officer of health shall from time to time, but not less frequently than once in every quarter, revise the register kept by him by removing from the register—

(i) the entries therein relating to notifications which have been withdrawn by or with the consent of the notifying medical practitioner on the ground that the original notification was incorrectly made;

(ii) the entries relating to persons who are certified by the medical practitioner in attendance to have recovered; and

(iii) the entries relating to persons who to his knowledge have died, have ceased to reside permanently in the district or who, after adequate search, cannot be found resident in the district.

(6) Every medical officer of health, on becoming aware that a person who has been resident in his district and who is suffering from tuberculosis has permanently changed his place of residence into some other district, shall forthwith notify the medical officer of health of that district of the case and of all relevant particulars thereof which are contained in the register of notifications kept by him.

(7) The medical officer of health shall, as soon as practicable after the end of each week, send to the medical officer of health of the administrative county within which the district is situate a statement of every notification received by him during the week in pursuance of these regulations and relating to a person whose place of residence is situate within the district of which he is medical officer of health. The statement shall show on which form the notification was made and shall contain the information in regard to each person which was given in the notification.

(8) Every medical officer of health shall furnish the medical officer of health of the administrative county within which his district is situate, as soon as practicable after the end of each quarter, with a statement, compiled from the register of notifications kept by him, showing—

(*a*) The number of cases of tuberculosis on his register at the commencement of the quarter;

(*b*) The number of cases notified to him under these regulations for the first time during the quarter;

(*c*) The number of cases removed from the register in a preceding quarter under paragraph (*e*) of this article which have been restored to the register during the quarter (giving the name and address of each such case and the reason for the restoration);

(*d*) The number of cases added to the register during the quarter which have been brought to his notice otherwise than by notification under these regulations;

(*e*) The number of cases removed from the register during the quarter (giving the name and address of each such case, and the reason for such removal); and,

(*f*) The number of cases remaining on the register at the end of the quarter.

Separate figures shall be given in each case for males and females, and for pulmonary and non-pulmonary cases.

(9) Any expenses incurred by a medical officer of health in carrying out the duties

imposed upon him by this Article shall be defrayed by the local authority of the district of which he is medical officer of health.

(10) For the purposes of this Article a person shall be deemed to have recovered from tuberculosis when neither symptoms, signs nor other evidence of existing tuberculosis disease have been present for a period of five years in the case of a person who has suffered from pulmonary tuberculosis, or for a period of three years in the case of a person who has suffered from non-pulmonary tuberculosis.

11.—(1) Upon the receipt of a notification under these regulations the medical officer of health, or an officer of the local authority acting under the instructions of the medical officer of health, shall make such enquiries and take such steps as are necessary or desirable for investigating the source of infection, for preventing the spread of infection, and for removing conditions favourable to infection:

Provided that nothing in this paragraph contained shall be deemed to authorise a medical officer of health or other officer to take any of the steps herein mentioned at any institution other than one belonging to the local authority, except with the consent of the managers of that institution.

(2) The duties assigned to the medical officer of health by the Sanitary Officers Order, 1926, shall be deemed to extend to and to include all action by a medical officer of health in the execution of these regulations.

Special powers and duties of local authorities.

12. For the purposes of these regulations—

(1) A local authority on the advice of their medical officer of health may supply all such medical or other assistance, and all such facilities and articles as may reasonably be required for the detection of tuberculosis, for preventing the spread of infection and for removing conditions favourable to infection, and for that purpose may appoint such officers, do such acts and make such arrangements as may be necessary:

Provided that nothing in this paragraph contained shall be deemed to authorise a local authority to take any of the measures herein mentioned at any institution other than one belonging to the local authority.

(2) A local authority, on the advice of their medical officer of health, may provide and publish or distribute suitable summaries of information and instruction respecting tuberculosis, and the precautions to be taken against the spread of infection from that disease.

Notification not required in certain cases.

13.—(1) Nothing in these regulations shall apply to or impose any duty or obligation upon any medical practitioner acting in his capacity as—

(*a*) medical officer of one of His Majesty's prisons or of a Borstal institution, a certified reformatory school, a certified industrial school, a state or certified inebriate reformatory, or a criminal lunatic asylum;

(*b*) medical examiner of candidates for some office or appointment;

(*c*) medical examiner on behalf of an insurance company of a person proposing to insure his life at the risk of that company;

(*d*) medical examiner of the passengers and crew of an emigrant ship; or

(*e*) certifying or appointed surgeon under the Factory and Workshop Acts, 1901 to 1920.

(2) Nothing in these regulations shall be construed as requiring a notification to be transmitted to a medical officer of health under these regulations in respect of an inmate of any building, ship, vessel, boat, tent, van, shed, or similar structure, belonging to His Majesty the King, whose case falls within the provisions of paragraph (b) of section 5 of the Local Government (Emergency Provisions) Act, 1916 (as made permanent by the Expiring Laws Act, 1925, and as applied to the Royal Air Force by the Air Force (Application of Enactments) (No. 2) Order, 1918).

Exception and application of Enactments.

14. Nothing in these regulations shall have effect so as to apply, or so as to authorise or require a medical officer of health or a local authority, or any other

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person or authority, directly or indirectly, to put in force with respect to any person in relation to whom a notification in pursuance of these regulations has been transmitted to a medical officer of health any enactment which renders the person, or anyone in charge of the person, or any other person, liable to a penalty, or subjects the person to any restriction, prohibition, or disability affecting himself, or his employment, occupation or means of livelihood, on the ground of his suffering from tuberculosis: Provided that nothing in this Article contained shall be deemed to restrict the exercise by a local authority of their powers under the Public Health (Prevention of Tuberculosis) Regulations, 1925.

Modifications consequent upon Local Acts.

15. Nothing in these regulations shall have effect in derogation of any power conferred, or of any duty or obligation imposed with respect to tuberculosis by a local act, and these regulations shall not apply to a district in which any such local act as aforesaid is in force except so far as they impose duties and obligations or confer powers which are not imposed or conferred by the local act and which are not inconsistent with any duties, obligations, or powers which are imposed or conferred by the local act. Such modification as may be necessary to give effect to the intention of this article shall be deemed to have been made in these regulations in relation to any such district as aforesaid.

Short Title.

16. These regulations may be cited as "the Public Health (Tuberculosis) Regulations, 1930."

FIRST SCHEDULE.

FORM I.

PUBLIC HEALTH (TUBERCULOSIS) REGULATIONS, 1930.

*Form of notification to be used by Medical Officers of Poor Law Institutions and Sanatoria under Article 6 (a) for Patients who have been notified before admission.**

To the Medical Officer of Health for the————————of————————

I hereby give you notice that the persons previously notified as suffering from tuberculosis of whom particulars are given below have been admitted to†————————during the week ending————————19—.

Name in full.	Age.	Localisation of disease.	Place of residence before admission (*give address in full*).‡

Dated this————————day of————————, 19—.

(Signed)————————
Medical Officer of the above named Institution.

* Patients who have not been notified before admission are to be notified on Form A.

† Here state the name of the Institution.

‡ Care should be taken to ascertain accurately the patient's place of residence. Where necessary the name of the town or village and of the county in which it is situated should be stated as well as the name or number of the house and the name of the street.

In the case of a patient transferred to an Institution from another Institution the "place of residence before admission" shall mean the place of residence before the patient's admission to the first Institution.

FORM II.

PUBLIC HEALTH (TUBERCULOSIS) REGULATIONS, 1930.

Form of notification (after discharge) by Medical Officers of Poor Law Institutions and Sanatoria under Article 6 (b).

To the Medical Officer of Health for the————————of————————

I hereby give you notice that the persons notified as suffering from tuberculosis of whom particulars are given below, have been discharged from†————————during the week ending————————19—.

Name in full.	Age.	Localisation of disease.	Place of residence before admission (*give address in full*).§	Place of destination (*give address in full*).§

Dated this————————day of————————, 19—.

(Signed)————————
Medical Officer of the above named Institution.

† Here state the name of the Institution.

§ Care should be taken to ascertain accurately the patient's place of residence and place of destination. Where necessary the name of the town or village and of the county in which it is situated should be stated as well as the name or number of the house and the name of the street.

SECOND SCHEDULE.

TABLE OF FEES TO BE PAID FOR NOTIFICATION.

1. Description of medical practitioner.	2. Amount of fee for each notification under article 5.	3. Amount of fee for each notification under article 6.	
		For the first name on each list.	For each additional name.
Acting in the capacity of:—	*s. d.*	*s. d.*	*s. d.*
Private Practitioner	2 6	—	—
Medical Officer of a hospital . . .	1 0	—	—
Medical Officer of a Poor Law Institution .	1 0	1 0	0 3
District Medical Officer	1 0	—	—

Given under the Official Seal of the Minister of Health this Eighth day of July, in the year Nineteen hundred and thirty.

(L.S.) A. B. MACLACHLAN,
Assistant Secretary, Ministry of Health.

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CIRCULAR 1107.

MINISTRY OF HEALTH, WHITEHALL, S.W.1,
July 16th, 1930.

PUBLIC HEALTH (TUBERCULOSIS) REGULATIONS.

SIR,—I am directed by the Minister of Health to enclose for the information of the Council a copy of the Public Health (Tuberculosis) Regulations, 1930, consolidating and amending the Public Health (Tuberculosis) Regulations of 1912, 1921 and 1924. The new Regulations will come into operation on the January 1st, 1931.

The amendments made by these Regulations in the existing provisions are as follow:—

(1) Certain of the definitions have been altered to correspond with changes introduced by the Local Government Act, 1929.

(2) Experience has shown that the special provisions relating to the notification of tuberculosis by School Medical Inspectors, which are embodied in Article VI of the Regulations of 1912, have been comparatively infrequently used. The new Regulations accordingly provide that notifications by School Medical Inspectors shall be made upon the form prescribed for other primary notifications.

(3) The wording of the first proviso to Article V of the Regulations of 1912 has been amended with a view to making it clear that previous notification in another sanitary district of the same county does not relieve a medical practitioner from the duty of notifying. It should be noted that the Regulation requires that the case shall be notified unless the practitioner has reasonable grounds for believing that it has already been notified to the Medical Officer of Health *of the same sanitary district*.

(4) The Regulations embody the provisions of the Public Health (Notification of Infectious Disease) Regulations, 1918, which prescribed a form of notification to be used in place of Form A scheduled to the Regulations of 1912.

(5) The forms of notification required in certain cases from medical officers of poor law institutions and sanatoria to indicate the movements of persons already notified have been amended to make it clear that the responsibility for the original diagnosis in such cases does not rest upon the Medical Officer of the institution.

The requirements of Article 6 do not apply to the Medical Officer of a poor law institution or sanatorium under the control of a County Borough Council, except in respect of patients admitted from, or discharged to, areas outside the County Borough.

(6) The requirement that notifications shall be transmitted in a sealed envelope has been amended in detail.

(7) Further provisions have been inserted to secure the effective revision of the Register of Notifications kept by the Medical Officer of Health. The substance of these provisions was embodied in Circular 549 of the December 22nd, 1924. It should be noted that the word "recovered" in Article 10 (5) (ii.) of the Regulations has the same meaning as the word "cured" in paragraph II, 1 of Circular 549. The change in terminology represents an attempt to meet the view expressed by some medical officers that so definite a word as "cured" should not be given the arbitary meaning attached to it in that Circular.

(8) The provisions as to the information to be furnished to a County Medical Officer of Health have been slightly amplified.

(9) The relevant provisions of the Sanitary Officers Order, 1926, have been applied to action taken by a Medical Officer of Health under these Regulations.

(10) A paragraph has been added to make it clear that notification under these Regulations is not required in cases where notification is required by Section 5 (*b*) of the Local Government (Emergency Provisions) Act, 1916.

I am to suggest that the Local Authority should bring to the notice of all medical practitioners resident or practising within their district the alterations mentioned in paragraphs (2), (3), (6) and (10) above.

NOTIFICATION REGISTER.

It should be noted that the form of the Register which the Medical Officer of Health is by Article 10 of these Regulations required to keep is not prescribed. It is not essential that this Register should take the form of a book, and the Minister is advised that experience has shown that the Notification Register should preferably be kept on a card system. Tuberculosis being a chronic disease, the Notification Register should not be merely a record of the fact that certain persons have on stated dates been found to be suffering from the disease. It should also be, as far as practicable, a record of the persons now suffering from the disease; and it is therefore important that the provisions of these Regulations designed to keep the Register up to date should be carefully observed.

FUNCTIONS OF SANITARY AUTHORITIES UNDER THE REGULATIONS.

Evidence from various sources suggests that, in a number of districts, the view is held that all questions connected with tuberculosis are primarily a matter for the County Council and that the local sanitary authorities have no important duties in regard to the control of this disease. The Minister desires to emphasise that, while the responsibility for the conduct of schemes for the institutional treatment of tuberculosis rests with the Councils of Counties and County Boroughs, this does not affect the functions of District Councils in connection with the prevention of infection.

The duties and powers of sanitary authorities in connection with tuberculosis are set out in Articles 11 and 12 of the accompanying Regulations, and if the control of tuberculosis is to be effective, it is essential that these duties and powers should be exercised. Article 11 imposes on the District Medical Officer of Health a definite duty to take such steps as are necessary or desirable for investigating the source of infection, for preventing the spread of infection, and for removing conditions favourable to infection. It is important that the District Medical Officer of Health in the discharge of this duty should co-operate with the Tuberculosis Officer of the County Council to secure the examination of contacts and in ensuring that so far as practicable persons suffering from tuberculosis take advantage of the facilities for treatment provided by the County Council.

District Medical Officers of Health have also duties in connection with the notification of tuberculosis. Although there has in recent years been a considerable increase in the efficiency of notification, the reports of Medical Officers of Health indicate that in some areas a considerable proportion of cases are not notified before death and that a still larger proportion are only notified during the last six months of life.

The information before the Minister does not suggest that any serious proportion of the unnotified cases of tuberculosis can be ascribed to deliberate neglect on the part of medical practitioners by whom the disease has been diagnosed. The two chief causes of delayed notification appear to be:—

(1) that the disease is not recognised by the practitioner in attendance; and

(2) that the tuberculous person does not consult a practitioner until the disease is already far advanced.

As regards the first of these causes, although in recent years general practitioners have shown an increased readiness to secure the examination of their patients by the Tuberculosis Officer, the information available suggests that there are still many cases in which the practitioner continues to treat doubtful cases for prolonged periods without recourse to this specialist service. Medical Officers of Health should, therefore, use any opportunity which arises to remind general practitioners of the special facilities for diagnosis provided at the dispensaries of the County or County Borough Council.

The delay in notification which arises from inaction on the part of the patient can only be dealt with by further development of the educational side of anti-tuberculosis work. Article 12 of the accompanying Regulations embodies the provisions of Article 13 of the Regulations of 1912, by which Local Sanitary Authorities are authorised to "provide and publish or distribute suitable summaries of information and instruction respecting tuberculosis and the precautions to be taken against the

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spread of infection from that disease." Action has been taken under these powers in some areas, but on the whole it appears to the Minister that there has been insufficient organised effort to set before the public simple statements on tuberculosis and the public facilities available for its diagnosis and treatment.

In particular it is suggested that a marked improvement in notification will follow when the general public realise that a tuberculous patient has the best prospect of recovery from the disease when treatment begins in the earliest stage, and consequently appreciate the vital importance of seeking skilled advice at the earliest possible moment if there is the slightest suspicion that the lungs may be affected.

The Minister would be glad if all local authorities would give careful consideration to the questions indicated in the preceding paragraphs.

I am, Sir,
Your obedient Servant,
A. B. MACLACHLAN,
Assistant Secretary.

The Clerk of the Council
or
The Town Clerk.

CIRCULAR 1145.

MINISTRY OF HEALTH, WHITEHALL, LONDON, S.W.1,
September 30th, 1930.

LOCAL GOVERNMENT ACT, 1929.

SURVEY AND SCHEME UNDER SECTION 63 FOR THE PROVISION OF HOSPITAL ACCOMMODATION FOR INFECTIOUS DISEASE.

SIR,—1. I am directed by the Minister of Health to transmit for the information of the County Council the enclosed copy of a memorandum as to the survey to be undertaken and the preparation of a scheme for the provision of adequate hospital accommodation for the treatment of infectious disease under Section 63 of the Local Government Act, 1929.

For L. G. A., 1929, s. 63, see Vol. V, *post.*

2. The Minister is aware that action in this matter has already been taken or is in contemplation in a number of counties. Where a scheme has not already been submitted he trusts that the memorandum enclosed will be found to be useful in the preparation of schemes, and he desires me to commend the matter to the early attention of County Councils. It is one of very considerable importance on public health grounds, and the Minister earnestly hopes that through the systematic handling of it on a county basis by the County Council in partnership with other authorities concerned, the gaps now existing in institutional provision may be filled up and adequate arrangements be secured for the country as a whole.

3. When the County Council have formulated a scheme copies should be printed and circulated to all the authorities affected, and three copies should be forwarded to the Minister, together with:—

(*a*) A copy of the resolution of the Council authorising application to be made for the Minister's approval.

(*b*) A copy of the report of the County Medical Officer of Health.

(*c*) A statement in the form set out in Appendix A to the Memorandum in respect of each hospital which it is proposed should continue to be used for the reception of patients suffering from smallpox or other infectious disease. Copies of the form may be obtained on application to the Department.

(*d*) A map of the county showing by distinctive colour the situation of the existing hospitals which it is proposed to continue to use and the approximate position of any new hospitals to be provided; and

(*e*) A statement of the area and population to be served by each hospital.

4. It is hoped that it will be possible for the County Council to complete the survey and the necessary consultations not later than June 30th, 1931, and to submit the complete scheme for the Minister's approval by September 30th, 1931.

5. The Minister would be glad to arrange if desired for officers of the Department to confer with representatives of the County Council in regard to any difficulties which may arise in the course of preparation of the scheme.

6. A copy of this circular and of the enclosure have been sent to the Medical Officer of Health.

I am, Sir,
Your obedient Servant,
W. A. ROBINSON,
Secretary.

The Clerk of the
County Council.

S. R. & O., 1934, No. 674.

THE PUBLIC HEALTH (TREATMENT OF INFECTIOUS DISEASE) REGULATIONS, 1934, DATED JUNE 25TH, 1934, MADE BY THE MINISTER OF HEALTH UNDER SECTION 130 OF THE PUBLIC HEALTH ACT, 1875 (38 & 39 VICT. C. 55), AND SECTION 2 OF THE PUBLIC HEALTH (PREVENTION AND TREATMENT OF DISEASE) ACT, 1913 (3 & 4 GEO. 5, C. 23).

Whereas by Section 130 of the Public Health Act, 1875, the Minister of Health is empowered to make such regulations as he thinks fit with a view to the treatment of persons affected with infectious disease and to the prevention of the spread of such disease;

And whereas by Section 131 of the said Act the councils of boroughs and of urban and rural districts are empowered to provide for the use of the inhabitants of their districts hospitals or temporary places for the reception of the sick;

And whereas similar powers with respect to the provision of places for the reception of the sick are conferred on the London County Council by Section 14 of the Local Government Act, 1929;

And whereas by Section 2 of the Public Health (Prevention and Treatment of Disease) Act, 1913, the Minister of Health is empowered to declare that one of the authorities to execute and enforce regulations made under Section 130 of the Public Health Act, 1875, with a view to the treatment of persons affected with infectious disease, shall be the Council of a County but it is provided by that Section that except in case of emergency the Minister shall not require the Council of a County to execute and enforce any such regulations without the consent of such Council;

And whereas with a view to the treatment of persons affected with infectious disease and the prevention of such disease it is expedient that the powers and duties of the London County Council, the councils of boroughs and urban and rural districts and Joint Hospital Boards constituted under the Public Health Act, 1875, with respect to the provision of hospitals or temporary places for the reception of the sick should extend not only to the inhabitants of their districts but also to such persons as are for the time being therein;

And whereas the London County Council have consented to the making of these regulations so far as they require that Council to execute and enforce the same:

Now therefore the Minister of Health in the exercise of the powers conferred on him by Section 130 of the Public Health Act, 1875 (*a*), and Section 2 of the Public Health (Prevention and Treatment of Disease) Act, 1913 (*a*), and of every other power enabling him in that behalf hereby makes the following regulations:—

(*a*) Repealed by P. H. A., 1936; see now s. 143 thereof, *ante*, p. 405.

1. These regulations may be cited as the Public Health (Treatment of Infectious Disease) Regulations, 1934, and shall come into operation on the first day of July, 1934.

DISEASES AND HOSPITALS

2. The London County Council, the council of every borough or urban or rural district, and every Joint Hospital Board constituted under the Public Health Act, 1875, and having the powers of Section 131 of that Act (*a*), shall have the same powers and duties in relation to the provision of hospitals or temporary places for the use of persons who are for the time being within their county, borough or district, as the case may be, and are suffering from infectious disease, as they have for the use of the inhabitants of that county, borough or district.

(*a*) 13 Halsbury's Statutes 675. Repealed by P. H. A., 1936, and replaced by s. 181 thereof, *ante*, p. 446.

Given under the official seal of the Minister of Health this twenty-fifth day of June, nineteen hundred and thirty-four.

(L.S.) R. J. SIMPSON,
Assistant Secretary, Ministry of Health.

CIRCULAR 1418.

MINISTRY OF HEALTH, WHITEHALL, S.W.1,
June 29th, 1934.

INFECTIOUS DISEASE.

SIR,—1. I am directed by the Minister of Health to enclose for the information of the Authority a copy of the Public Health (Treatment of Infectious Disease) Regulations, 1934, which will come into operation on July 1st, 1934.

2. The Minister is advised that, at present, there is no legal obligation on a local authority which has provided a hospital for the treatment of infectious disease in pursuance of section 131 of the Public Health Act, 1875, to receive into that hospital a person suffering from infectious disease who is not an inhabitant of the district. He is also advised that there is no obligation on the authority to provide treatment for infectious disease, or to meet the cost of treatment otherwise provided, for an inhabitant of their district who is temporarily outside the district. There is, therefore, at present, no general legal provision which definitely places the responsibility for the treatment of a person, who is found to be suffering from infectious disease while outside the district of which he is an inhabitant, either on the authority of the district in which the disease is discovered or on that of the district of which he is an inhabitant.

3. The primary public purpose of the hospital treatment of infectious disease is to prevent the spread of the disease; and as the population exposed to risk is that of the district in which the disease is discovered, it is generally recognised that the proper course is for the authority of that district, as the body responsible for preventing the spread of disease therein, to provide the necessary treatment.

4. The Minister's attention has however recently been drawn to certain cases in which an authority disclaimed responsibility for the treatment of persons temporarily living in their district and sent such persons back to their homes although it was not denied that hospital treatment was required. It is clear that such a course is detrimental to the public health, inasmuch as it delays the provision of treatment and involves risk of the spread of the disease.

5. The Minister has accordingly decided to make regulations providing that an authority shall have the same powers and duties in relation to the provision of hospitals or temporary places for the use of persons who are for the time being within their district and are suffering from infectious disease as they have in respect of the inhabitants of their district.

6. The Regulations will not, of course, affect the right of an authority to decide, on the advice of their Medical Officer, what cases of infectious disease should be treated in hospital and what cases can satisfactorily be treated otherwise. Their object is to secure that the authority's decision should be based on medical considerations alone, with a view to the most effective control of disease and the best use of the available accommodation.

7. The Regulations will not apply to Hospital Committees established under the Isolation Hospitals Acts, 1893 and 1901, since the powers conferred by those Acts make no distinction between persons who are inhabitants of the Hospital District and persons who are temporarily resident in the District.

8. A copy of this Circular and a copy of the Regulations are being sent to the Medical Officer of Health of the Authority.

I am, Sir,
Your obedient Servant,
A. B. MACLACHLAN.
Assistant Secretary.

The Clerk to the Authority.

CIRCULAR 1586.

MINISTRY OF HEALTH, WHITEHALL, S.W.1,
December 30th, 1936.

ACUTE POLIOMYELITIS.

SIR,—I am directed by the Minister of Health to refer to Circular 1298 of December 15th, 1932, and to say that the Memorandum on acute poliomyelitis, which was forwarded with that Circular in continuation of previous pronouncements on the subject, has recently been under revision in the light of present-day knowledge.

I am to forward for the information of the Authority the accompanying copies of the revised Memorandum (Memo. 166/Med. (*Revised*)) and to draw attention in particular to the section headed "Action by Medical Officer of Health", relating to the administrative measures which are desirable on the occurrence of cases, or suspected cases, of poliomyelitis. A copy of this Circular and of the Memorandum are being forwarded to all Medical Officers of Health.

The Memorandum has been placed on sale, and additional copies may be obtained, price 2*d.*, from His Majesty's Stationery Office at any of the addresses shown thereon, or through any bookseller.

I am, Sir,
Your obedient Servant,
A. B. MACLACHLAN,
Assistant Secretary.

The Clerk to the Authority.

MEMO. 166/MED.

(*Revised*).

MINISTRY OF HEALTH.

ACUTE POLIOMYELITIS.

Acute poliomyelitis (including polio-encephalitis and polio-encephalo-myelitis) is an infectious disease of the central nervous system. It has long been known under the name of "infantile paralysis" but the term is misleading, for the disease may occur in adults, though not so frequently as in children, and paralysis does not always supervene. Mild cases are not uncommon and failure to detect them masks to some extent the epidemic nature of the disease.

Although poliomyelitis is compulsorily notifiable, its incidence is largely conjectural inasmuch as it is difficult of recognition until paralysis has occurred, and the notification figures represent for the most part a residue of paralytic cases. Within the last ten years the annual number of notifications has varied from 1,397 in 1926 to 394 in 1931, rising to 700 in 1935.

Historical Note.

The first medical description of poliomyelitis appears to have been given by an English practitioner, Michael Underwood, in 1784, and in 1835 Badham described the cerebral symptoms of the disease. Jacob Heine in 1840 wrote an instructive monograph, and some 30 years later Medin of Stockholm drew attention to the fact

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that the disease occurred occasionally in epidemic form. The term "Heine-Medin Disease" is commonly used in Germany and Scandinavia as a synonym for acute poliomyelitis. In recent years epidemics have been carefully studied in Europe, Canada, the United States and Australia.

Pathology.

The studies of Flexner and Lewis, Leiner and von Weisner, Landsteiner and Levaditi and others have shown that the disease is due to a virus which passes through the finest filter, and the filtrate is pathogenic to the monkey. The presence of this virus has been demonstrated in the naso-pharynx of patients suffering from poliomyelitis and also of persons who give no definite history of having had the disease and who may, or may not, have been in known contact with it.

For a number of years poliomyelitis has been regarded as an acute infectious fever which may or may not attack the nervous system after the virus has been implanted in the nasal mucosa. More recent experiments, notably by Hurst and Fairbrother, indicate that the virus can reach the nervous system by the axis cylinders of the olfactory nerve, enter the olfactory bulbs and be spread thence within the nervous system by axonal channels. It has a special affinity for the nerve cells of the cervical and lumbar enlargements of the cord. According to this view, the primary nervous lesion is of the nerve cell and not of the interstitial tissue, and the cerebro-spinal fluid is held to play no essential part in the carriage of the virus. It is still a subject of hesitancy to some authorities whether these laboratory researches are so applicable to the disease in man as to displace completely the view that poliomyelitis is a general infection of the system with secondary nervous involvement. This older conception of the disease harmonises in many respects with its clinical and epidemiological behaviour. The characteristic lesion is degeneration of the motor cells of the anterior horns of the spinal cord; histologically this is accompanied by hyperæmia and exudation of lymphocytes round the blood vessels. Occasionally, the cord is so much involved as to give rise to a transverse myelitis. The brain may be affected (polio-encephalitis and polio-encephalo-myelitis) and the meninges implicated. Visceral lesions may be present, such as hyperplasia of the tonsils, spleen and lymphatic glands, together with cloudy swelling of the kidneys and liver.

Epidemiology.

Prevalence.—Poliomyelitis is a disease of the temperate zones; it has a well-marked seasonal prevalence in the autumnal part of the year, but sporadic cases and small outbreaks have been recorded in the winter months.

Transmission.—The pathological findings indicate that, presumably, infection may be spread directly not only by patients but by persons apparently healthy. There is not sufficient reason to believe that the virus of poliomyelitis is conveyed to man by foodstuffs or insects, or that the disease is associated with insanitary conditions.

Natural Immunity.—Individual natural immunity is high in the first six months of life; thereafter it falls quickly but rises in the later years of childhood. It has been suggested that the virus is widely spread and that the comparative freedom of adults from attack is due to acquired immunity, as substances capable of neutralising the virus, and therefore presumably developed in response to the virus as antigen, have been demonstrated in the blood of persons who have been exposed to infection but who have had few or no manifestations of the disease.

Age and Sex.—The largest proportion of cases occurs between the ages of 1 and 5 years, with the highest incidence in the second year of life. Males are affected rather more frequently than females.

Mortality.—The case fatality varies in different epidemics from about 10 per cent. to 25 per cent., though a total fatality as low as 7·1 per cent. and as high as 42·3 per cent. has been recorded. The risk of death is greater at ages above 10 years.

Incubation period.—Clinical observation suggest an incumbation period of from 2 to 10 days, and although shorter and much longer periods have been recorded, the average period may be regarded as from 3 to 4 days.

Clinical Character.

(1) *Initial stage.*—This stage is variable in duration; it may last only a few hours and be unrecognised, or on the other hand it may extend to 5 or even 10 days. The initial symptoms may be those commonly associated with the pre-eruptive period of the exanthemata-headache, pyrexia (102°–103°), malaise, sore throat, tonsillitis, coryza, nasal discharge and irritability of temper. Epistaxis may occur and, in some epidemics, vomiting and diarrhœa are leading symptoms. There is no typical skin eruption; herpes and herpes zoster have been noted; erythematous or morbilliform rashes may occur, and cases have been erroneously diagnosed as scarlet fever or measles. The condition may clear rapidly and complete recovery ensue. On the other hand, the initial stage more commonly merges into a second phase. Exceptionally there may be a remission period of some hours, or even days, between these phases in which the temperature falls to normal, the patient appears to have recovered and perhaps is allowed to go about on the assumption that he has had a slight febrile ailment. But eventually there comes a recrudescence of temperature and an accentuation of the disease.

(2) *The preparalytic stage* is associated with the appearance of characteristic changes in the cerebro-spinal fluid. It varies in intensity and duration, being at times so slight and transient as to be unnoticeable, and at others of great severity. On the whole its duration is short and it ends either in speedy recovery or passes into the paralytic stage within a few hours. The chief signs are continuation (or renewal) of the pyrexia and headache, onset of pains in the back and limbs with tenderness over the upper dorsal vertebræ, stiffness of the neck and spine with resistance to passive flexion, muscular twitchings (often indicating the site of future paralysis), hyperæsthesia, retention of urine, drowsiness, and sometimes deep stupor, occasionally even opisthotonos. Diminution or disappearance of the superficial or some of the deep tendon reflexes may be the first indication of the nature of the case. Kernig's sign is frequently present.

(3) *Paralytic stage.*—Once the virus is established in the central nervous system paralytic phenomena may appear, their character being dependent on the localisation and intensity of the lesions.

(a) *Poliomyelitic form.*—In this form the lesions involve the lower motor neurons giving rise to flaccid paralysis affecting one or two muscles, or a group of muscles, or one or more limbs. The paralysis comes on as a rule three or four days after the onset of illness, but sometimes it may be the first sign of the disease detected. A child may go to bed apparently well and awake with one or more of its limbs paralysed. Even in epidemic periods it is usually only when paralysis has supervened that the diagnosis of poliomyelitis is made.

(b) *Polio-encephalitic form.*—In this form the lesion chiefly or solely involves the upper motor neurons. In some cases both brain and cord are involved (polio-encephalo-myelitis). The nervous symptoms are of varying degrees of severity ranging from temporary paresis, or even nystagmus only, to convulsions followed by by hemianopia, hemiplegia or diplegia. Recovery or death may take place within a few hours or the case may be protracted. Cerebral cases usually occur at ages over five years. Below five years of age the spinal form of the malady predominates.

After-Effects.

In the poliomyelitic form the paralysis may persist and the patient is crippled to a degree corresponding with the extent of the damage to the spinal cord. In the encephalitic form, though the risk of fatality is greater, there are commonly no after-effects on recovery.

Diagnosis.

The initial symptoms of poliomyelitis are indistinguishable from those of the onset of other infectious diseases, but it must be remembered that in poliomyelitis definite signs of involvement of the central nervous system may appear rapidly, and, if there be any cause for suspicion, the patient should be kept under close medical supervision so that the physician may detect the earliest signs of the disease. The following

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signs are considered to be confirmatory of a provisional diagnosis of poliomyelitis in the preparalytic stage :—

Spinal Sign.—The patient is disinclined to bend the head forward on account of pain experienced in doing so, and there is resistance to passive anterior flexion of the neck. When the patient is raised by the shoulders the head falls backwards and the patient cannot easily bring it forward again. A simple way of eliciting the spinal sign is to ask the patient to kiss his knees.

Amoss' Sign (modification of the spinal sign) is a useful test in older children. When placed in the sitting posture and asked to fold his arms the child may attempt to do so but quickly reverts to the position in which part of the body weight is borne by the arms, which thus make two legs of a tripod, the spine being the third.

When stiffness of the spine or resistance of the neck to passive flexion supervene, and they are associated with headache and fever, it may be considered that a provisional diagnosis of poliomyelitis in the preparalytic stage is sufficiently justified, and consequently examination of the cerebro-spinal fluid should be made.

As regards the polio-encephalitic form, the implication of the brain, medulla, meninges or spinal nerves may give rise to varying symptoms (for example, in bulbar paralysis speech disturbances are noted). There may be confusion in the differential diagnosis between polio-encephalitis and cerebro-spinal meningitis, encephalitis lethargica, tuberculous meningitis or septic meningitis. The previous history of the patient and the presence of similar cases in the vicinity, together with the examination of the cerebro-spinal fluid, will assist in the determination of the diagnosis.

Examination of the Cerebro-Spinal Fluid.

In the initial stage the cerebro-spinal fluid is normal with a cell count of from 0–10 per c.mm. In the preparalytic stage the fluid is usually under moderately increased pressure (aggravated by anæsthesia) and appears to be clear, though when viewed by transmitted light it presents a faint haziness or "ground glass" appearance. There is an increase in the number of cells (mononuclear and polymorphonuclear), the count usually being between 50 and 250 per c.mm. but occasionally it may be as high as 700 to 800, or as low as 20. The second characteristic is that the ratio of lymphocytes to polymorphonuclear cells (neutrophils) increases rapidly as paralysis approaches. There is also an increase of globulin and the chlorides are not reduced (whereas in tuberculous meningitis chlorides are reduced).

The following table may prove to be of value in differentiating the cerebro-spinal fluid of poliomyelitis from the normal, and from that of other nervous diseases with which poliomyelitis may be confused :—

EXAMINATION OF CEREBRO-SPINAL FLUID.

—	Normal.	Acute Poliomyelitis.	Tuberculous Meningitis.	Purulent Meningitis.	Epidemic Encephalitis.
Appearance .	Colourless and with no coagulum.	Colourless or slightly hazy.	Colourless with a fine coagulum.	Slightly yellow or opalescent with much coagulum.	Colourless with no coagulum.
Cells . .	0–10 Lymphocytes.	15–1,500 Mainly lymphocytes or neutrophils according to count.	15–1,500 Mainly lymphocytes.	500–20,000 Neutrophils.	10–50 Lymphocytes.
Protein per cent.	0·02–0·04	0·04–0·08	0·05 upwards.	0·05 upwards.	0·04–0·08
Chlorides per cent.	0·72–0·75	0·65–0·70	0·50–0·65	0·65–0·70	0·65–0·70
Sugar per cent.	0·06–0·08	0·05–0·08	0·01–0·06	0·01–0·06	0·07–0·11
Bacteria .	Absent.	Absent.	Detection difficult.	Present.	Absent.

Treatment.

A. General Considerations.

In the early stages of poliomyelitis, treatment should be directed towards a limitation of the extent to which the central nervous system may become involved, and therefore the patient should be confined to bed absolutely and all possible disturbances should be removed. Pain may be relieved by immobilisation of the affected parts by sand bags, the application of splints or otherwise. In the event of paralysis occurring, care should be taken to prevent deformities by adopting postures antagonistic to the common contractures. As the paralysed muscles cease to be painful they should be gradually relaxed with due regard to the possible deformities.

At the paralytic stage the patient should be under the care of an orthopædic surgeon. As long as tenderness and pain persist the patient should be kept at rest. Deformities may be prevented by placing the paralysed muscles in a position of physiological rest by various methods of splinting. After four weeks to three months the acute stage is usually over and the maintenance of good position may be supplemented by—

(*a*) Ambulatory treatment, and

(*b*) Re-education of muscles (muscle training).

Massage should be given with discretion, as its over-use is detrimental and retards progress. Electrical treatment is now used much less than formerly.

The paralytic stage becomes stationary about two years after the onset. Care of the muscles is still required. In patients coming to notice only at this stage muscle training may accomplish much even in cases of long duration. If the patient has either not been properly treated earlier or has not responded to skilled treatment the requirements of this stage are operative measures—

(*a*) for the treatment of deformities, and

(*b*) for the improvement of function and in order to secure stability.

Deformity is corrected by stretching by hand, by plaster, or by apparatus; by forcible stretching under anæsthesia; by tenotomy, fasciotomy, myotomy or osteotomy, the mildest measure that will suffice being the soundest and best. Operations to improve function, *e.g.*, tendon transplantation, astragalectomy, tenodesis, are by all experienced surgeons deferred until at least two years after the onset and often for a longer period in order to permit of the maximum recovery of muscular power and to enable the mechanical conditions in the affected limb to be clearly defined.

B. Treatment by Human Convalescent Serum.

The administration by the subcutaneous, intravenous or intrathecal method of serum obtained from a patient who has formerly had poliomyclitis (so called "convalescent serum") was advocated by Netter in 1911 in the preparalytic stage with a view to preventing the onset of paralysis. Between 1925 and 1931 Macnamara and Morgan * treated 133 persons in the preparalytic stage in outbreaks in Australia and concluded that the serum gave "excellent" results, but inasmuch as the physicians concerned felt they had no right to withhold the treatment from any patient who might be in the preparalytic stage, no adequate controls were forthcoming and complete proof of the value of this remedy was therefore not yet established. In America, Park, Kramer, Aycock and their co-workers carried out the treatment with such controls as were found practicable and concluded that no statistical evidence was obtained that convalescent serum was effective, but that the reverse conclusion—that it was of no value—could not be drawn. Similarly, the New York Academy of Medicine (October, 1932) after a recent review of the whole question of the use of convalescent serum declare that, "the results of the study are inconclusive."

Clearly much more experience of this remedy is necessary before its value can be appraised, and the same is true also for normal sera obtained from human beings or from artificially immunised animals (the use of both of which has been suggested on the ground that they have been found to contain relatively large amounts of the specific antibody).

* Macnamara, Jean and Morgan, F. G.: "Poliomyelo-encephalitis in Victoria (1925–1931); Treatment by Human Immune Serum." *Lancet*, Lond. 1932, I, 469.

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The after-effects of poliomyelitis are of so grave a nature that in spite of these findings some medical practitioners may still desire to use serum. The collection and use of such human serum must, for the present, be a matter for arrangement between the medical practitioner and his patient, or for local organisation. Obviously, orthopædic hospitals and other cripple institutions are favourably situated for the collection of serum, but its preparation, testing for potency or toxicity, and storage would have to be safeguarded. Indeed, in England it is only through such institutions that convalescent serum has as yet become available (in London, Oxford, Birmingham, and elsewhere). It is obvious that owing to inherent difficulties a supply is not generally obtainable for practitioners on demand.

It appears to be generally agreed that—

(1) Convalescent serum should be given as early in the course of the disease as possible, *i.e.*, immediately after any sign of spinal involvement has been obtained and an examination of the spinal fluid after lumbar puncture has confirmed the clinical diagnosis of acute poliomyelitis.

(2) The serum may be administered at the time of, or as soon as possible after, the diagnostic lumbar puncture, provided the quantity injected does not exceed the amount of fluid withdrawn, a suitable intrathecal dose being about 20 c.c. together with 30–50 c.c. given by other routes (intravenous or intra-muscular) on the same occasion. If no improvement in the patient's condition is observed administration by one or other of the routes may be repeated within 24 hours.

(3) The serum should be given only by an experienced physician or a clinical pathologist versed in the technique of intrathecal and intravenous administration.

(4) It is advantageous in most cases for the treatment to be given in a hospital or other suitable institution.

Precautions against Infection.

While it is difficult at present to say how long a patient remains infectious, he should be isolated from other children for six weeks, and personal association with him limited to the minimum necessary for proper care and nursing. Those in attendance should bear in mind that infection may be conveyed from the naso-pharyngeal secretions, the urine and excreta. A strictly surgical standard of nursing is indicated, and nurses should be advised to use nasal sprays or douches and to gargle the throat with normal saline solution. A solution of permanganate of potash, 1 in 5,000 in 0·8 solution of chloride of sodium (common salt), has been found to inhibit the action of the virus. Recently, the instillation into the nostrils of a 4 per cent. solution of sodium alum or tannic acid has been advocated. The daily nasal spraying of 5 c.c. of either of these solutions is said to protect against infection for a period of two or three months. Picric acid is also recommended (Armstrong and Harrison). Some authorities are of opinion that the employment of chemical antiseptics is liable to destroy the virucidal properties of the normal secretion of the naso-pharynx. Neither serum nor specific vaccines can be recommended for individual protection.

Children in the affected household should remain away from school for a period of three weeks after isolation of the patient, but it would not appear that complete restriction need be placed on adult members of the household provided they remain well. In regard to the closure of residential schools, the balance of advantage is in favour of *not* closing a school on the appearance of poliomyelitis. If the school be closed any potential infection is more widely distributed (not infrequently in homes containing younger children) and passes beyond such supervision and control as are furnished in a well-equipped residential school conducted on hygienic lines. Moreover, the care and treatment of the patient is, generally speaking, likely to be more effective in such a school than at home.

Any persons in the infected household who suffer from such of the symptoms set out above as suggest an abortive attack should be isolated as far as possible until they have recovered.

Action by Medical Officer of Health.

The action of the Medical Officer of Health on receipt of notifications, or on learning of suspected cases of poliomyelitis, should proceed on the following lines:—

(*a*) assist in securing suitable accommodation, including isolation, for the patient in hospital or otherwise;

(*b*) ensure the precautions required in the light of the information that the disease is apparently capable of transmission by mild cases or even by the apparently healthy; and

(*c*) make investigation of the associated circumstances, including a search for missed cases.

In epidemic periods local authorities should endeavour to inform the public, by means of leaflets, posters, notices in the Press, cinema films (preferably shown in the open), lectures in the schools, etc., how infection may be guarded against and of the care to be observed in case of attack. Public information should also be circulated respecting the arrangements and facilities for treating patients which are available in the district. All crowded assemblies should be discouraged, as far as possible, while an epidemic prevails, and all gatherings of young children should be avoided; nor should young children be allowed to enter any house where there is a case of illness.

The Medical Officer of Health should advise his Council as to, firstly, what can be done to promote early diagnosis during the acute stage of poliomyelitis, and, secondly, what arrangements can be made under the local orthopædic scheme to send all children affected, whether the condition is slight or serious, to an institution equipped to give such special treatment as may be required to prevent avoidable muscular weakness or permanent deformity.

In view of the high proportion of cases of poliomyelitis which occur below the age of five years, and bearing in mind the good results of effective treatment and the serious consequences of neglect, it is important to take such steps as may be possible to secure orthopædic treatment for young children in connection with the Child Welfare Services. Health visiting and the orthopædic clinic are valuable means by which cases of paralysis are discovered and referred for treatment. All notified cases should be followed up throughout the whole period of their illness to ensure that their treatment is suitable and continuous.

Ministry of Health,
London, S.W.1.
December, 1936.

CIRCULAR 1596.

MINISTRY OF HEALTH, WHITEHALL, S.W.1,
February 1st, 1937.

NOTIFICATION AND TREATMENT OF OPHTHALMIA NEONATORUM.

SIR,—I am directed by the Minister of Health to forward to you the enclosed copies of the Public Health (Ophthalmia Neonatorum) Amendment Regulations, 1937, which will come into operation on April 1st, 1937.

Under the Public Health (Ophthalmia Neonatorum) Regulations, 1926, as amended by the Public Health (Ophthalmia Neonatorum) Amendment Regulations, 1928 (*a*), cases of Ophthalmia Neonatorum are required to be notified to the Medical Officer

(*a*) See *ante*, p. 2484, where the regulations are set out as amended by the Orders of 1928 and 1937.

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of Health of the county district within which the notifying practitioner is attending the child, whether or not the Council of the county district is the Maternity and Child Welfare Authority for the district; and an obligation is laid upon the Medical Officer of Health of the district to forward a copy of every notification which he receives under the Regulations to the County Medical Officer of Health within 24 hours after the receipt of the notifications.

Representations have recently been made to the Minister that as it is the function of the Maternity and Child Welfare Authority to give assistance in cases of Ophthalmia Neonatorum by visiting and the provision of nursing in the home, and if necessary by providing hospital treatment, and as it is of the utmost importance that this assistance should be available at the earliest possible moment, it would be desirable to secure that in all cases the notification is sent direct to the Medical Officer of Health of the Maternity and Child Welfare Authority.

After consultation with the British Medical Association, the Minister has decided to give effect to these representations, and the enclosed Regulations require notifications of cases of Ophthalmia Neonatorum to be made by the notifying practitioner direct to the Medical Officer of Health of the Local Authority for the purposes of the Notification of Births Acts, 1907 and 1915, which is in all districts the Maternity and Child Welfare Authority, in order that there may be no delay in the provision by that Authority of any necessary assistance. At the same time, provision is made in Article 4 (*f*) of the new Regulations whereby the Medical Officer of Health of a District Council which is not a Maternity and Child Welfare Authority will receive from the County Medical Officer of Health prompt information of any cases of Ophthalmia Neonatorum occurring in his District, and a County Medical Officer of Health will receive information of all cases of this disease which occur in the administrative County.

The weekly return made to the Registrar-General by the Medical Officer of Health of a District Council should include all cases of Ophthalmia Neonatorum whether notified to him direct by the medical practitioner or through the County Medical Officer of Health.

It is important that every County Council should cause notice to be given of the effect of the new Regulations to all medical practitioners resident or practising within those Districts in the administrative County for which the County Council is the Maternity and Child Welfare Authority, explaining that on and after the date on which the Regulations come into operation all notifications of cases of Ophthalmia Neonatorum occurring in those Districts must be sent to the County Medical Officer instead of to the Medical Officer of Health of the District.

Additional copies of this Circular and the Regulations may be purchased directly from His Majesty's Stationery Office at any of the addresses shown below, or through any bookseller.

I am, Sir,

Your obedient Servant,

A. B. MACLACHLAN.

Assistant Secretary.

The Clerk of the Council,

or

The Town Clerk.

CIRCULAR 1724.

MINISTRY OF HEALTH, WHITEHALL, S.W.1,

September 5th, 1938.

SMALLPOX.

SIR,—1. I am directed by the Minister of Health to enclose for the information of the Authority a copy of a Memorandum on Smallpox which supersedes the previous

Memorandum on the steps requisite to be taken by Sanitary Authorities on the occurrence of Smallpox (Memo. $\frac{71a}{Med.}$) which was circulated with Circular 350 of November 6th, 1922.

2. For nearly three years this country has been comparatively free from the non-virulent type of the disease, variola minor, which had been epidemic for some years prior to that period. It is, therefore, considered appropriate to issue this memorandum in order to draw the attention of Local Authorities to the possibility which now exists of limiting the spread of smallpox by prompt and vigorous action as soon as it is reported to have appeared. It should be pointed out that when variola minor was first recognised as such in this country many medical practitioners were inexperienced in smallpox, and even those who had dealt with previous epidemics were put in doubt by the seeming anomaly of the earliest cases, and variola minor gained much ground before preventive measures were instituted. But with the experience of those years the position at present is more favourable for success in suppression by prompt diagnosis and early application of the well-known measures for smallpox control.

3. Vaccination Authorities (*i.e.*, the Councils of Counties, County Boroughs and Metropolitan Boroughs) should supply a copy of the new memorandum to each Public Vaccinator and Vaccination officer in their area. Sufficient copies for the purpose will be supplied on application to the Department.

4. A copy of this circular and a copy of the memorandum have been sent to the Medical Officer of Health. The memorandum will shortly be placed on sale and further copies may be obtained through any bookseller or directly from H.M. Stationery Office at the usual addresses.

I am, Sir,

Your obedient Servant,

H. H. DE MONTMORENCY,

Assistant Secretary.

The Clerk of the Authority.

Memo. $\frac{215}{Med.}$

MINISTRY OF HEALTH.

MEMORANDUM ON SMALLPOX.

The outstanding epidemiological fact which emerged from a recent survey of the world distribution of smallpox is that the strains of smallpox infection occurring in different countries are of different degrees of virulence or toxicity, and that these different strains breed true over a long series of years. In India and other countries of the Far East, and also Northern Africa, the prevailing strain is of the virulent type, variola major. In England, Canada, the United States, West Indies, Brazil and South Africa, the prevailing strain has been recently, or still is, of the non-virulent type, variously known as variola minor, alastrim or amaas, and in some of these countries it has been possible to trace the importation of the virulent strain, thus bringing to light the remarkable difference in toxicity between variola major and the local endemic variola minor.

The following table shows the incidence of, and mortality from, smallpox in England and Wales since 1901. The figures relate to civilians only, and, in certain years, include both variola major and variola minor. The years 1920–1 mark the virtual end of the incidence of variola major as a serious administrative problem, and the beginning of the rise of the minor variety to epidemic proportions.

DISEASES AND HOSPITALS

ENGLAND AND WALES.

Smallpox 1901–1936.

Year.*	No. of cases notified.	No. of deaths.	Population.†
1901	1,980	356	15,555,319
1902	13,923	2,464	18,697,791
1903	7,383	760	18,781,337
1904	5,766	507	19,845,072
1905	2,338	116	20,333,508
1906	1,020	21	20,653,699
1907	127	10	21,050,550
1908	22	12	22,189,310
1909	87	21	20,029,880
1910	108	19	21,662,652
1911	295	23	36,189,685
1912	123	9	36,382,456
1913	115	10	36,606,226
1914	64	4	36,960,684
1915	90	13	35,358,896
1916	149	16	34,500,000
1917	7	3	33,711,000
1918	63	2	33,474,700
1919	294	24	36,800,000
1920	263	30	37,609,000
1921	315	5	37,885,242
1922	973	27	38,158,000
1923	2,485	7	38,403,000
1924	3,765	13	38,746,000
1925	5,365	9	38,890,000
1926	10,146	18	39,067,000
1927	14,767	47	39,290,000
1928	12,420	53	39,482,000
1929	10,967	39	39,607,000
1930	11,839	28	39,806,000
1931	5,664	9	39,988,000
1932	2,039	3	40,201,000
1933	631	2	40,350,000
1934	179	6	40,467,000
1935	1	—	40,645,000
1936	12	—	40,839,000

* Returns as to notified cases during 1901 to 1910 available from certain sanitary districts only. From 1911 Returns as to notified cases from all sanitary districts.

† From 1901 to 1910, of certain large towns; from 1911, of England and Wales.

In 1917 the number of notifications of smallpox fell to the unprecedently low figure of 7, and then rose almost uninterruptedly, until in 1927 it reached 14,767. Thereafter it steadily declined to none * in 1935. Since 1920 the great majority of the cases has been of the non-virulent type, variola minor, although outbreaks of variola major have occurred during this period. In 1936 all the notified cases were variola major and the circumstances showed that the infection had been, in some instances certainly and in others most probably, introduced from abroad. All these outbreaks were checked and extinguished by prompt and vigorous action on the part of the Local Authorities, and the experience proved that variola major is more easily mastered than variola minor, because the public is alarmed and willing to aid the Local Authority in all measures of control. With the international conventions now in force, with vigilance of Port Health Authorities and complete co-operation between the Local Authorities and the public, the risk of variola major again becoming seriously epidemic in this country has been much reduced.

* One case was notified but there is reason to believe that the diagnosis was incorrect.

In dealing with variola minor, however, the problem of control has been more difficult. Owing to the mildness of the disease there was in the first place the difficulty caused by cases being either unrecognised or recognised too late to afford to their contacts the protection of vaccination. In the second place, vaccination of contacts was less readily accepted in a district in which the public had come to realise that the current smallpox was not a killing and rarely a disfiguring disease, and in the absence of general public alarm, or after its subsidence, the difficulties of making inquiries and tracing persons who had been exposed to infection were increased. The prominence which had been given to the rare occurrence of post-vaccinal nervous disease also discouraged the acceptance of vaccination even after exposure to infection. The result was that in spite of great efforts and considerable expenditure, variola minor smouldered on in certain parts of the country, and the question arose whether its prevention should continue to be attempted on the same lines as variola major, or whether less energetic measures applicable to the less formidable infectious diseases would suffice. The majority of Local Authorities adhered to the established measures of smallpox prevention, but some took the latter course and in place of providing further hospital accommodation isolated a proportion of cases in their homes, and the procedure did not apparently hinder the decline of the local epidemic. Whatever justification there may be for relaxing the standard methods of control owing to the course of events, there is none for a policy of indifference; variola minor is not invariably mild or entirely innocent of complications and permanent disfigurement, with an extensive rash its victim is unsightly and repellent, and when epidemic it causes an amount of invalidity which cannot be viewed without concern by those entrusted with the care of the public health.

The following is a summary of the procedure which should at once be adopted by a Medical Officer of Health on becoming aware that smallpox has appeared in his district.

1. The Medical Officer of Health should visit the patient with the medical practitioner in charge of the case with a view to satisfying himself as to the diagnosis. If the patient is found to be suffering from smallpox, he should at once be removed to a smallpox hospital.

2. The Medical Officer of Health should report the matter forthwith, preferably by telegram, to the Ministry of Health, as required in London by Article 14 (5) of the Sanitary Officers Order, 1926, and outside London by Article 17 (7) of the Sanitary Officers (outside London) Regulations, 1935.

3. Vaccination or revaccination should be offered to contacts. In doing so the following considerations should be kept in mind. The duration of the incubation of smallpox is about 12 days counting to the onset of illness, that is, an average period of 14 days before the outcrop of the characteristic focal rash. If this period is divided into three intervals comprising 7 days, 3 days, and 4 days, then past experience suggests that a *successful vaccination* in the first interval will wholly prevent the attack, in the second it will more or less modify the eruption, and in the last it will have no influence on the development and course of the disease. The pertinent date is not when vaccination is performed but when the reaction begins; if the reaction, which should be manifest on the third or fourth day, is delayed by any cause, then the rise of immunity is deferred. For this reason prevention can only be ensured by vaccination done within a day or two of exposure and followed by a normal reaction.

4. Contacts should be kept under medical surveillance for a period of 16 days after the last exposure to infection. For this purpose it is seldom necessary or desirable to isolate them in their homes.

5. The Medical Officer of Health should at once inform the Public Vaccinators and Vaccination officers of the name and address of every case of smallpox as it occurs, in order that all practical methods may be taken to secure prompt vaccination or revaccination of persons willing to avail themselves of this protection.

County Councils, County Borough Councils and Metropolitan Borough Councils are responsible for the administration of the Vaccination Acts in their respective areas, and in a county district the Medical Officer of Health should report his action to the County Medical Officer of Health.

DISEASES AND HOSPITALS

The Medical Officer of Health is himself empowered by the Public Health (Smallpox Prevention) Regulations, 1917, to vaccinate or revaccinate contacts.

6. The infected house and its contents, together with the clothing of all persons known to have been in close contact with the patient, should be disinfected. In variola minor a less stringent standard of disinfection may be adopted at the discretion of the Medical Officer of Health.

7. It is important that all doubtful cases of the disease should at once be seen by the Medical Officer of Health, and, with this end in view, medical practitioners should be notified of the presence of the disease in the district, and invited to inform the Medical Officer of Health promptly of any cases suspected to be smallpox.

8. In this connection the possible confusion with chickenpox should be borne in mind, as should also the fact that this disease can be made compulsorily notifiable by the Local Authority on the advice of the Medical Officer of Health, in accordance with the procedure set out in Section 147 of the Public Health Act, 1936, and Section 305 of the Public Health (London) Act, 1936.

9. The Medical Officer of Health should notify the Medical Officers of Health of adjoining areas of the occurrence of smallpox, in order that they take any precautionary measure which the circumstances require.

10. In order to ascertain the source from which the case of smallpox derived infection, careful inquiry should be made concerning the movements of the patient during the three weeks preceding the commencement of his attack, and particularly on the 12th, 13th and 14th days prior to the onset of his illness. In this way, a case of smallpox which has not previously been recognised may be discovered.

11. Public Vaccinators and Medical Officers of Health can secure a gratuitous supply of lymph on application by letter, telegram or telephone to—

The Government Lymph Establishment,
Colindale Avenue,
The Hyde,
London, N.W.9.

Telegraphic address: Defender, Hyde, London.
Telephone number: Colindale 6041.

Ministry of Health,
Whitehall, S.W.1.
September, 1938.

ELECTIONS.

ELECTION PETITIONS.

GENERAL RULES.

S. R. & O., Rev., 1904, XII., Supreme Court, England, p. 656.

The following is the text of the general rules for the effectual execution of Part IV. of the Municipal Corporations Act, 1882, made by Sir Charles Edward Pollock, Knight; Sir Henry Manisty, Knight; and Sir Henry Charles Lopes, Knight, the judges for the time being on the rota for the trial of parliamentary election petitions:

1. The presentation of a Municipal Election Petition shall be made by leaving it at the office of the Master for the time being nominated as prescribed officer, under the Parliamentary Elections Act, 1868, and such Master or his clerk shall (if required) give a receipt which may be in the following form:

Received on the day of at the Master's office a petition touching the election of *A. B.*, alderman, councillor [etc., *as the case may be*], for the borough of , purporting to be signed by [*insert the name of petitioners*].

C. D., Master's Clerk.

With the petition shall also be left a copy thereof for the Master to send to the town clerk, pursuant to section 88, sub-section (3) of the Act.

2. A municipal election petition shall contain the following statements:

(1) It shall state the right of the petitioner or petitioners to petition within section 88, sub-section (1), of the Act.

(2) It shall state the holding and result of the election, and shall briefly state the facts and grounds relied on to sustain the prayer.

3. The petition shall be divided into paragraphs, each of which, as nearly as may be, shall be confined to a distinct portion of the subject, and every paragraph shall be numbered consecutively, and no costs shall be allowed of drawing or copying any petition not substantially in compliance with this rule, unless otherwise ordered by the High Court or a judge thereof.

4. The petition shall conclude with a prayer, as for instance, that some specified person should be declared duly returned or elected, or that the election should be declared void, or that a return may be enforced, (as the case may be,) and shall be signed by all the petitioners.

5. The following form, or one to the like effect, shall be sufficient:

In the High Court of Justice,

The Municipal Corporations Act, 1882.

Election for [*state the place and office for which election held*] holden on the day of A.D.

The petition of *A.* of [*or* of *A.* of , and *B.* of , *as the case may be*] whose names are subscribed.

1. Your petitioner *A.* is a person who voted [*or* had a right to vote, *as the case may be.*] at the above election [*or* was a candidate at the above election]; and your petitioner *B.* [*here state in like manner the right of each petitioner*].

2. And your petitioners state that the election was holden on the day of A.D. , when *A. B.*, *C. D.*, and *E. F.* were candidates, and that *A. B.* and *C. D.* have been in the usual manner declared to be duly elected.

3. And your petitioners say that [*here state the facts and grounds on which the petitioners rely*].

Wherefore your petitioners pray that it may be determined that the said *A. B.* was not duly elected, and that the election was void [*or* that the said *E. F.* was duly elected, and ought to have been returned, *or as the case may be*].

(Signed)
A.
B.

6. Evidence need not be stated in the petition, but the High Court or a judge thereof may order such particulars (*a*) as may be necessary to prevent surprise and unnecessary expense, and to insure a fair and effectual trial in the same way as in ordinary proceedings in the said High Court, and upon such terms as to costs and otherwise as may be ordered.

7. When a petitioner claims the office for an unsuccessful candidate, alleging that he had a majority of lawful votes, the party complaining of or defending the election shall, six days before the day appointed for trial, deliver to the Master and also at the address, if any given by the petitioners and respondent, as the case may be, a list of the votes intended to be objected to, and the heads of objection to each such vote, and the Master shall allow inspection and office copies of such lists to all parties concerned; and no evidence shall be given against the validity of any vote, nor upon any head of objection not specified in the list, except by leave of the High Court or a judge thereof, upon such terms as to amendment of the list, postponement of the inquiry, and payment of costs, as may be ordered (*b*).

(*a*) An order for particulars of the corrupt practices alleged in a municipal election petition was made at chambers in the following form: That the petitioners do within a week deliver to the respondents particulars of all the persons alleged to have been bribed or treated, by whom, and when and where; and of all persons alleged to have been retained or employed as canvassers and by whom, and when and where; and of all persons to whom money was paid or agreed to be paid on account of the conveyance of voters to the poll, and by whom, and when and where such moneys were paid or agreed to be paid (*Maude* v. *Lowley* (1874), L. R. 9 C. P. 165; 38 J. P. 280; 20 Digest 185, *1603*). Where a judge in chambers ordered a petitioner to furnish particulars of his charges against the respondent ten clear days before the hearing of the petition, the Divisional Court refused to interfere with the order (*Barrow-in-Furness Election Petition* (1886),

ELECTIONS

2 T. L. R. 356). The ordinary time for delivery of particulars is seven days before the trial (*Lenham* v. *Barber* (1883), 10 Q. B. D. 293; 48 J. P. 23; 20 Digest 186, *1606*). See also *Clark* v. *Lowley* (1883), 47 J. P. 551; 52 L. J. Q. B. 321; 20 Digest 185, *1604*. But this is not a hard and fast rule, and in determining whether there are special circumstances upon which it will act in extending the time the court will take into consideration the size and nature of the constituency, the population and the number of voters, and also the number of witnesses whom it is proposed to call (*Rushmere* v. *Isaacson*, [1893] 1 Q. B. 118; 57 J. P. 790; 20 Digest 160, *1327*). The respondent to a petition in which the seat is claimed upon a scrutiny is not entitled to obtain particulars under this rule, but r. 7 applies exclusively to such a case (*Munro* v. *Balfour*, [1893] 1 Q. B. 113; 57 J. P. 789; 20 Digest 159, *1314*; *Furness* v. *Beresford*, [1898] 1 Q. B. 495; 20 Digest 159, *1315*).

(*b*) The trial of a municipal election petition was appointed for January 20th. A list of objections was tendered at the Rule Office of the Common Pleas on January 18th, and refused on the ground that it was too late, and it was taken away by the person tendering it. On the 14th a list of objections was left at the Rule Office, and one was also delivered to the respondent:—*Held*, that the list was not delivered in due time according to the rule, and that the court had no jurisdiction to order delivery *nunc pro tunc* under the last clause of the rule (*Neild* v. *Batty* (1874), L. R. 9 C. P. 104; 38 J. P. 264).

8. When the respondent in a petition under the Act complaining of an undue election and claiming the office for some person, intends to give evidence to prove that the election of such party was undue, pursuant to the 93rd section of the Act, sub-section (10), such respondent shall, six days before the day appointed for trial, deliver to the Master, and also at the address, if any, given by the petitioner, a list of the objections to the election upon which he intends to rely, and the Master shall allow inspection and office copies of such list to all parties concerned; and no evidence shall be given by a respondent of any objection to the election not specified in the list, except by leave of the High Court or a judge thereof, upon such terms as to amendment of the list, postponement of the inquiry, and payment of costs, as may be ordered.

9. With the petition the petitioner or petitioners shall leave at the office of the Master a writing, signed by him or them or on his or their behalf, giving the name of some person entitled to practise as a solicitor in the High Court of Justice, whom he or they authorise to act as his or their agent, or stating that he or they act for himself or themselves, as the case may be, and in either case giving an address, within three miles of the General Post Office, at which notices addressed to him or them may be left; and if no such writing be left or address given, then notice of objection to the recognizances, and all other notices and proceedings may be given by sticking up the same at the Master's office.

10. Any person elected to any municipal office may at any time after he is elected send to or leave at the office of the Master a writing signed by him or on his behalf, appointing a person entitled to practise as a solicitor in the High Court of Justice, to act as his agent in case there should be a petition against him, or stating that he intends to act for himself, and in either case giving an address within three miles from the General Post Office at which notices may be left, and in default of such writing being left in a week after service of the petition, notices and proceedings may be given and served respectively by sticking up the same at the Master's office.

11. The Master shall keep a book or books at his office in which he shall enter all addresses and the names of agents given under either of the preceding rules, which book shall be open to inspection by any person during office hours.

12. The Master shall upon the presentation of the petition, forthwith send a copy of the petition to the town clerk, pursuant to section 88 of the Act, sub-section (3), and shall therewith send the name of the petitioner's agent, if any, and the address, if any, given as prescribed, and also the name of the respondent's agent, and the address, if any, given as prescribed, and the town clerk shall forthwith publish those particulars along with the petition.

The cost of publication of this and any other matter required to be published by the town clerk shall be paid by the petitioner or person moving in the matter, and shall form part of the general costs of the petition.

13. The time for giving notice of the presentation of a petition and of the nature of the proposed security shall be five days, exclusive of the day of presentation.

14. When the respondent has named an agent or given an address, the service of a municipal election petition may be by delivery of it to the agent, or by posting it in

a registered letter to the address given at such time that, in the ordinary course of post, it would be delivered within the prescribed time.

In other cases the service must be personal on the respondent, unless a judge of the High Court, on an application made to him not later than five days after the petition is presented on affidavit, showing what has been done, shall be satisfied that all reasonable effort has been made to effect personal service and cause the matter to come to the knowledge of the respondent, in which case the judge may order that what has been done shall be considered sufficient service, subject to such conditions as he may think reasonable. An agent employed for the petitioner or respondent shall forthwith leave written notice at the office of the Master of his appointment to act as such agent, and service of notices and proceedings upon such agent shall be sufficient for all purposes.

15. In case of evasion of service the sticking up a notice in the office of the Master of the petition having been presented, stating the petitioner, the prayer, and the nature of the proposed security, shall be deemed equivalent to personal service if so ordered by a judge.

16. The deposit of money by way of security for payment of costs, charges, and expenses payable by the petitioner, shall be made by payment into the Bank of England to an account to be opened there by the description of "The Municipal Corporations Act, 1882, Security Fund," which shall be vested in and drawn upon from time to time by the Lord Chief Justice of England for the time being, for the purposes for which security is required by the said Act, and a bank receipt or certificate for the same shall be forthwith left at the Master's office.

17. The Master shall file such receipt or certificate, and keep a book open to inspection of all parties concerned, in which shall be entered from time to time the amount and the petition to which it is applicable.

18. All claims at law or in equity to money so deposited or to be deposited in the Bank of England shall be disposed of by the High Court of Justice or a judge thereof.

19. Money so deposited shall, if, and when the same is no longer needed for securing payment of such costs, charges, and expenses, be returned or otherwise disposed of as justice may require, by rule of the High Court, or order of a judge thereof.

20. Such rule or order may be made after such notice of intention to apply, and proof that all just claims have been satisfied or otherwise sufficiently provided for, as the court or judge may require.

21. The rule or order may direct payment either to the party in whose name the same is deposited, or to any person entitled to receive the same.

22. Upon such rule or order being made, the amount may be drawn for by the Lord Chief Justice of England for the time being.

23. The draft of the Lord Chief Justice of England for the time being shall in all cases be a sufficient warrant to the Bank of England for all payments made thereunder.

24. The recognizance as security for costs may be acknowledged before a judge of the High Court or the Master in town, or a justice of the peace in the country.

There may be one recognizance acknowledged by all the sureties, or separate recognizances by one or more, as may be convenient.

25. The recognizance shall contain the name and usual place of abode of each surety, with such sufficient description as shall enable him to be found or ascertained and may be as follows :

Be it remembered that on the day of , in the year of our Lord, 18 , before me [*name and description*] came *A. B.*, of [*name and description as above prescribed*] and acknowledged himself [*or* severally acknowledged themselves] to owe to our Sovereign Lady the Queen the sum of five hundred pounds [*or* the following sums], (that is to say) the said *C. D.* the sum of £ , the said *E. F.* the sum of £ , the said *G. H.* the sum of £ , and the said *J. K.* the sum of , to be levied on his [*or* their respective goods and chattels, lands and tenements, to the use of our said Sovereign Lady the Queen, her heirs and successors.

The condition of this recognizance is that if [*here insert the names of all the petitioners, and if more than one, add* or any of them] shall well and truly pay all costs, charges, and expenses in respect of the election petition signed by him [*or* them] relating to the

[*here insert the name of the borough*] which shall become payable by the petitioner [*or* petitioners, or any of them] under the Municipal Corporations Act, 1882, to any person or persons, then this recognizance to be void, otherwise to stand in full force.

Signed,

[*Signatures of sureties.*]

Taken and acknowledged by the above-named [*names of sureties*] on the at before me,

C. D.

A justice of the peace [*or as the case may be*].

26. The recognizance or recognizances shall be left at the Master's office, by or on behalf of the petitioner, in like manner as before prescribed for the leaving of a petition forthwith after being acknowledged.

The security may (unless the High Court or a judge thereof shall otherwise order on summons) be given to any amount not less than £300; but the High Court or a judge thereof may, on summons taken out within five days from the service of the notice of the nature and amount of the security, order that the same shall be increased within a time to be fixed in the order by further security to be given in the manner directed by the Act, for a further amount, not exceeding with the amount for which security shall have been already given £500. And in default of compliance with such order, no further proceedings shall be had on the petition.

27. The time for giving notice of any objection to a recognizance under the 89th section of the Act, sub-section (4), shall be within five days from the date of service of the notice of the petition and of the nature of the security, exclusive of the day of service, or in case of further security within five days after service of notice of the nature thereof, exclusive of the day of such service.

28. An objection to the recognizance must state the ground or grounds thereof, as that the sureties, or any and which of them, are insufficient, or that a surety is dead, or that he cannot be found, or that a person named in the recognizance has not duly acknowledged the same.

29. An objection made to the security shall be heard and decided by the Master, subject to appeal within five days to a judge, upon summons taken out by either party to declare the security sufficient or insufficient.

30. Such hearing and decision may be either upon affidavit or personal examination of witnesses, or both, as the Master or judge may think fit.

31. If an objection be allowed and the security be declared insufficient, the Master or judge shall in his order state what amount he deems requisite to make the security sufficient, and the further prescribed time to remove the objection by deposit shall be within five days from the date of the order, not including the day of the date, and such deposit shall be made in the manner already prescribed.

32. The costs of hearing and deciding the objections made to the security given shall be paid as ordered by the Master or judge, and in default of such order shall form part of the general costs of the petition.

33. The costs of hearing and deciding an objection upon the ground of insufficiency of a surety or sureties, shall be paid by the petitioner, and a clause to that effect shall be inserted in the order declaring its sufficiency or insufficiency, unless at the time of leaving the recognizance with the Master there be also left with the Master an affidavit of the sufficiency of the surety or sureties sworn by each surety before a justice of the peace, which affidavit any justice of the peace is hereby authorised to take, or before some person authorised to take affidavits in the High Court of Justice that he is seised or possessed of real or personal estate, or both, above what will satisfy his debts, of the clear value of the sum for which he is bound by his recognizance, which affidavit may be as follows:

In the High Court of Justice.

Municipal Corporations Act, 1882.

I, *A. B.*, of [*as in recognizance*] make oath and say that I am seised or possessed of real [*or* personal] estate above what will satisfy my debts, of the clear value of £ .

Sworn, *etc.*

34. The order of the Master for payment of costs shall have the same force as an order made by a judge, and may be enforced in like manner as a judge's order in an ordinary proceeding in the High Court of Justice.

35. A copy of every order (other than an order giving further time for delivering particulars, or for costs only), or, if the Master shall so direct, the order itself or a duplicate thereof, also a copy of every particular delivered, shall be forthwith filed with the Master, and the same shall be produced at the trial by the registrar, stamped with the official seal. Such order shall be filed by the party obtaining the same, and such particular by the party delivering the same.

36. The petitioner or his agent shall, immediately after notice of the presentation of a petition and of the nature of the proposed security shall have been served, file with the Master an affidavit of the time and manner of service thereof (*a*).

(*a*) See *Williams* v. *Tenby Corporation* (1879), 5 C. P. D. 135; 44 J. P. 348; 20 Digest 184, *1598*.

37. The days mentioned in Rules 7 and 8, and in any rule of court or judge's order, whereby particulars are ordered to be delivered, or any act is directed to be done, so many days before the day appointed for trial, shall be reckoned exclusively of the day of delivery, or of doing the act ordered and the day appointed for trial, and exclusively also of Sunday, Christmas Day, Good Friday, and any day set apart for a public fast or public thanksgiving.

38. When the last day for presenting petitions, or filing lists of votes or objections, under Rules 7 and 8, or recognizances, or any other matter required to be filed within a given time, shall happen to fall on a holiday, the petition or other matter shall be deemed duly filed if put into the letter box at the Master's office at any time during such day; but an affidavit, stating with reasonable precision the time when such delivery was made, shall be filed on the first day after the expiration of the holidays.

39. The Master shall make out the municipal election list. In it he shall insert the names of the agents of the petitioners and respondents, and the addresses to which notices may be sent, if any. The list may be inspected at the Master's office at any time during office hours, and shall be put up for that purpose upon a notice board appropriated to proceedings under the said Act, and headed "Municipal Election List."

40. The time of the trial of each municipal election petition shall be fixed by the election judges on the rota or any one of them, who shall signify the same to the Master, and notice thereof shall be given in writing by the Master by sticking notice up in his office, sending one copy by post to the address given by the petitioner, another to the address given by the respondent, if any, and a copy by the post to the town clerk of the borough to which the petition relates, fifteen days before the day appointed for the trial.

The town clerk shall forthwith publish the same in the borough.

41. The sticking up of the notice of trial at the office of the Master shall be deemed and taken to be notice in the prescribed manner within the meaning of the Act, and such notice shall not be vitiated by any miscarriage of or relating to the copy or copies thereof to be sent as already directed.

42. The notice of trial may be in the following form:

Municipal Corporations Act, 1882.

Election petition of .
Borough of .

Take notice that the above petition [*or* petitions] will be tried at on the day of , and on such other subsequent days as may be needful.

Dated the .

Signed, by order,
A. B.,
The Master appointed under the above Act.

43. A judge may from time to time, by order made upon the application of a party to the petition, or by notice in such form as the judge may direct to be sent to the town clerk, postpone the beginning of the trial to such day as he may name, and such notice when received shall be forthwith made public by the town clerk.

44. In the event of the barrister to whom the trial of the petition is assigned not having arrived at the time appointed for the trial, or to which the trial is postponed, the commencement of the trial shall *ipso facto* stand adjourned to the ensuing day, and so from day to day.

45. No formal adjournment of the court for the trial of a municipal election petition shall be necessary, but the trial is to be deemed adjourned, and may be continued from day to day until the inquiry is concluded.

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46. After receiving notice of the petitioner's intention to apply for leave to withdraw, or of the respondent's intention not to oppose, or of the abatement of the petition by death, or of the happening of any of the events mentioned in the 97th section of the Act, if such notice be received after notice of trial shall have been given, and before the trial has commenced, the Master shall forthwith countermand the notice of trial. The countermand shall be given in the same manner, as near as may be, as the notice of trial.

47. If all the respondents shall give notice of their intention not to oppose the petition, and no other person shall be admitted as a respondent, the High Court of Justice, or a judge, may either declare the election void or direct the trial to proceed (*a*). Notice of such order shall be forthwith given by the Master to the town clerk, and if the election be declared void the office shall be deemed to be vacant from the first day (not being a *dies non*) after the date of such order.

The court or judge may also make such order as to costs as may be just.

(*a*) See *Re Linthwaite School Board Election, Lockwood* v. *Whittell* (1899), 43 Sol. J. 532, where the election was declared void.

48. The application to state a special case may be made by motion in the High Court of Justice, or by a summons before a judge thereof.

49. The title of the court held for the trial of a municipal election petition, may be as follows:

"Court for the trial of a municipal election petition for the borough of [*or as may be*] between the petitioner and respondent,"

and it shall be sufficient so to entitle all proceedings in that court.

50. An officer shall be appointed for each court for the trial of a municipal election petition by the election judges, at the time that they resign the petition to the barrister; such officer shall attend at the trial in like manner as the clerks of assize and of arraigns attend at the assizes.

Such officer may be called the registrar of that court. He, by himself, or in case of need, his sufficient deputy, shall perform all the functions incident to the officer of a court of record, and also such duties as may be prescribed to him.

51. The Commissioner may appoint a proper person to act as crier and officer of the court.

52. The shorthand writer to attend at the trial of a petition shall be the shorthand writer to the House of Commons for the time being or his deputy, and the Master shall send a copy of the notice of trial to the said shorthand writer to the House of Commons.

53. The amount to be paid to any witness whose expenses shall be allowed by the Commissioner trying the petition shall be ascertained and certified by the registrar; or in the event of his becoming incapacitated from giving such certificate, by the Commissioner.

54. The order of the court to compel the attendance of a person as a witness may be in the following form:

Court for the trial of a municipal election petition for [*complete the title of the court*] the day of .

To *A. B.* [*describe the person*]. You are hereby required to attend before the court above at [*place*] on day of , at the hour of [*or* forthwith, *as the case may be*], to be examined as a witness in the matter of the said petition, and to attend the said court until your examination shall have been completed.

As witness my hand, *A. B.*,

The Commissioner to whom the trial of the said petition is assigned.

55. In the event of its being necessary to commit any person for contempt, the warrant may be as follows:

At a court holden on at for the trial of a municipal election petition for the borough of before *A. B.*, one of the barristers appointed for the trial of municipal election petitions, pursuant to the Municipal Corporations Act, 1882.

Whereas *C. D.* has this day been guilty, and is by the said court adjudged to be guilty, of a contempt thereof. The said court does therefore sentence the said *C. D.* for his

said contempt to be imprisoned in the gaol for calendar months [*or as may be*], and to pay to our Lady the Queen a fine of £ , and to be further imprisoned in the said gaol until the said fine be paid, and the court further orders that the sheriff of the borough [*if any, or as the case may be*], and all constables and officers of the peace of any county, borough, or place where the said *C. D.* may be found, shall take the said *C. D.* into custody and convey him to the said gaol, and there deliver him into the custody of the gaoler thereof, to undergo his said sentence; and the court further orders the said gaoler to receive the said *C. D.* into his custody, and that he shall be retained in the said gaol in pursuance of the said sentence

A. B.

Signed the day of .

A. B.

56. Such warrant may be made out and directed to the sheriff or other person having the execution of process of the High Court as the case may be, and to all constables and officers of the peace of the county, borough, or place where the person adjudged guilty of contempt may be found, and such warrant may be sufficient without further particularity, and shall and may be executed by the person to whom it is directed or any or either of them.

57. All interlocutory questions and matters, except as to the sufficiency of the security, shall be heard and disposed of before a judge, who shall have the same control over the proceedings under the Municipal Corporations Act, 1882, as a judge in the ordinary proceedings of the High Court, and such questions and matters shall be heard and disposed of by any judge of the High Court.

58. Notice of an application for leave to withdraw a petition shall be in writing and signed by the petitioners or their agent.

It shall state the ground on which the application is intended to be supported.

The following form shall be sufficient:

Municipal Corporations Act, 1882.

Borough of Petition of [*state petitioners*] presented day of .

The petitioner proposes to apply to withdraw his petition upon the following ground [*here state the ground*], and prays that a day may be appointed for hearing his application.

Dated this day of .

(Signed)

59. The notice of application for leave to withdraw shall be left at the Master's office.

60. A copy of such notice of the intention of the petitioner to apply for leave to withdraw his petition shall be given by the petitioner to the respondent, and to the town clerk, who shall cause the same to be published in the borough to which it relates.

The following may be the form of such notice:

Municipal Corporations Act, 1882.

In the election petition for in which is petitioner and respondent.

Notice is hereby given, that the above petitioner has on the day of lodged at the Master's office notice of an application to withdraw the petition, of which notice the following is a copy [*set it out*].

And take notice, that by the rule made by the judges, any person who might have been a petitioner in respect of the said election may, within five days after publication by the town clerk of this notice, give notice in writing of his intention on the hearing to apply for leave to be substituted as a petitioner.

(Signed)

61. Any person who might have been a petitioner in respect of the election to which the petition relates, may, within five days after such notice is published by the returning officer give notice in writing, signed by him or on his behalf, to the Master of his intention to apply at the hearing to be substituted for the petitioner, but the want of such notice shall not defeat such application if in fact made at the hearing.

62. The time and place for hearing the application shall be fixed by a judge, and whether before the High Court, or before a judge, as he may deem advisable, but shall not be less than a week after the notice of the intention to apply has been given to the Master as hereinbefore provided, and notice of the time and place appointed for the hearing shall be given to such person or persons, if any, as shall have given notice to

ELECTIONS

the Master of an intention to apply to be substituted as petitioners, and otherwise in such manner and at such time as the court or judge directs.

63. Notice of abatement of a petition, by death of the petitioner or surviving petitioner, under section 96, sub-section (1) of the said Act, shall be given by the party or person interested in the same manner as a notice of an application to withdraw a petition, and the time within which application may be made to the High Court, or a judge thereof, by motion or summons at chambers, to be substituted as a petitioner, shall be one calendar month, or such further time as upon consideration of any special circumstances the High Court or a judge thereof may allow.

64. If the respondent dies, any person entitled to be a petitioner under the Act in respect of the election to which the petition relates, may give notice of the fact in the borough by causing such notice to be published in at least one newspaper circulating therein, if any, and by leaving a copy of such notice signed by him or on his behalf with the town clerk, and a like copy with the Master.

65. The manner of the respondent's giving notice that he does not intend to oppose the petition shall be by leaving notice thereof in writing at the office of the Master signed by the respondent.

66. Upon such notice being left at the Master's office, the Master shall forthwith send a copy thereof by the post to the petitioner or his agent, and to the town clerk, who shall cause the same to be published in the borough.

67. The time for applying to be admitted as a respondent in either of the events mentioned in the 97th section of the Act shall be within ten days after such notice is given as hereinbefore directed, or such further time as the High Court or a judge thereof may allow.

68. Costs shall be taxed by the Master, or at his request by any Master of the superior court upon the rule of court or judge's order by which the costs are payable, and costs when taxed may be recovered in like manner as if payable under a rule of court, judgment, or order of a judge in the ordinary proceedings in the High Court of Justice, or in case there be money in the bank available for the purpose, then to the extent of such money by order of the Lord Chief Justice of England for the time being.

The office fees payable for inspection, office copies, enrolment, and other proceedings under the Act and these rules, shall be the same as those payable, if any, for like proceedings according to the present practice of the High Court of Justice.

69. No proceedings under the Municipal Corporations Act, 1882, shall be defeated by any formal objection.

70. Any rule made or to be made in pursuance of the Act shall be published by a copy thereof being put up at the Master's office.

Dated the 17th day of April, 1883.

C. E. POLLOCK,
H. MANISTY,
HENRY C. LOPES,

The judges for the time being on the rota for the trial of parliamentary election petitions.

S. R. & O., 1934, No. 544.

THE COUNTY AND BOROUGH ELECTION FORMS REGULATIONS, 1934, DATED MAY 31ST, 1934, MADE BY THE SECRETARY OF STATE IN PURSUANCE OF THE LOCAL GOVERNMENT ACT, 1933 (23 & 24 GEO. 5, C. 51).

In pursuance of the Local Government Act, 1933, I hereby make the following Regulations prescribing forms for use at elections of county councillors, councillors of a borough and elective auditors and the form of declaration of acceptance of office to be made by the chairman of a county council or a county alderman or a county councillor, or by the mayor or an alderman or a councillor of a borough, or by an elective auditor.

REGULATIONS.

1. At an election of a county councillor the forms in the First Schedule hereto or forms to the like effect shall be used, with such modifications as circumstances require.

2. At an election of councillors of a borough and at an election of elective auditors the forms in the Second Schedule hereto or forms to the like effect shall be used, with such modifications as circumstances require.

3. A declaration of acceptance of office by the chairman of a county council or a county alderman or a county councillor or by the mayor or an alderman or a councillor of a borough or by an elective auditor shall be in the form in the Third Schedule hereto or in a form to the like effect.

4.—(1) These Regulations shall be cited as the "County and Borough Election Forms Regulations, 1934."

(2) These Regulations shall come into operation on the first day of June, 1934.

JOHN GILMOUR,
One of His Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
31*st May*, 1934.

FIRST SCHEDULE.

FORMS FOR USE AT AN ELECTION OF A COUNTY COUNCILLOR.

FORM A.

Form of Notice of Election.†

COUNTY OF
ELECTION OF A COUNTY COUNCILLOR for the Electoral Division.

NOTICE IS HEREBY GIVEN THAT—

1. An election of a County Councillor for the said Electoral Division will be held on , the day of , 19 .

2. Each candidate must be nominated on a separate nomination paper in the form prescribed by the County and Borough Election Forms Regulations or in a form to the like effect. Forms of nomination paper may be obtained, free of charge, from at .

3. Every nomination paper must be delivered at not later than five o'clock in the afternoon on , the day of , 19 .

4. A local government elector must not sign more than one nomination paper in respect of any one electoral division.

5. No candidate will be validly nominated unless his consent (which must be given in writing on or within one month before the date specified in paragraph 3, and attested by one witness) is delivered at the place and not later than the time specified in paragraph 3.

* [Special provision is made by paragraph 3 of Part I of the Second Schedule to the Local Government Act, 1933, for a candidate who owing to absence from the United Kingdom cannot give his consent in this manner.]

* These words to be deleted except at a casual vacancy election.

6. Not later than five o'clock in the afternoon on , the day of , 19 , a statement containing the full names of all persons nominated and their places of residence and descriptions and the decision of the Returning Officer whether those persons have been validly nominated will be affixed to the place specified in paragraph 3.

† If the notice relates to more than one election adapt form accordingly.

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7. A candidate may withdraw from his candidature by notice of withdrawal signed by him and attested by one witness and delivered at the place specified in paragraph 3 not later than five o'clock in the afternoon on , the day of , 19 .

8. If two or more candidates remain validly nominated a poll will be taken on the day of , 19 , of which due notice will be given.

Dated this day of , 19 .

.....
Returning Officer.

FORM B.

Form of Nomination Paper.

ELECTION OF A COUNTY COUNCILLOR for the Electoral Division of the County of , to be held on the day of 19 .

We, the undersigned, being respectively local government electors for the said Electoral Division, do hereby nominate the under-mentioned person as a candidate at the said election.

Names of Candidate.		Place of Residence.	Description.
Surname. 1.	Other Names in full. 2.	3.	4.

Signature.	Number on Register of Electors, and Distinctive Letter of Parliamentary Polling District.
Proposer	.....
Seconder	.....
We, the undersigned, being respectively local government electors for the said Electoral Division do hereby assent to the foregoing nomination.	
1.	.....
2.	.....
3.	.....
4.	.....
5.	.....
6.	.....
7.	.....
8.	.....

Instructions for filling up Nomination Paper.*

(1) The nomination of each candidate must be made on a separate nomination paper.

(2) The surname of the candidate must be inserted in column 1 and the other names of the candidate must be inserted in full in column 2.

(3) Insert in column 3 the place of residence of the candidate.

* These instructions form part of the Nomination Paper.

(4) Insert in column 4 the trade, profession or calling, if any, of the candidate. If none, insert some such description as "gentleman," "married woman," "spinster."

(5) (i) The nomination paper must be signed by two local government electors for the Electoral Division, by one as Proposer and by the other as Seconder, and by eight other local government electors for the Electoral Division as assenting to the nomination.

In each case the elector's number on the register of local government electors and the distinctive letter of the parliamentary polling district must be inserted.

(ii) A local government elector must not sign more than one nomination paper in respect of any one Electoral Division.

FORM C.

Form of Statement as to Persons Nominated.

COUNTY OF .

The following is a statement as to the persons nominated for election as County Councillor for the Electoral Division.

Persons nominated.			Decision of Returning Officer that Candidate has not been validly nominated.
Names (Surname first).	Place of Residence.	Description.	
1.	2.	3.	4.

The Candidates opposite whose names no entry is made in column 4 have been validly nominated.

Dated this day of , 19 .

.....

Returning Officer.

SECOND SCHEDULE.

FORMS FOR USE AT AN ELECTION OF COUNCILLORS OF A BOROUGH OR OF ELECTIVE AUDITORS.

FORM A.

Form of Notice of Election.

BOROUGH OF .

ELECTION OF [COUNCILLORS] [ELECTIVE AUDITORS] for the [Ward of the] [Wards of the] Borough.

NOTICE IS HEREBY GIVEN THAT—

1. An election of [Councillors] [Elective Auditors] for the said [Ward] [Wards] [Borough] will be held on , the day of , 19 .

2. The number of [Councillors] [Elective Auditors] to be elected for the said [Ward] [Wards] [Borough] is (*if the notice relates to two or more Wards, indicate the number of Councillors to be elected for each Ward*).

ELECTIONS

3. Each candidate must be nominated on a separate nomination paper in the form prescribed by the County and Borough Election Forms Regulations, or in a form to the like effect. Forms of nomination paper may be obtained, free of charge, from the Town Clerk.

4. Every nomination paper must be delivered at the Town Clerk's Office not later than five o'clock in the afternoon on , the day of , 19 .

5. A local government elector must not sign—

(*a*) more than one nomination paper in respect of the same candidate;

(*b*) more nomination papers than there are [Councillors] [Elective Auditors] to be elected for the [Ward] [Borough];

*[(*c*) a nomination paper for more than one Ward.]

6. No candidate will be validly nominated unless his consent (which must be given in writing on or within one month before the date specified in paragraph 4, and attested by one witness) is delivered at the Town Clerk's Office not later than the time specified in paragraph 4.

†[Special provision is made by paragraph 3 of Part I of the Second Schedule to the Local Government Act, 1933, for a candidate who owing to absence from the United Kingdom cannot give his consent in this manner.]

7. Not later than five o'clock in the afternoon on , the day of . 19 , a statement containing the full names of all persons nominated and their places of residence and descriptions and the decision of the Mayor whether those persons have been validly nominated will be affixed to the Town Clerk's Office.

8. A candidate may withdraw from his candidature by notice of withdrawal signed by him and attested by one witness and delivered at the Town Clerk's Office not later than two o'clock in the afternoon on , the day of , 19 .

9. If the number of candidates remaining validly nominated for [the Ward] [any Ward] [the Borough] exceeds that of the [Councillors] [Elective Auditors] to be elected, a poll will be taken on the day of , 19 , of which due notice will be given.

Dated this day of , 19 .

.....

Town Clerk.

* At an election of Councillors of a Borough not divided into Wards, or of Elective Auditors, omit these words.

† These words to be deleted, except at a casual vacancy election.

FORM B.

Form of Nomination Paper.

ELECTION OF [COUNCILLORS] [ELECTIVE AUDITORS] for the [Ward of the] Borough of , to be held on the day of , 19 .

We, the undersigned, being respectively local government electors for the said [Ward] [Borough], do hereby nominate the under-mentioned person as a candidate at the said election.

Names of Candidate.		Place of Residence.	Description.
Surname. 1.	Other Names in full. 2.	3.	4.

Signature.	Number on Register of Electors, and Distinctive Letter of Parliamentary Polling District.
Proposer	.....
Seconder	.....
We, the undersigned being respectively local government electors for the said [Ward] [Borough] do hereby assent to the foregoing nomination.	
1.	.....
2.	.....
3.	.....
4.	.....
5.	.....
6.	.....
7.	.....
8.	.....

Instructions for filling up Nomination Paper.*

(1) The nomination of each candidate must be made on a separate nomination paper.

(2) The surname of the candidate must be inserted in column 1 and the other names of the candidate must be inserted in full in column 2.

(3) Insert in column 3 the place of residence of the candidate.

(4) Insert in column 4 the trade, profession or calling, if any, of the candidate. If none, insert some such description as "gentleman", "married woman", "spinster".

(5) (i) The nomination paper must be signed by two local government electors for the [Ward] [Borough], by one as Proposer and by the other as Seconder, and by eight other local government electors for the [Ward] [Borough] as assenting to the nomination.

In each case the elector's number on the register of local government electors and the distinctive letter of the parliamentary polling district must be inserted.

(ii) A local government elector must not sign—

(*a*) more than one nomination paper in respect of the same candidate;

(*b*) more nomination papers than there are [Councillors] [Elective Auditors] to be elected for the [Ward] [Borough];

†[(*c*) a nomination paper for more than one Ward.]

* These instructions form part of the Nomination Paper.

† At an election of Councillors of a Borough not divided into Wards, or of Elective Auditors, omit these words.

FORM C.

Form of Statement as to Persons Nominated.

BOROUGH OF

The following is a statement as to the persons nominated for election as [Councillors] [Elective Auditors] for the [Ward of the] [Wards of the] Borough.

[Ward] [Wards] [Borough].	Persons nominated.			Decision of Mayor that Candidate has not been validly nominated.
	Names (Surname first).	Place of Residence.	Description.	
1.	2.	3.	4.	5.

ELECTIONS

The Candidates opposite whose names no entry is made in Column 5 have been validly nominated.

Dated this day of , 19 .

.....
Mayor.

THIRD SCHEDULE.

FORM OF DECLARATION OF ACCEPTANCE OF OFFICE BY THE CHAIRMAN OF A COUNTY COUNCIL OR A COUNTY ALDERMAN OR A COUNTY COUNCILLOR, OR BY THE MAYOR OR AN ALDERMAN OR A COUNCILLOR OF A BOROUGH, OR BY AN ELECTIVE AUDITOR.

I, *A.B.*, having been elected to the office of (*insert description of office*) hereby declare that I take the said office upon myself, and will duly and faithfully fulfil the duties thereof according to the best of my judgment and ability.

Dated this day of , 19 .

Signature.....

This declaration was made and subscribed before us.*

Members of the [County] [Borough] Council.* {.....
.....

* If the declaration is made and subscribed before the clerk of the county council or the town clerk, or a justice of the peace or magistrate, or a commissioner for oaths, or a British consul, adapt form accordingly.

S. R. & O., 1934, No. 545.

THE URBAN DISTRICT COUNCILLORS ELECTION RULES, 1934, DATED MAY 31ST, 1934, MADE BY THE SECRETARY OF STATE IN PURSUANCE OF THE LOCAL GOVERNMENT ACT, 1933.

In pursuance of the Local Government Act, 1933, I hereby make the following Rules for the conduct of an election of urban district councillors, and the following Regulations prescribing forms for use thereat and the form of declaration of acceptance of office by the chairman of an urban district council and by an urban district councillor.

RULES AND REGULATIONS.

Returning Officer.

1.—(1) The clerk of the urban district council shall be the returning officer, and if at an election of urban district councillors the office of clerk of the urban district council is vacant, or the clerk is for any reason unwilling or unable to act, the urban district council or the chairman thereof shall forthwith appoint another person to be the returning officer at that election:

Provided that, in the case of a first election of urban district councillors for a newly constituted urban district, a person appointed in accordance with the order constituting the new urban district, or, if the order contains no provision relating to the appointment of a returning officer, a person appointed by the county council, shall be the returning officer.

(2) The returning officer may by writing under his hand appoint a fit person to be his deputy for all or any of the purposes of the election, and any functions which a returning officer is authorised or required to discharge in relation to such election may be discharged by a deputy so appointed.

(3) A deputy acting as returning officer under the provisions of this Rule shall, as respects the election at which he is so acting, follow the instructions of the returning officer.

Day of election and poll.

2. The day of election of urban district councillors, on which the poll, if any, shall be taken, shall be—

(*a*) in the case of an ordinary election, the first Monday in April, or, if that is Easter Monday, the last Monday in March; or, in either case, such other day not being earlier than the preceding Saturday, or later than the following Wednesday, as may for special reasons be fixed by the county council;

(*b*) in the case of a first election, subject to any special provision in the order consequent upon which the election is held, such day as may be fixed by the returning officer, being a day not later than six weeks from the date when such order comes into operation;

(*c*) in the case of an election to fill a casual vacancy, such day as may be fixed in accordance with the provisions of section 67 of the Local Government Act, 1933.

Identification of Parts of Register.

3. If the urban district or ward, as the case may be, is comprised in two or more parliamentary polling districts bearing the same distinctive letter, the returning officer shall put a distinguishing sign on the part of the register relating to each parliamentary polling district.

Adaptation of Part IV of Municipal Corporations Act, 1882 *and Municipal Elections (Corrupt and Illegal Practices) Acts,* 1884 *and* 1911.

4. In the application of Part IV of the Municipal Corporations Act, 1882, the Municipal Corporations (Corrupt and Illegal Practices) Act, 1884 (other than the provisions referred to in Section 37 of that Act) and the Municipal Corporations (Corrupt and Illegal Practices) Act, 1911, to an election of urban district councillors the following adaptations, alterations and exceptions shall have effect:—

(1) The expressions in the second column of the First Schedule hereto shall respectively be substituted for the expressions opposite thereto in the first column of the said Schedule.

(2) Subsection (2) of section 89 of the Municipal Corporations Act, 1882, shall be adapted and altered so as to read as follows:—

"(2) The security shall be to the amount of fifty pounds unless in any case the High Court or a Judge thereof, on summons, order that the same shall be to a less amount, or to a larger amount not exceeding three hundred pounds, and shall be given in the prescribed manner either by a deposit of money or by recognisance entered into by not more than four sureties, or partly in one way and partly in the other."

(3) Paragraph (*b*) of subsection (1) of section 13 of the Municipal Elections (Corrupt and Illegal Practices) Act, 1884, shall be adapted and altered so as to read as follows:—

"(*b*) Polling agents may be employed to the extent authorised by paragraph 13 of Part III of the Second Schedule to the Local Government Act, 1933, as adapted by the Urban District Councillors Election Rules."

(4) Subsection (1) of section 25 of the Municipal Elections (Corrupt and Illegal Practices) Act, 1884, shall be adapted and altered so as to read as follows:—

"(1) An election petition complaining of an election on the ground of an illegal practice may be presented at any time within six weeks after the day of election."

For the Acts here adapted see Vol. IV, *post.*

ELECTIONS

Adaptation of Second Schedule to Local Government Act, 1933.

5. In the application of the Second Schedule to the Local Government Act, 1933 (*a*), to an election of urban district councillors, adaptations, alterations and exceptions shall be made therein so that the said Schedule shall read as set out in the Second Schedule hereto.

Forms.

6.—(1) The forms in the Third Schedule hereto or forms to the like effect shall be used, with such modifications as circumstances may require, at an election of urban district councillors.

(2) A declaration of acceptance of office by the chairman of an urban district council or by an urban district councillor shall be in the form in the Fourth Schedule hereto or in a form to the like effect.

Citation, date of commencement and revocation.

7.—(1) These Rules and Regulations shall be cited as the "Urban District Councillors Election Rules, 1934."

(2) These Rules and Regulations shall come into operation on the first day of June, 1934.

(3) The Urban District Councillors Election Rules, 1931 (*b*), and so much of the Urban and Rural District and Parish Councillors Election Rules, 1933 (*c*), as amends the same are hereby revoked but shall nevertheless apply to the filling of any casual vacancy which has occurred and has not been filled prior to June 1st, 1934.

JOHN GILMOUR,
One of His Majesty's Principal Secretaries of State.

Home Office,
Whitehall,
May 31*st*, 1934.

FIRST SCHEDULE.

ADAPTATIONS TO BE MADE IN THE APPLICATION OF PART IV OF THE MUNICIPAL CORPORATIONS ACT, 1882, AND THE MUNICIPAL ELECTIONS (CORRUPT AND ILLEGAL PRACTICES) ACTS, 1884 AND 1911.

Expression used in the above-mentioned Acts.	Adaptation.
borough	urban district.
borough fund or borough rate	general rate fund of the urban district.
corporate office	office or urban district councillor.
municipal borough	urban district.
municipal election	election of urban district councillors.
municipal election court	court constituted to try an election petition in respect of an election of urban district councillors.
municipal election list	list of election petitions.
municipal election petition	election petition in respect of an election of urban district councillors.
town clerk	clerk of the urban district council.

(*a*) *Ante*, p. 1201.
(*b*) S. R. & O., 1931, No. 23.
(*c*) S. R. & O., 1933, No. 1126.

SECOND SCHEDULE.

ADAPTED PROVISIONS OF THE SECOND SCHEDULE TO THE LOCAL GOVERNMENT ACT, 1933.*

PART I.

PROVISIONS RELATING TO THE STAGES OF THE ELECTION OF URBAN DISTRICT COUNCILLORS PRECEDING THE POLL.

Notice of Election.

1.—(1) On or before the day appointed for that purpose by Part II of this Schedule a notice of election shall be published in the form prescribed by the Secretary of State (*a*).

(3) The notice of election shall be prepared and signed by the returning officer, and shall be published by him by causing it to be exhibited in some conspicuous place on or near the outer door of the offices (if any) of the urban district council, and at such additional place or places in the urban district, or, in the case of a ward election, in the ward, as he may determine.

Nomination of Candidates.

2.—(1) Every candidate must be nominated by two local government electors for the urban district, or, if the urban district is divided into wards, for the ward, as his proposer and seconder.

(2) The nomination of each candidate must be made on a separate nomination paper in the form prescribed by the Secretary of State (*b*), stating the full name (*c*), place of residence (*d*) and description (*e*) of the candidate, and must be signed (*f*) by the proposer and seconder, and by eight other local government electors for the urban district or ward, as the case may be, as assenting to the nomination.

(4) No person shall sign more than one nomination paper in respect of the same candidate, nor, if the urban district is divided into wards, shall he sign a nomination paper for more than one ward (*g*), nor shall he sign more nomination papers than there are vacancies to be filled in the urban district, or, if the urban district is divided into wards, in the ward, and if he signs nomination papers otherwise than is permitted under this sub-paragraph, his signature shall be inoperative in all but those papers, up to the permitted number, which are first delivered (*h*).

(5) The returning officer shall provide nomination papers and shall supply any local government elector for the urban district or ward, as the case may be, with as many nomination papers as may be required and shall, at the request of any such local government elector, prepare for signature a nomination paper.

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* The numbering of the paragraphs in this Schedule corresponds to the numbering in the Second Schedule to the Act, see *ante*, p. 1201.

(*a*) For form of notice of election, see Sched. III, Form A, *post*, p. 2555.
As to the effect of defects in a notice of election, see *Howes* v. *Turner* (1876), 1 C. P. D. 670; 40 J. P. 680; 20 Digest 127, *1015*.

(*b*) For form of nomination paper, see Sched. III, Form B, *post*, p. 2556.

(*c*) See *Mather* v. *Brown* (1876), 1 C. P. D. 596, 40 J. P. 616 (but see notes as to this case, *ante*, p. 820); *Henry* v. *Armitage* (1883), 12 Q. B. D. 257; 48 J. P. 424; 20 Digest 127, *1019*; *Miller* v. *Everton* (1895), 64 L. J. Q. B. 692; 59 J. P. 358; 20 Digest 128, *1020*; *R.* v. *Casey*, [1914] 2 I. R. 243. And see generally notes *ante*, pp. 820–821.

(*d*) See *R.* v. *Coward* (1851), 16 Q. B. 819; 15 J. P. 595; 20 Digest 131, *1043*; *R.* v. *Hammond* (1852), 17 Q. B. 772; 16 J. P. 312; 20 Digest 131, *1046*.

(*e*) See *R.* v. *Tugwell* (1868), L. R. 3 Q. B. 704; 33 J. P. 101; 20 Digest 130, *1042*.

(*f*) See *Moorhouse* v. *Linney* (1885), 15 Q. B. D. 273; 49 J. P. 471; Digest Supp.; *Bowden* v. *Besley* (1888), 21 Q. B. D. 309; 52 J. P. 536; 20 Digest 128, *1024*; *Gledhill* v. *Crowther* (1889), 23 Q. B. D. 136; 53 J. P. 677; 20 Digest 138, *1131*; *Harding* v. *Cornwell* (1889), 60 L. T. 959; 20 Digest 128, *1025*. A nomination paper may be signed by the proposer and seconder before the name of the candidate is filled in (*Cox* v. *Davies*, [1898] 2 Q. B. 202; 20 Digest 140, *1145*).

(*g*) See *Knill* v. *Towse* (1890), 24 Q. B. D. 697; 54 J. P. 789; 20 Digest 139, *1134*.

(*h*) See *Burgoyne* v. *Collins* (1882), 8 Q. B. D. 450; 46 J. P. 390; 20 Digest 128, *1023*.

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Candidate's Consent to Nomination.

3. A person shall not be validly nominated unless his consent to nomination (in this Schedule referred to as "the candidate's consent") given in writing on or within one month before the last day for the delivery of nomination papers, and attested by one witness, is delivered at the place and within the time appointed for the delivery of nomination papers:

Provided that in the case of an election to fill a casual vacancy if the returning officer is satisfied that owing to the absence of a person from the United Kingdom it has not been reasonably practicable for his consent in writing to be given as aforesaid, a telegram consenting to his nomination and purporting to have been sent by him shall be deemed, for the purpose of this paragraph, to be consent in writing given by him on the day on which it purports to have been sent and attestation of his consent shall not be required.

Time and Place for sending in Nomination Papers.

4.—(1) Every nomination paper shall be delivered at the place appointed for the purpose by the returning officer not later than the time appointed for that purpose by Part II of this Schedule.

Decision as to Validity of Nomination.

5.—(1) As soon as may be after the time for the delivery of nomination papers has expired, the returning officer shall examine the nomination papers, and decide whether the candidates have been validly nominated in accordance with the provisions of this Schedule (*a*).

(2) Where the returning officer decides that a candidate has been so validly nominated, his decision shall be final and shall not be questioned in any proceeding whatsoever.

(3) Where the returning officer decides that a candidate has not been so validly nominated, he shall endorse and sign on the nomination paper the fact and reasons for his decision (*b*).

(4) The decision of the returning officer under the last preceding sub-paragraph shall be subject to review on an election petition questioning the election.

(5) Not later than the time appointed for that purpose by Part II of this Schedule, the returning officer shall send notice of his decision to each candidate at his place of residence as stated on his nomination paper.

Statement as to Persons Nominated.

6. The returning officer shall, not later than the time appointed for that purpose by Part II of this Schedule, prepare a statement in the form prescribed by the Secretary of State containing the full names of all persons nominated and their places of residence and descriptions and his decision whether those persons have been validly nominated, and shall publish the statement by causing it to be affixed to the place appointed for the delivery of nomination papers (*c*).

Withdrawal of Candidates.

7. A candidate may withdraw from his candidature by notice of withdrawal signed by him and attested by one witness and delivered at the place appointed for the delivery of nomination papers not later than the time appointed for that purpose by Part II of this Schedule (*d*).

Nomination in more than one Ward.

8. A candidate who is validly nominated for more than one ward of an urban district shall, by notice signed, attested, and delivered as aforesaid, withdraw from his candidature

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(*a*) He has no power to decide as to the qualifications of the candidates (*Pritchard* v. *Mayor, etc. of Bangor* (1888), 13 App. Cas. 241; 52 J. P. 564; 20 Digest 123, *999*; *Harford* v. *Linskey*, [1899] 1 Q. B. 852; 63 J. P. 263; 20 Digest 183, *1593*). But the only remedy is by petition, not *mandamus* (*Ex parte Thompson*, Times, March 5th, 1892). As to how soon a petition based on a rejection of a nomination may be presented, see *In re Grangemellon Election Petition*, [1909] 2 I. R. 90.

(*b*) An erroneous decision given *bona fide* is not misconduct so as to render him liable to be made respondent to an election petition (*Harmon* v. *Park* (1880), 6 Q. B. D. 323; 45 J. P. 436; 20 Digest 183, *1596*).

(*c*) For form of statement as to persons nominated, see Sched. III, Form C, *post*, p. 2557.

(*d*) A withdrawal is irrevocable.

in all those wards except one, and if he does not so withdraw he shall be deemed to have withdrawn from his candidature in all those wards.

Method of Election and Publication of Result of Uncontested Election.

9.—(3) (*a*) If the number of persons remaining validly nominated (*a*) exceeds the number of vacancies, the councillors shall be elected in accordance with the provisions of Part III of this Schedule from among those persons (*b*);

(*b*) If the number of persons remaining validly nominated is the same as the number of vacancies, those persons shall be deemed to be elected;

(*c*) if the number of persons remaining validly nominated is less than the number of vacancies, those persons shall be deemed to be elected, and, if the election is an ordinary election, such of the retiring councillors of the urban district or ward, as the case may be, as were highest on the poll at the last ordinary election, or as filled the places of councillors who were highest on the poll at that election, or, if the poll was equal or there was no poll, as may be determined by the drawing of lots conducted under the direction of the returning officer, shall be deemed to be elected to make up the required number;

(*d*) if at an ordinary election no person is or remains validly nominated, the retiring councillors of the urban district or ward, as the case may be, shall be deemed to be elected.

(4) If an election is not contested, the returning officer shall, not later than eleven o'clock in the morning of the day of election, publish a list of the persons elected, and unless he is the clerk of the urban district council shall forthwith return the names of the persons elected to that clerk.

11. For the purposes of this Part of this Schedule a person shall be deemed to be registered as a local government elector for an urban district or ward, if he is registered in the register of local government electors for that urban district or ward, as the case may be, which will be in force on the day of election, or if, pending the coming into force of that register, his name appears in the electors lists for that register as corrected by the registration officer.

12. In computing any period of time for the purposes of this Schedule, a Sunday, Christmas Day, Good Friday, Bank Holiday, or day appointed for public thanksgiving or mourning, shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceeding under this Schedule.

PART II.

TIMES FOR THE PROCEEDINGS AT AN ELECTION OF URBAN DISTRICT COUNCILLORS.

Proceeding.	Time.
Notice of election	The twentieth day before the day of election.
Delivery of nomination papers . .	5 o'clock in the afternoon on the twelfth day before the day of election.
Despatch of notices of decision on nominations and publication of statement of persons nominated.	5 o'clock in the afternoon on the eleventh day before the day of election.
Delivery of notices of withdrawals from candidatures.	5 o'clock in the afternoon on the ninth day before the day of election.
Notice of poll	The fifth day before the day of election.

[*Note.*—In computing any period of time for the purposes of this Part of this Schedule, a Sunday, Christmas Day, Good Friday, Bank Holiday or day appointed for public thanksgiving or mourning is to be disregarded in accordance with paragraph 12 of Part I of this Schedule.]

(*a*) That is, those to whose nomination no objection has been made before the returning officer, or to which any objection made has been disallowed by him, or who have died or withdrawn, not persons whose nominations are absolutely valid for all purposes. See *per* Lords WATSON and HERSCHELL in *Pritchard* v. *Mayor, etc. of Bangor, supra.* A disqualification for holding office does not render the nomination bad if it does not appear on the face of the nomination paper (*Hobbs* v. *Morey*, [1904] 1 K. B. 74; 68 J. P. 132; 20 Digest 125, *1004*).

(*b*) As to the effect of inserting in the ballot paper the name of a candidate who has validly withdrawn his candidature, see *Wilson* v. *Ingham* (1895), 64 L. J. Q. B. 775; 59 J. P. 614; 20 Digest 139, *1140*.

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PART III.

PROVISIONS RELATING TO CONTESTED ELECTIONS.

THE POLL.

General conduct of poll.

1. At every contested election the votes shall be given by ballot, and the poll shall be conducted in accordance with the provisions of this Schedule.

Notice of poll.

2.—(1) The returning officer shall on or before the day appointed for that purpose by Part II of this Schedule, give notice of the poll, specifying—

(*a*) the day and hours fixed for the poll;

(*b*) the number of councillors to be elected;

(*c*) the full name, place of residence, and description of each candidate remaining validly nominated;

(*d*) the names of the proposer and seconder who signed the nomination paper of each candidate; and

(*f*) the situation of each polling station (*a*) and the description of the persons entitled to vote thereat.

(2) For the purposes of this Part of this Schedule the first valid nomination paper delivered at the place appointed for the delivery of nomination papers in respect of a candidate shall be deemed to be the nomination paper of that candidate.

(3) A notice of poll required to be published under this paragraph shall be published at the places at which the notice of the election is required to be published under Part I of this Schedule.

Hours of poll.

3. The poll shall be open during such hours as shall be fixed for the urban district by by county council by any general or special order, or, if no such order is in force in the urban district, during such hours as were applicable at the last ordinary election of urban district councillors:

Provided that the poll shall always be open between the hours of 6 and 8 in the evening (*b*).

Use of schools, public rooms, or churches.

4.—(1) The returning officer may use, free of charge, for the purpose of taking the poll or of counting the votes—

(*a*) a room in a school in receipt of a grant, or in respect of which a grant is made, out of moneys provided by Parliament, from or by the Board of Education; and

(*b*) a room the expense of maintaining which is payable out of any rate.

(2) The returning officer shall make good any damage done to, and defray any expense incurred by the persons having control over, any such room as aforesaid by reason of its being used for the purpose of taking the poll or of counting the votes.

(3) The use of a room in an unoccupied house for the purpose of taking the poll or of counting the votes shall not render a person liable to be rated or to pay any rate for that house.

5. An election shall not be held in a church, chapel or other place of public worship.

Death of candidate after nomination.

6. If after the latest time for delivery of nomination papers and before the commencement of the poll a candidate who remains validly nominated dies, the returning officer shall, upon being satisfied of the fact of death, countermand the poll.

(*a*) In *Pembroke Election Petition*, [1908] 2 I. R. 158, 433, two polling stations were announced: in fact there were ten polling tables at the two places indicated: held immaterial.

(*b*) The door of a polling station may be closed before the time if there are sufficient voters inside to occupy the remainder of the time in voting, and papers issued before the hour of closing may be placed in the box, though the hour has struck (*Worcester* (1880), 3 O'M. & H. 184). But no papers should be issued after the hour, though to persons already in the station when the doors are closed (*Gribbin* v. *Kirker* (1873), Ir. Rep. 7 C. L. 30; *Ex parte Elliott*, Times, June 3rd and October 27th, 1891; *Medhurst* v. *Lough* (1901), 17 T. L. R. 210; 20 Digest 115, *916*).

Provision of polling stations, ballot boxes, etc.

7. The returning officer shall—

(*a*) provide a sufficient number of polling stations for the electors, and allot the electors to the polling stations in such manner as he thinks most convenient;

(*b*) appoint a presiding officer to preside at each polling station, and such other officers (including poll clerks) as may be necessary for taking the poll and counting the votes;

(*c*) furnish each polling station with such number of compartments as may be necessary in which the electors can mark their votes screened from observation;

(*d*) furnish each presiding officer with such number of ballot boxes and ballot papers (*a*) as in the opinion of the returning officer may be necessary;

(*e*) provide each polling station with materials to enable electors to mark the ballot papers, with instruments for stamping thereon the official mark, and with copies of the register of electors for the urban district or ward, as the case may be, or such part thereof as contains the names of the electors allotted to vote at the station;

(*f*) do such other acts and things as may be necessary for effectually conducting the election in manner provided by this Schedule.

8. One or more polling stations may be provided in the same room, but no premises licensed for the sale of intoxicating liquor shall be used for a polling station.

9. A notice, in the form set forth in Part IV of this Schedule, or as near thereto as circumstances admit, giving directions for the guidance of electors in voting, shall be exhibited outside every polling station, and in every compartment in the polling station (*b*).

Ballot boxes, ballot papers, official mark.

10. Every ballot box shall be so constructed that the ballot papers can be put therein, but cannot be withdrawn therefrom, without the box being unlocked.

11. Every ballot paper shall be in the form set forth in Part IV of this Schedule or as near thereto as circumstances admit and—

(*a*) shall contain the full names, places of residence and descriptions of the candidates as shown on their respective nomination papers and arranged alphabetically in the order of their surnames and (if there are two or more candidates with the same surname) of their other names;

(*b*) shall be capable of being folded up;

(*c*) shall have a number printed on the back; and

(*d*) shall have attached a counterfoil with the same number printed on the face.

12. The official mark shall be kept secret.

Appointment of polling agents.

13.—(1) The candidates severally or jointly may appoint agents (in this Schedule referred to as "polling agents") to attend at the polling stations for the purpose of detecting personation; but not more than one polling agent shall be permitted to attend at any polling station on behalf of the same candidate, nor shall more than three, or, if the number of candidates exceeds twenty, more than four, polling agents be permitted to attend at any polling station (*c*).

(2) Notice in writing of any appointment, stating the names and addresses of the persons appointed, shall be given by the candidate or candidates to the returning officer two clear days at least before the opening of the poll; and if in respect of any polling station the number of polling agents exceeds the number permitted by this paragraph to attend, the returning officer shall determine which of them shall be permitted to attend, giving preference, so far as circumstances allow, to those appointed by the larger number of candidates.

(*a*) For form of ballot paper, see Part IV, Form A, *post*, p. 2553.

(*b*) For form of notice, see Part IV, Form B, *post*, p. 2553.

(*c*) A candidate has a right to be present in a polling station if he does not interfere with the polling or misconduct himself, although he does not act as his own polling agent (*Clementson* v. *Mason* (1875), L. R. 10 C. P. 209; 39 J. P. 360; 20 Digest 104, *839*). The appointment of too many polling agents will not necessarily avoid an election.

(3) If a polling agent dies, or becomes incapable of acting, the candidate or candidates may appoint another polling agent in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the polling agent so appointed.

(4) Subject to the provisions of this paragraph, a polling agent in respect of whom such notice as aforesaid has been given may, during the hours of the poll, attend at the polling station to which he has been appointed.

Admission to polling station.

14.—(1) No person shall be admitted to vote at any polling station except at the one allotted to him.

(2) The presiding officer shall regulate the number of electors to be admitted to the polling station at the same time, and shall exclude all other persons except the candidates, the polling agents, the officers appointed under this Schedule, the police officers on duty, and any person accompanying a blind elector for the purpose of assisting him to vote.

(3) Nothing in this paragraph shall affect the provisions of the Police Disabilities Removal Act, 1887, as applied to elections of urban district councillors by the Police Disabilities Removal Act, 1893.

Ballot boxes to be sealed.

15. Immediately before the commencement of the poll, the presiding officer shall show the ballot box empty to such persons, if any, as may be present in the polling station, so that they may see that it is empty, and shall then lock it up and place his seal upon it in such manner as to prevent it being opened without breaking the seal, and shall place it in his view for the receipt of ballot papers, and keep it so locked and sealed.

Questions to be put to electors.

16.—(1) The presiding officer may, and, if required by two local government electors or by a candidate or his polling agent, shall, put to any person applying for a ballot paper at the time of his application, but not afterwards, the following questions, or either of them, that it to say:—

(*a*) Are you the person registered in the register of local government electors now in force for this urban district [or ward] as follows [*read the whole entry from the register*] ?

(*b*) Have you already voted at the present election [*adding in the case of an election for several wards* in this or any other ward] ?

(2) A ballot paper shall not be delivered to any person required to answer the above questions, or either of them, unless he has answered the questions or questions satisfactorily (*a*).

(3) Save as by this paragraph authorised, no inquiry shall be permitted as to the right of any person to vote.

Challenge of elector by polling agent.

17.—(1) If at the time a person applies for a ballot paper, or after he has applied for a ballot paper and before he has left the polling station, a polling agent declares to the presiding officer that he has reasonable cause to believe that the applicant has committed an offence of personation under the Local Government Act, 1933, and undertakes to substantiate the charge in a court of law, the presiding officer may order a police officer to arrest the applicant, and the order of the presiding officer shall be sufficient authority for the police officer so to do.

(2) A person against whom a declaration is made under this paragraph by a polling agent shall not, by reason thereof, be prevented from voting, but the presiding officer shall cause the words "protested against for personation" to be placed against his name in the marked copy of the register of electors.

(3) A person arrested under the provisions of this paragraph shall be dealt with as a person taken into custody by a police officer for an offence without a warrant.

(*a*) The first question may be truthfully answered even if the name be erroneously spelled in the register (*R.* v. *Thwaites* (1853), 1 E. & B. 704), or even if it be a totally different name from the real name of the voter provided it was intended to designate him and no other person (*R.* v. *Fox* (1887), 16 Cox, C. C. 166). In either case the vote would be good on a scrutiny (*Oldham Case* (1869), 1 O'M. & H. 153). No oath can be administered to a voter.

Marking of ballot papers.

18. A ballot paper shall be delivered to an elector who applies therefor, and immediately before delivery—

(*a*) the ballot paper shall be marked with the official mark, either embossed or perforated;

(*b*) the number, name, and description of the elector as stated in the copy of the register shall be called out;

(*c*) the number of the elector shall be marked on the counterfoil together with the distinctive letter of the parliamentary polling district in which the elector is registered, and the distinguishing sign, if any; and

(*d*) a mark shall be placed in the register against the number of the elector to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received.

19. The elector, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and there secretly mark his paper and fold it up so as to conceal his vote, and shall then show to the presiding officer the back of the paper, so as to disclose the official mark, and put the ballot paper, so folded up, into the ballot box in the presence of the presiding officer. The elector shall vote without undue delay, and shall leave the polling station as soon as he has put his ballot paper into the ballot box.

20.—(1) The presiding officer, on the application of—

(*a*) an elector who is incapacitated by blindness or other physical cause from voting in manner directed by this Schedule; or

(*b*) if the poll is taken on a Saturday, of an elector who declares that he is a Jew, and objects on religious grounds to vote in manner directed by this Schedule; or

(*c*) of an elector who makes a declaration that he is unable to read (in this Schedule referred to as "the declaration of inability to read") (*a*)

shall, in the presence of the polling agents, cause the vote of the elector to be marked on a ballot paper in manner directed by the elector, and the ballot paper to be placed in the ballot box.

(2) The name and number on the register of electors of every elector whose vote is marked in pursuance of this paragraph, and the reason why it is so marked, shall be entered on a list (in this Schedule called "the list of votes marked by the presiding officer").

21.—(1) Where an elector who is accompanied by another person makes application to the presiding officer to be allowed on the ground of blindness to vote with the assistance of the person accompanying him (in this Schedule referred to as "the companion"), the presiding officer shall require the elector to declare orally whether he is so incapacitated by his blindness as to be unable to vote without assistance.

(2) If the presiding officer is satisfied that the elector is so incapacitated and is also satisfied by a written declaration made by the companion (in this Schedule referred to as "the declaration made by the companion of a blind elector" (*b*)) that the companion is a qualified person within the meaning of this paragraph and has not previously assisted more than one blind person to vote at the election then being held, the presiding officer shall grant the application, and thereupon anything which is by this Schedule required to be done to or by the said elector in connection with the giving of his vote, may be done to, or with the assistance of, the companion, as the case may be.

(3) For the purposes of this paragraph a person shall be qualified to assist a blind elector to vote, if that person is either—

(*a*) a person who is entitled to vote at the election then being held; or

(*b*) the father, mother, brother, sister, husband, wife, son or daughter of the blind elector and has attained the age of twenty-one years.

(4) The name and number on the register of electors of every elector whose vote is given in accordance with this paragraph and the name and address of the companion shall be entered on a list (in this Schedule called "the list of blind electors assisted by companions").

(*a*) For form of declaration of inability to read, see Part IV, Form D, *post*, p. 2554.

(*b*) For form of declaration made by companion of a blind elector, see Part IV, Form E, *post*, p. 2554.

ELECTIONS

22.—(1) The declaration of inability to read and the declaration made by the companion of a blind elector—

(a) shall be in the appropriate form set forth in Part IV of this Schedule, or as near thereto as circumstances admit; and

(b) shall be made before the presiding officer at the time when the elector applies for a ballot paper or applies to vote with the assistance of the companion, as the case may be, and shall forthwith be handed to the presiding officer, who shall attest and retain it.

(2) No fee, stamp or other payment shall be charged in respect of the declaration.

Tendered ballot papers.

23. If a person, representing himself to be a particular elector named on the register, applies for a ballot paper after another person has voted as such elector, the applicant shall, upon satisfactorily answering the questions set out in paragraph 16 of this Part of this Schedule, be entitled to mark a ballot paper in the same manner as any other elector, but the ballot paper (in this Schedule called " a tendered ballot paper ") shall be of a colour differing from the other ballot papers, and instead of being put into the ballot box shall be given to the presiding officer and endorsed by him with the name of the elector and his number in the register of electors, and set aside in a separate packet, and shall not be counted by the returning officer; and the name of the elector and his number on the register together with the distinctive letter of the parliamentary polling district and the distinguishing sign, if any, shall be entered on a list (in this Schedule called " the tendered votes list ").

Spoilt ballot papers.

24. An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving the fact of the inadvertence to the satisfaction of the presiding officer, obtain another ballot paper in the place of the ballot paper so delivered up (in this Schedule called " a spoilt ballot paper "), and the spoilt ballot paper shall be immediately cancelled.

Powers of presiding officer in adjourning poll.

25. For the purpose of the adjournment of the poll in the event of riot or open violence and of every other enactment relating to the poll, a presiding officer shall have the power by law belonging to a presiding officer at a parliamentary election.

Packets of ballot papers, etc., to be sealed.

26. As soon as practicable after the close of the poll, the presiding officer shall, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals,—

(a) each ballot box in use at his station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key attached;

(b) the unused and spoilt ballot papers, placed together;

(c) the tendered ballot papers;

(d) the marked copies of the register of electors and the counterfoils of the ballot papers;

(e) the tendered votes list, the list of blind electors assisted by companions, the list of votes marked by the presiding officer, a statement of the number of electors whose votes are so marked by the presiding officer under the heads " physical incapacity," " Jews," and " unable to read," the declarations made by the companions of blind electors, and the declarations of inability to read;

and shall deliver the packets to the returning officer to be taken charge of by him.

27. The packets shall be accompanied by a statement (in this Schedule referred to as " the ballot paper account ") made by the presiding officer showing the number of ballot papers entrusted to him, and accounting for them under the heads of—

(a) ballot papers in the ballot box;

(b) unused and spoilt ballot papers;

(c) tendered ballot papers.

COUNTING OF VOTES.

Appointment of counting agents.

28.—(1) Each candidate may appoint an agent (in this Schedule referred to as " a counting agent ") to attend at the counting of the votes.

(2) Notice in writing of every appointment, stating the name and address of the person appointed, shall be given by the candidate to the returning officer two clear days at least

before the opening of the poll; and the returning officer may refuse to admit to the place where the votes are counted any counting agent whose name and address has not been so given, notwithstanding that his appointment may be otherwise valid, and any notice required to be given to a counting agent by the returning officer may be delivered at or sent by post to the address stated in the notice.

(3) If a counting agent dies, or becomes incapable of acting, the candidate may appoint another counting agent in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the counting agent so appointed.

29. The returning officer shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the close of the poll, and shall give to the agents notice in writing of the time and place at which he will begin to count the votes.

The Count.

30. Except with the consent of the returning officer, no person other than the returning officer, the persons appointed to assist him, and the candidates and their counting agents may be present at the counting of the votes.

31. Before the returning officer proceeds to count the votes, he shall, in the presence of the counting agents, open each ballot box and, taking out the ballot papers therein, shall count and record the number thereof, and then mix together the whole of the papers contained in the ballot boxes.

32. The returning officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards, and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.

33. The returning officer shall, so far as practicable, proceed continuously with counting the votes, allowing only time for refreshment, and excluding (if and so far as he thinks it necessary) the hours between eight o'clock in the evening and nine o'clock on the succeeding morning. During the excluded time the returning officer shall place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals, and shall otherwise take proper precautions for the security of the papers and documents.

Void ballot papers.

34. Any ballot paper—

(*a*) which does not bear the official mark; or

(*b*) on which votes are given for more candidates than the elector is entitled to vote for; or

(*c*) on which anything is written or marked by which the elector can be identified except the printed number on the back; or

(*d*) which is unmarked or void for uncertainty;

shall not be counted (*a*).

Provided that where the elector is entitled to vote for more than one candidate, the ballot paper shall not be deemed to be void as regards any vote as to which no uncertainty arises, and that vote shall be counted.

35.—(1) The returning officer shall endorse—

(*a*) the word "rejected" on any ballot paper which under the last preceding paragraph is not to be counted; and

(*b*) in the case of a ballot paper on which any vote is counted under the proviso to that paragraph, the words "rejected in part" and a memorandum specifying the votes counted.

(2) The returning officer shall in either case add to the endorsement the words "rejection objected to," if an objection is made by any counting agent to his decision.

(*a*) A ballot paper is validly marked if the voter has so placed his mark as to make it clear for which particular candidate he intended to vote, although the mark as placed is outside the ruled space or parallelogram printed on the paper for its reception (*Pontardawe R. D. C. Election*, [1907] 2 K. B. 313; 71 J. P. 371; 20 Digest 140, *1147*. See also *Woodward* v. *Sarsons* (1875), L. R. 10 C. P. 733; 39 J. P. 776; 20 Digest 111, *892*; *Stepney* (1886), 4 O'M. & H. 37; Digest Supp.; *Buckrose* (1886), 4 O'M. & H. 110; 20 Digest 112, *898*; *Berwick-on-Tweed* (1880), 44 L. T. 289; 20 Digest 112, *893*; *Oldham Petition*, *Cooper* v. *Ogden* (1908), 72 J. P. 115; 24 T. L. R. 242; 20 Digest 131, *1050*.

As to the right of a candidate to be present at the counting, see *Clementson* v. *Mason* (1875), L. R. 10 C. P. 209; 39 J. P. 360; 20 Digest 104, *839*.

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(3) The returning officer shall draw up a statement showing the number of ballot papers rejected, including those rejected in part, under the several heads of—

(*a*) want of official mark;

(*b*) voting for more candidates than entitled to;

(*c*) writing or mark by which elector could be identified;

(*d*) unmarked or wholly void for uncertainty;

(*e*) rejected in part;

and shall, on request, allow any counting agent to copy the statement.

36. The decision of the returning officer as to any question arising in respect of any ballot paper shall be final, but shall be subject to review on an election petition questioning the election.

Equality of votes.

37. Where an equality of votes is found to exist, and the addition of a vote would entitle any of the candidates to be declared elected, the returning officer, whether or not entitled to vote in the first instance, may give a casting vote by word of mouth or in writing (*a*).

Declaration of result.

38.—(1) When the result of the poll has been ascertained, the returning officer shall forthwith declare to be elected the candidate or candidates to whom the majority of votes have been given, and shall as soon as possible publish the name or names of the candidate or candidates elected and the total number of votes given for each candidate, whether elected or not (*b*).

(2) The returning officer unless he is the clerk of the urban district council shall forthwith return the names of the persons elected to that clerk.

Disposal of ballot papers, etc. after poll.

39. Upon the completion of the counting the returning officer shall seal up in separate packets the counted and rejected ballot papers, including ballot papers rejected in part. He shall not open the sealed packet of tendered ballot papers or the sealed packet containing the marked copy of the register of electors and counterfoils, but shall proceed, in the presence of the counting agents, to verify the ballot paper account given by each presiding officer by comparing it with the number of ballot papers recorded by him under paragraph 31 of this Part of this Schedule, and the unused and spoilt ballot papers in his possession and the tendered votes list, and shall reseal each sealed packet after examination. The returning officer shall draw up a statement as to the result of the verification and shall, on request, allow any counting agent to copy the statement.

40. The returning officer shall forward to the clerk of the urban district council all the packets of ballot papers in his possession, together with the said statements, the ballot paper accounts, tendered votes lists, lists of blind electors assisted by companions, lists of votes marked by the presiding officer, statements relating thereto, declarations made by the companions of blind electors, declarations of inability to read, packets of counterfoils, and marked copies of registers sent by each presiding officer, endorsing on each packet a description of its contents and the date of the election to which they relate, and the name of the urban district or ward for which the election was held.

41.—(1) A county court having jurisdiction in the urban district, or any part thereof, or an election court, on being satisfied by evidence on oath—

(*a*) that the inspection or production of any rejected ballot papers, including ballot papers rejected in part; or

(*b*) that the opening of the sealed packet of counterfoils or the inspection of counted ballot papers,

is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election, may make an order for the inspection or production of any such ballot papers or the opening of the sealed packet of counterfoils.

(*a*) If he votes when there is no tie, a petition will lie (*Brittain* v. *Ritchie* (1889), 43 Sol. Jo. 532), and the returning officer will be liable to an action for penalties (*Brittain* v. *Whitehorn*, Times, March 30th, 1900).

(*b*) This publication is entirely different from the declaration of the result of the poll, and cannot alter the effect of a numerical majority of the votes given for any candidate; see *Pritchard* v. *Mayor, etc., of Bangor* (1888), 13 App. Cas. 241: 52 J. P. 564; 20 Digest 123, *999*.

(2) An order made under this paragraph may be made subject to such conditions as to persons, time, place and mode of inspection or production of ballot papers or of opening the sealed packet of counterfoils as the court may think expedient, and may direct the clerk of the urban district council having custody of the ballot papers and the sealed packet of counterfoils to retain them intact for such period as may be specified in the order.

(3) Any power given to a county court by this paragraph may be exercised by any judge of the county court otherwise than in open court.

(4) In making and carrying into effect an order under this paragraph, care shall be taken that the way in which any particular elector has voted shall not be disclosed, until it has been proved that he voted and his vote has been declared by a competent court to be invalid.

(5) An appeal shall lie to the High Court from any order of a county court made under this paragraph.

42. Except by order of a court made under the last preceding paragraph, no person shall be allowed to inspect any ballot papers in the custody of the clerk of the urban district council or to open the sealed packet of counterfoils.

43. Where an order is made for the production by the clerk of the urban district council of any document in his possession relating to any specified election, the production by that clerk or his agent of the document ordered, in such manner as may be directed by the order, shall be conclusive evidence that the document so produced relates to the specified election; and any endorsement appearing on any packet of ballot papers produced by that clerk or his agent shall be *primâ facie* evidence of those papers being what they are stated to be by the endorsement. The production from proper custody of a ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed number and having a number marked thereon in writing shall be *primâ facie* evidence that the person who voted by that ballot paper was the person who at the time of that election had affixed to his name in the register of electors at that election the same number as the number written on that counterfoil.

44. The clerk of the urban district council shall retain for six months among the records of the urban district all documents relating to an election forwarded to him by the returning officer in pursuance of this Schedule, and then unless otherwise directed by an order made under paragraph 41 of this Part of this Schedule, shall cause them to be destroyed.

45. All documents forwarded by a returning officer in pursuance of this Schedule to the clerk of the urban district council, other than ballot papers and counterfoils, shall, during a period of six months from the day of election, be open to public inspection at such time and in such manner as may be determined by the county council, and the clerk of the urban district council shall supply copies of or extracts from the said documents to any person demanding the same on payment of such fees and subject to such conditions as may be determined by the county council.

46. Subject to the provisions of this Part of this Schedule, the clerk of the urban district council shall, in respect of the custody and destruction of ballot papers and other documents coming into his possession in pursuance of this Part of this Schedule, be subject to the directions of the urban district council.

GENERAL PROVISIONS AS TO CONTESTED ELECTIONS.

47. The returning officer may, if he thinks fit, preside at a polling station, and the provisions of this Part of this Schedule relating to a presiding officer shall apply to a returning officer so presiding with the necessary modifications as to things to be done by the returning officer to the presiding officer, or by the presiding officer to the returning officer.

48.—(1) No returning officer, or officer appointed under this Schedule, or any partner or clerk of any such officer, shall act as a polling or counting agent.

(2) If any returning officer, or officer appointed under this Part of this Schedule, or the partner or clerk of any such officer, acts as a polling or counting agent in contravention of the provisions of this paragraph, he shall be guilty of a misdemeanour.

49. No person shall be appointed to act as an officer under this Part of this Schedule for the purposes of an election who has been employed by or on behalf of a candidate in or about the election.

50. A presiding officer may do, by the officers appointed to assist him, any act which he is required or authorised by this Part of this Schedule to do at a polling station except ordering the arrest, exclusion, or removal of any person from the polling station.

51. A candidate may himself do any act or thing which an agent of his, if appointed, would have been authorised or required to do, or may assist his agent in doing any such

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act or thing, but before acting under this paragraph the candidate shall make the declaration of secrecy required to be made by agents.

52. Where in this Part of this Schedule any act or thing is required or authorised to be done in the presence of the agents of the candidates, the non-attendance of any agents or agent at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Prohibition of disclosure of vote.

53. No person who has voted at an election shall, in any legal proceeding to question the election, be required to state for whom he has voted.

Requirement of Secrecy.

54.—(1) Every returning officer, and every officer, polling agent or counting agent, authorised to attend at a polling station or at the counting of the votes, shall, before the opening of the poll, or in the case of an agent appointed after the opening of the poll, before acting as such agent, make a declaration of secrecy in the form set forth in Part IV of this Schedule, or in a form as near thereto as circumstances admit (*a*).

(2) In the case of a returning officer the declaration shall be made in the presence of a justice of the peace, and in the case of any other officer or of an agent, the declaration shall be made either in the presence of a justice of the peace or of the returning officer.

(3) Save as aforesaid, no such returning officer, officer or agent shall be required, as such, to make any declaration or to take any oath on the occasion of an election.

(4) Every returning officer, and every officer, polling agent or counting agent in attendance at a polling station or at the counting of the votes, shall maintain and aid in maintaining secrecy of the voting.

(5) No person, being a returning officer, or officer appointed under this Part of this Schedule, or polling agent or counting agent, shall—

(*a*) except for some purpose authorised by law, communicate before the poll is closed to any person any information as to—

(i) the name or number on the register of any elector who has or has not applied for a ballot paper or voted at a polling station; or

(ii) the official mark; or

(*b*) ascertain or attempt to ascertain at the counting of the votes, the number on the back of any ballot paper; or

(*c*) communicate any information obtained at the counting of the votes, as to the candidate for whom any vote is given on any particular ballot paper.

(6) No person, whether or not such an officer, polling agent or counting agent as aforesaid, shall—

(*a*) interfere with or attempt to interfere with an elector when recording his vote; or

(*b*) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom an elector in that station is about to vote or has voted; or

(*c*) communicate at any time to any person any information obtained in a polling station as to the candidate for whom an elector in that station is about to vote or has voted, or as to the number on the back of the ballot paper given to an elector at that station; or

(*d*) directly or indirectly induce an elector to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

(7) No person having undertaken to assist a blind elector to vote shall communicate at any time to any person any information as to the candidate for whom that elector intends to vote or has voted, or as to the number on the back of the ballot paper given for the use of that elector.

(8) If any person acts in contravention of the provisions of this paragraph, he shall be liable on summary conviction to imprisonment for a term not exceeding six months.

55. Any justice of the peace, any returning officer and any presiding officer may take any declaration authorised by this Part of this Schedule to be made before him.

Keeping of order in station.

56.—(1) It shall be the duty of the presiding officer to keep order at his polling station.

(2) If any person misconducts himself in a polling station, or fails to obey the lawful orders of the presiding officer, he may immediately, by order of the presiding officer, be

(*a*) For form of declaration of secrecy, see Part IV, Form C, *post*, p. 2554.

removed from the polling station by a police officer in or near that station, or by any other person authorised in writing by the returning officer to remove him; and the person so removed shall not, without the permission of the presiding officer, again enter the polling station during the day.

(3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a police officer for an offence without a warrant.

(4) The powers conferred by this paragraph shall not be exercised so as to prevent an elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

PART IV.

FORMS FOR USE AT A CONTESTED ELECTION OF URBAN DISTRICT COUNCILLORS.

Note.—The forms contained in this Part of this Schedule, or forms as nearly resembling the same as circumstances will admit, shall be used in all cases to which they refer and are applicable, and when so used shall be sufficient in law.

FORM A.

Form of Ballot Paper.

Form of Front of Ballot Paper.

Counterfoil No.			
	1	BROWN (John Brown, of 52, George Street, Bristol, merchant.)	
	2	JONES (William David Jones, of High Elms, Wilts, gentleman.)	
	3	MERTON (Hon. George Travis, commonly called Viscount Merton, of Swansworth, Berks.)	
	4	SMITH (Mary Smith, of 72, High Street, Bath, married woman.)	

NOTE: *The counterfoil is to have a number to correspond with that on the back of the Ballot Paper.*

Form of Back of Ballot Paper.

No.

Election for the [urban district of] [ward of the urban district of].

Note.—The number on the ballot paper is to correspond with that on the counterfoil.

Directions as to printing ballot paper.

Nothing is to be printed on the ballot paper except in accordance with this Schedule.

The surname of each candidate, and if there are two or more candidates of the same surname, also the other names of such candidates, shall be printed in large characters, as shown in the form, and the names, places of residence, and descriptions, and the number on the back of the paper, shall be printed in small characters.

FORM B.

Form of directions for the guidance of the elector in voting, which shall be printed in conspicuous characters, and exhibited outside every polling station and in every compartment of every polling station.

The elector may vote for candidate.

The elector will go into one of the compartments, and, with the pencil provided in the compartment, place a cross on the right-hand side of the ballot paper, opposite the name of each candidate for whom he votes, thus **X**.

The elector will then fold up the ballot paper so as to show the official mark on the back, and leaving the compartment will, without showing the front of the paper to any person, show the official mark on the back to the presiding officer, and then in the presence of the presiding officer, put the paper into the ballot box, and forthwith quit the polling station.

If the elector inadvertently spoils a ballot paper, he can return it to the officer, who will, if satisfied of such inadvertence, give him another paper.

If the elector votes for more than candidate , or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the elector fraudulently takes a ballot paper out of the polling station, or deposits in the ballot box any other paper than the one given him by the officer, he will be liable, on summary conviction, to imprisonment for a term not exceeding six months.

FORM C.

Form of declaration of secrecy.

I solemnly promise and declare, That I will not at this election do anything forbidden by sub-paragraphs (4), (5), (6) and (8) of paragraph 54 of Part III of the Second Schedule to the Local Government Act, 1933, which have been read by me.

FORM D.

Form of declaration of inability to read.

I, *A.B.*, of , being numbered on the registered of local government electors for the [urban district of] [ward of the urban district of], do hereby declare that I am unable to read.

A.B., his mark

day of 19 .

I, the undersigned, being the presiding officer for the polling station for the [urban district of] [ward of the urban district of], do hereby certify that the above declaration, having been first read to the above-named *A.B.*, was signed by him in my presence with his mark.

Signed, *C.D.*,

day of 19 .

FORM E.

Form of declaration to be made by the companion of a blind elector.

I, *A.B.*, of , having been requested to assist *C.D.*, who is numbered on the register of local government electors for the [urban district of] [ward of the urban district of] to record his vote at the election now being held for the said [urban district] [ward], do hereby declare that [I am entitled to vote at the said election] [I am the (*state the relationship of the companion to the elector*) of the said elector and have attained the age of twenty-one years], and that I have not previously assisted any blind person [except *E.F.*, of] to vote at the said election.

Signed, *A.B.*,

day of , 19 .

I, the undersigned, being the presiding officer for the polling station for the [urban district of] [ward of the urban district of], do hereby certify that the above declaration, having been first read to the above-named declarant, was signed by the declarant in my presence.

Signed, *G.H.*,

day of 19 ,

at minutes past o'clock in the noon.

Note.—If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he will be guilty of an offence.

THIRD SCHEDULE.

FORMS FOR USE AT AN ELECTION OF URBAN DISTRICT COUNCILLORS.

FORM A.

Form of Notice of Election.

URBAN DISTRICT OF .
ELECTION OF URBAN DISTRICT COUNCILLORS for the [Ward of the]
[Wards of the] Urban District.

NOTICE IS HEREBY GIVEN THAT—

1. An election of Urban District Councillors for the said [Ward] [Wards] [District] will be held on , the day of , 19 .

2. The number of Urban District Councillors to be elected for the said [Ward] [Wards] [District] is*.

3. Each candidate must be nominated on a separate nomination paper in the form prescribed by the Urban District Councillors Election Rules, or in a form to the like effect Forms of nomination paper may be obtained, free of charge, from me at .

4. Every nomination paper must be delivered at not later than five o'clock in the afternoon on , the day of , 19 .

5. A local government elector must not sign—

(*a*) more than one nomination paper in respect of the same candidate;

(*b*) more nomination papers than there are Urban District Councillors to be elected for the [Ward] [District];

†[(*c*) a nomination paper for more than one Ward.]

6. No candidate will be validly nominated unless his consent (which must be given in writing on or within one month before the date specified in paragraph 4, and attested by one witness) is delivered at the place and not later than the time specified in paragraph 4.

‡[Special provision is made by paragraph 3 of Part I of the Second Schedule to the Local Government Act, 1933, for a candidate who owing to absence from the United Kingdom cannot give his consent in this manner.]

7. Not later than five o'clock in the afternoon on , the day of , 19 , a statement containing the full names of all persons nominated and their places of residence and descriptions and the Returning Officer's decision whether those persons have been validly nominated will be affixed to the place specified in paragraph 4.

8. A candidate may withdraw from his candidature by notice of withdrawal signed by him and attested by one witness and delivered at the place specified in paragraph 4 not later than five o'clock in the afternoon on , the day of , 19 .

9. If the number of candidates remaining validly nominated for [the Ward] [any Ward] [the District] exceeds that of the persons to be elected, a poll will be taken on the day of , 19 , of which due notice will be given.

Dated this day of , 19 .

.....
Returning Officer.

---

* If the notice relates to two or more Wards, indicate the number of Urban District Councillors to be elected for each Ward.

† If the District is not divided into Wards, omit these words.

‡ These words to be deleted, except at a casual vacancy election.

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FORM B.

Form of Nomination Paper.

ELECTION OF URBAN DISTRICT COUNCILLORS for the [Ward of the] urban District of , to be held on the day of , 19 .

We, the undersigned, being respectively local government electors for the said [Ward] [District], do hereby nominate the under-mentioned person as a candidate at the said election.

Names of Candidate.		Place of Residence.	Description.
Surname.	Other Names in full.		
1.	2.	3.	4.

Signature.	Number on Register of Electors, and Distinctive Letter of Parliamentary Polling District.
Proposer	.....
Seconder	.....
We, the undersigned, being respectively local government electors for the said do hereby assent to the foregoing nomination.	
1.	.....
2.	.....
3.	.....
4.	.....
5.	.....
6.	.....
7.	.....
8.	.....

Instructions for filling up Nomination Paper.*

(1) The nomination of each candidate must be made on a separate nomination paper.

(2) The surname of the candidate must be inserted in column 1 and the other names of the candidate must be inserted in full in column 2.

(3) Insert in column 3 the place of residence of the candidate.

(4) Insert in column 4 the trade, profession or calling, if any, of the candidate. If none, insert same such description as "gentleman", "married woman", "spinster".

(5)—(i) The nomination paper must be signed by two local government electors for the [Ward] [District], by one as Proposer, and by the other as Seconder, and by eight other local government electors for the [Ward]]District] as assenting to the nomination.

* These instructions form part of the Nomination Paper.

In each case the elector's number on the register of local government electors and the distinctive letter of the parliamentary polling district must be inserted.

(ii) A local government elector must not sign—

(*a*) more than one nomination paper in respect of the same candidate;

(*b*) more nomination papers than there are Urban District Councillors to be elected for the [Ward] [District];

*[(*c*) nomination paper for more than one Ward.]

FORM C.

Form of Statement as to Persons Nominated.

URBAN DISTRICT OF .

The following is a statement as to the persons nominated for election as Urban District Councillors for the [Ward of the] [Wards of the] Urban District.

[Ward] [Wards] [District].	Persons nominated.			Decision of Returning Officer that Candidate has not been validly nominated.
	Names (Surname first).	Place of Residence.	Description.	
1.	2.	3.	4.	5.

The Candidates opposite whose names no entry is made in Column 5 have been validly nominated.

Dated this day of , 19 .

.....

Returning Officer.

FOURTH SCHEDULE.

FORM OF DECLARATION OF ACCEPTANCE OF OFFICE BY THE CHAIRMAN OF AN URBAN DISTRICT COUNCIL OR BY AN URBAN DISTRICT COUNCILLOR.

I, *A.B.*, having been elected to the office of (*insert description of office*), hereby declare that I take the said office upon myself, and will duly and faithfully fulfil the duties thereof according to the best of my judgment and ability.

Dated this day of , 19 .

Signature.....

This declaration was made and subscribed before us†

Members of the Urban District Council.† } .....

.....

* If the District is not divided into Wards, omit these words.

† If the declaration is made and subscribed before the clerk of the urban district council or a justice of the peace or magistrate, or a commissioner for oaths, or a British consul, adapt form accordingly.

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S. R. & O., 1934, No. 546.

THE RURAL DISTRICT COUNCILLORS ELECTION RULES, 1934, DATED MAY 31, 1934, MADE BY THE SECRETARY OF STATE IN PURSUANCE OF THE LOCAL GOVERNMENT ACT, 1933.

In pursuance of the Local Government Act, 1933, I hereby make the following Rules for the conduct of an election of rural district councillors, and the following Regulations prescribing forms for use thereat and the form of declaration of acceptance of office by the chairman of a rural district council and by a rural district councillor.

RULES AND REGULATIONS.

Returning Officer.

1.—(1) The clerk of the rural district council shall be the returning officer, and if at an election of rural district councillors the office of clerk of the rural district council is vacant, or the clerk is for any reason unwilling or unable to act, the rural district council or the chairman thereof shall forthwith appoint another person to be the returning officer at that election:

Provided that, in the case of a first election of rural district councillors for a newly constituted rural district, a person appointed in accordance with the order constituting the new rural district, or, if the order contains no provision relating to the appointment of a returning officer, a person appointed by the county council, shall be the returning officer.

(2) The returning officer may by writing under his hand appoint a fit person to be his deputy for all or any of the purposes of the election, and any functions which a returning officer is authorised or required to discharge in relation to such election may be discharged by a deputy so appointed.

(3) A deputy acting as returning officer under the provisions of this Rule shall, as respects the election at which he is so acting, follow the instructions of the returning officer.

Day of election and poll.

2. The day of election of rural district councillors, on which the poll, if any, shall be taken, shall be—

(*a*) in the case of an ordinary election, the first Monday in April, or, if that is Easter Monday, the last Monday in March; or, in either case, such other day not being earlier than the preceding Saturday, or later than the following Wednesday, as may for special reasons be fixed by the county council;

(*b*) in the case of a first election, subject to any special provision in the order consequent upon which the election is held, such day as may be fixed by the returning officer, being a day not later than six weeks from the date when such order comes into operation;

(*c*) in the case of an election to fill a casual vacancy, such day as may be fixed in accordance with the provisions of section 67 of the Local Government Act, 1933.

Identification of Parts of Register.

3. If the parish or other electoral area is comprised in two or more parliamentary polling districts bearing the same distinctive letter, the returning officer shall put a distinguishing sign on the part of the register relating to each parliamentary polling district.

Joint Polls.

4.—(1) Where an election of rural district councillors and an election of parish councillors are held on the same date and for the same area, the polls shall, so far as practicable, be taken together.

(2) Where polls are so taken together, one ballot box may, if the returning officer thinks fit, be used for the two elections; but, if separate ballot boxes are used, no

vote for any rural district councillor shall be rendered invalid by the ballot paper being placed in the box intended for the reception of ballot papers for parish councillors.

Adaptation of Part IV of Municipal Corporations Act, 1882, and Municipal Elections (Corrupt and Illegal Practices) Acts, 1884 and 1911(a).

5. In the application of Part IV of the Municipal Corporations Act, 1882, the Municipal Corporations (Corrupt and Illegal Practices) Act, 1884 (other than the provisions referred to in Section 37 of that Act) and the Municipal Corporations (Corrupt and Illegal Practices) Act, 1911, to an election of rural district councillors the following adaptations, alterations and exceptions shall have effect:—

(1) The expressions in the second column of the First Schedule hereto shall respectively be substituted for the expressions opposite thereto in the first column of the said Schedule except where the context otherwise requires.

(2) Subsection (2) of section 89 of the Municipal Corporations Act, 1882, shall be adapted and altered so as to read as follows:—

"(2) The security shall be to the amount of fifty pounds unless in any case the High Court or a Judge thereof, on summons, order that the same shall be to a less amount, or to a larger amount not exceeding three hundred pounds, and shall be given in the prescribed manner either by a deposit of money or by recognizance entered into by not more than four sureties, or partly in one way and partly in the other."

(3) Paragraph (*b*) of subsection (1) of section 13 of the Municipal Elections (Corrupt and Illegal Practices) Act, 1884, shall be adapted and altered so as to read as follows:—

"(*b*) Polling agents may be employed to the extent authorised by paragraph 13 of Part III of the Second Schedule to the Local Government Act, 1933, as adapted by the Rural District Councillors Election Rules."

(4) Subsection (1) of section 16 of the Municipal Elections (Corrupt and Illegal Practices) Act, 1884, shall not prohibit the use of any premises situated in a rural district for holding a meeting for the purpose of promoting or procuring the election of a candidate at an election of rural district councillors.

(5) Subsection (1) of section 25 of the Municipal Elections (Corrupt and Illegal Practices) Act, 1884, shall be adapted and altered so as to read as follows:—

"(1) An election petition complaining of an election on the ground of an illegal practice may be presented at any time within six weeks after the day of election."

Adaptation of Second Schedule to Local Government Act, 1933.

6. In the application of the Second Schedule to the Local Government Act, 1933 (*b*), to an election of rural district councillors, adaptations, alterations and exceptions shall be made therein so that the said Schedule shall read as set out in the Second Schedule hereto.

Expenses.

7. Where polls for the election of rural district councillors and parish councillors for the same area are taken together, one half of any expenses which may be payable in respect of the two polls jointly, including the remuneration of any officers employed in the conduct thereof, shall be deemed to have been incurred in relation to the poll for the election of rural district councillors, and shall be defrayed accordingly.

Forms.

8.—(1) The forms in the Third Schedule hereto or forms to the like effect shall be used, with such modifications as circumstances may require, at an election of rural district councillors.

(*a*) For the Acts here adapted see Vol. IV, *post*.
(*b*) *Ante*, p. 1201.

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(2) A declaration of acceptance of office by the chairman of a rural district council or by a rural district councillor shall be in the form in the Fourth Schedule hereto or in a form to the like effect.

Citation, date of commencement and revocation.

9.—(1) These Rules and Regulations shall be cited as the "Rural District Councillors Election Rules, 1934."

(2) These Rules and Regulations shall come into operation on the first day of June, 1934.

(3) The Rural District Councillors Election Rules, 1931 (*a*), and so much of the Urban and Rural District and Parish Councillors Election Rules, 1933 (*b*), as amends the same are hereby revoked but shall nevertheless apply to the filling of any casual vacancy which has occurred and has not been filled prior to June 1st, 1934.

JOHN GILMOUR,
One of His Majesty's Principal Secretaries of State.

Home Office,
Whitehall,
May 31*st*, 1934.

FIRST SCHEDULE.

ADAPTATIONS TO BE MADE IN THE APPLICATION OF PART IV OF THE MUNICIPAL CORPORATIONS ACT, 1882, AND THE MUNICIPAL ELECTIONS (CORRUPT AND ILLEGAL PRACTICES) ACTS, 1884 AND 1911.

Expression used in the above-mentioned Acts.	Adaptation.
borough (except in section 93 (2) of the Act of 1882).	parish or combination of parishes.
borough (in section 93 (2) of the Act of 1882).	rural district or any borough or urban district contiguous thereto.
borough fund or borough rate . .	general rate fund of the rural district.
corporate office	office of rural district councillor.
municipal borough	parish or combination of parishes.
municipal election	election of rural district councillors.
municipal election court . . .	court constituted to try an election petition in respect of an election of rural district councillors.
municipal election list	list of election petitions.
municipal election petition . . .	election petition in respect of an election of rural district councillors.
town clerk	clerk of the rural district council.

SECOND SCHEDULE.

ADAPTED PROVISIONS OF THE SECOND SCHEDULE TO THE LOCAL GOVERNMENT ACT, 1933 (*c*).

PART I.

PROVISIONS RELATING TO THE STAGES OF THE ELECTION OF RURAL DISTRICT COUNCILLORS PRECEDING THE POLL.

Notice of Election.

1.—(1) On or before the day appointed for that purpose by Part II of this Schedule a notice of election shall be published in the form prescribed by the Secretary of State (*d*).

(*a*) S. R. & O., 1931, No. 24.
(*b*) S. R. & O., 1933, No. 1126.
(*c*) The numbering of the paragraphs in this Schedule corresponds to the numbering in the Second Schedule to the Act.
(*d*) See note (*a*), *ante*, p. 2541. For form, see *post*, p. 2574.

(3) The notice of election shall be prepared and signed by the returning officer, and shall be published by him by causing it to be exhibited in some conspicuous place on or near the outer door of the offices (if any) of the rural district council, and at such additional place or places as he may determine in the parish or other electoral area.

Nomination of Candidates.

2.—(1) Every candidate must be nominated by two local government electors for the parish or combination of parishes or ward of a parish, as the case may be, as his proposer and seconder.

(2) The nomination of each candidate must be made on a separate nomination paper in the form prescribed by the Secretary of State (*a*), stating the full name (*b*), place of residence (*c*) and description (*d*) of the candidate, and must be signed (*e*) by the proposer and seconder, and no more.

(4) No person shall sign more than one nomination paper in respect of the same candidate, nor shall he sign a nomination paper for more than one parish or combination of parishes or ward of a parish in the rural district (*f*), nor shall be sign more nomination papers than there are vacancies to be filled in the parish or combination of parishes or ward of a parish, as the case may be, and if he signs nomination papers otherwise than is permitted under this sub-paragraph, his signature shall be inoperative in all but those papers, up to the permitted number, which are first delivered (*g*).

(5) The returning officer shall provide nomination papers and he and any other person whom he may appoint for the purpose shall supply any local government elector for the parish or combination of parishes or ward of a parish, as the case may be, with as many nomination papers as may be required and shall, at the request of any such local government elector, prepare for signature a nomination paper.

Candidate's Consent to Nomination.

3. A person shall not be validly nominated unless his consent to nomination (in this Schedule referred to as "the candidate's consent") given in writing on or within one month before the last day for the delivery of nomination papers, and attested by one witness, is delivered at the place and within the time appointed for the delivery of nomination papers:

Provided that in the case of an election to fill a casual vacancy if the returning officer is satisfied that owing to the absence of a person from the United Kingdom it has not been reasonably practicable for his consent in writing to be given as aforesaid, a telegram consenting to his nomination and purporting to have been sent by him shall be deemed, for the purpose of this paragraph, to be consent in writing given by him on the day on which it purports to have been sent and attestation of his consent shall not be required.

Time and Place for sending in Nomination Papers.

4.—(1) Every nomination paper shall be delivered at the place appointed for the purpose by the returning officer not later than the time appointed for that purpose by Part II of this Schedule.

Decision as to Validity of Nomination.

5.—(1) As soon as may be after the time for the delivery of nomination papers has expired, the returning officer shall examine the nomination papers, and decide whether the candidates have been validly nominated in accordance with the provisions of this Schedule (*h*).

(2) Where the returning officer decides that a candidate has been so validly nominated, his decision shall be final and shall not be questioned in any proceeding whatsoever.

(3) Where the returning officer decides that a candidate has not been so validly nominated, he shall endorse and sign on the nomination paper the fact and reasons for his decision (*i*).

(4) The decision of the returning officer under the last preceding sub-paragraph shall be subject to review on an election petition questioning the election.

(*a*) For form of nomination paper, see Sched. III, Form B, *post*, p. 2575.
(*b*) See note (*c*), *ante*, p. 2541.
(*c*) See note (*d*), *ante*, p. 2541.
(*d*) See note (*e*), *ante*, p. 2541.
(*e*) See note (*f*), *ante*, p. 2541.
(*f*) See note (*g*), *ante*, p. 2541.
(*g*) See note (*h*), *ante*, p. 2541.
(*h*) See note (*a*), *ante*, p. 2542.
(*i*) See note (*b*), *ante*, p. 2542.

ELECTIONS

(5) Not later than the time appointed for that purpose by Part II of this Schedule, the returning officer shall send notice of his decision to each candidate at his place of residence as stated on his nomination paper.

Statement as to Persons Nominated.

6. The returning officer shall, not later than the time appointed for that purpose by Part II of this Schedule, prepare a statement in the form prescribed by the Secretary of State containing the full names of all persons nominated and their places of residence and descriptions and his decision whether those persons have been validly nominated, and shall publish the statement by causing it to be affixed to the place appointed for the delivery of nomination papers (*a*).

Withdrawal of Candidates.

7. A candidate may withdraw from his candidature by notice of withdrawal signed by him and attested by one witness and delivered at the place appointed for the delivery of nomination papers not later than the time appointed for that purpose by Part II of this Schedule (*b*).

Nomination in more than one Electoral Area.

8. A candidate who is validly nominated for more than one parish or combination of parishes or ward of a parish in the rural district shall, by notice signed, attested, and delivered as aforesaid, withdraw from his candidature in all those electoral areas except one, and if he does not so withdraw he shall be deemed to have withdrawn from his candidature in all those electoral areas.

Method of Election and Publication of Result of Uncontested Election.

9.—(3) (*a*) If the number of persons remaining validly nominated (*c*) exceeds the number of vacancies, the councillors shall be elected in accordance with the provisions of Part III of this Schedule from among those persons (*d*);

(*b*) If the number of persons remaining validly nominated is the same as the number of vacancies, those persons shall be deemed to be elected;

(*c*) if the number of persons remaining validly nominated is less than the number of vacancies, those persons shall be deemed to be elected, and, if the election is an ordinary election, such of the retiring councillors for the parish or combination of parishes or ward of a parish, as the case may be, as were highest on the poll at the last ordinary election, or as filled the places of councillors who were highest on the poll at that election, or, if the poll was equal or there was no poll, as may be determined by the drawing of lots conducted under the direction of the returning officer, shall be deemed to be elected to make up the required number;

(*d*) if at an ordinary election no person is or remains validly nominated, the retiring councillors for the parish or combination of parishes or ward of a parish, as the case may be, shall be deemed to be elected.

(4) If an election is not contested, the returning officer shall, not later than eleven o'clock in the morning of the day of election, publish a list of the persons elected, and unless he is the clerk of the rural district council shall forthwith return the names of the persons elected to that clerk.

11. For the purposes of this Part of this Schedule a person shall be deemed to be registered as a local government elector for a parish or other electoral area, if he is registered in the register of local government electors for that parish or other electoral area which will be in force on the day of election, or if, pending the coming into force of that register, his name appears in the electors lists for that register as corrected by the registration officer.

12. In computing any period of time for the purposes of this Schedule, a Sunday, Christmas Day, Good Friday, Bank Holiday or day appointed for public thanksgiving or mourning, shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceeding under this Schedule.

(*a*) For form of statement as to persons nominated, see Sched. III, Form C, *post*, p. 2576.
(*b*) See note (*d*), *ante*, p. 2542.
(*c*) See note (*a*), *ante*, p. 2543.
(*d*) See note (*b*), *ante*, p. 2543.

PART II.

TIMES FOR THE PROCEEDINGS AT AN ELECTION OF RURAL DISTRICT COUNCILLORS.

Proceeding.	Time.
Notice of election	The twentieth day before the day of election.
Delivery of nomination papers . .	5 o'clock in the afternoon on the twelfth day before the day of election.
Despatch of notices of decision on nominations and publication of statement of persons nominated.	5 o'clock in the afternoon on the eleventh day before the day of election.
Delivery of notices of withdrawals from candidatures.	5 o'clock in the afternoon on the ninth day before the day of election.
Notice of poll	The fifth day before the day of election.

[*Note.*—In computing any period of time for the purposes of this Part of this Schedule, a Sunday, Christmas Day, Good Friday, Bank Holiday or day appointed for public thanksgiving or mourning is to be disregarded in accordance with paragraph 12 of Part I of this Schedule.]

PART III.

PROVISIONS RELATING TO CONTESTED ELECTIONS.

THE POLL.

General conduct of poll.

1. At every contested election the votes shall be given by ballot, and the poll shall be conducted in accordance with the provisions of this Schedule.

Notice of poll.

2.—(1) The returning officer shall on or before the day appointed for that purpose by Part II of this Schedule, give notice of the poll, specifying—

(*a*) the day and hours fixed for the poll;

(*b*) the number of councillors to be elected;

(*c*) the full name, place of residence, and description of each candidate remaining validly nominated;

(*d*) the names of the proposer and seconder who signed the nomination paper of each candidate; and

(*e*) the situation of each polling station (*a*) and the description of the persons entitled to vote thereat.

(2) For the purposes of this Part of this Schedule the first valid nomination paper delivered at the place appointed for the delivery of nomination papers in respect of a candidate shall be deemed to be the nomination paper of that candidate.

(3) A notice of poll required to be published under this paragraph shall be published at the places at which the notice of the election is required to be published under Part I of this Schedule.

Hours of poll.

3. The poll shall be open during such hours as shall be fixed by the county council by any general or special order, or, if no such order is in force in the parish or other electoral area, during such hours as were applicable at the last ordinary election of rural district councillors for the area:

Provided that the poll shall always be open between the hours of 6 and 8 in the evening (*b*).

(*a*) See note (*a*), *ante*, p. 2544.
(*b*) See note (*b*), *ante*, p. 2544.

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Use of schools, public rooms, or churches.

4.—(1) The returning officer may use, free of charge, for the purpose of taking the poll or of counting the votes—

(*a*) a room in a school in receipt of a grant, or in respect of which a grant is made, out of moneys provided by Parliament, from or by the Board of Education; and

(*b*) a room the expense of maintaining which is payable out of any rate.

(2) The returning officer shall make good any damage done to, and defray any expense incurred by the persons having control over, any such room as aforesaid by reason of its being used for the purpose of taking the poll or of counting the votes.

(3) The use of a room in an unoccupied house for the purpose of taking the poll or of counting the votes shall not render a person liable to be rated or to pay any rate for that house.

5. An election shall not be held in a church, chapel or other place of public worship.

Death of candidate after nomination.

6. If after the latest time for delivery of nomination papers and before the commencement of the poll a candidate who remains validly nominated dies, the returning officer shall, upon being satisfied of the fact of death, countermand the poll.

Provision of polling stations, ballot boxes, etc.

7. The returning officer shall—

(*a*) provide a sufficient number of polling stations for the electors, and allot the electors to the polling stations in such manner as he thinks most convenient;

(*b*) appoint a presiding officer to preside at each polling station, and such other officers (including poll clerks) as may be necessary for taking the poll and counting the votes;

(*c*) furnish each polling station with such number of compartments as may be necessary in which the electors can mark their votes screened from observation;

(*d*) furnish each presiding officer with such number of ballot boxes and ballot papers (*a*) as in the opinion of the returning officer may be necessary;

(*e*) provide each polling station with materials to enable electors to mark the ballot papers, with instruments for stamping thereon the official mark, and with copies of the register of electors for the parish or other electoral area, or such part thereof as contains the names of the electors allotted to vote at the station;

(*f*) do such other acts and things as may be necessary for effectually conducting the election in manner provided by this Schedule.

8. One or more polling stations may be provided in the same room, but no premises licensed for the sale of intoxicating liquor shall be used for a polling station.

9. A notice, in the form set forth in Part IV of this Schedule, or as near thereto as circumstances admit, giving directions for the guidance of electors in voting, shall be exhibited outside every polling station, and in every compartment in the polling station (*b*).

Ballot boxes, ballot papers, official mark.

10. Every ballot box shall be so constructed that the ballot papers can be put therein, but cannot be withdrawn therefrom, without the box being unlocked.

11. Every ballot paper shall be in the form set forth in Part IV of this Schedule or as near thereto as circumstances admit and—

(*a*) shall contain the full names, places of residence and descriptions of the candidates as shown on their respective nomination papers and arranged alphabetically in the order of their surnames and (if there are two or more candidates with the same surname) of their other names;

(*b*) shall be capable of being folded up;

(*c*) shall have a number printed on the back;

(*d*) shall have attached a counterfoil with the same number printed on the face; and

(*e*) shall be of a different colour from that of any ballot papers used in an election of parish councillors held on the same date and for the same area.

12. The official mark shall be kept secret.

(*a*) For form of ballot paper, see Part IV, Form A, *post*, p. 2572.

(*b*) For form of notice, see Part IV, Form B, *post*, p. 2573.

Appointment of polling agents.

13.—(1) The candidates severally or jointly may appoint agents (in this Schedule referred to as "polling agents") to attend at the polling stations for the purpose of detecting personation; but not more than one polling agent shall be permitted to attend at any polling station on behalf of the same candidate, nor shall more than three polling agents be permitted to attend at any polling station (*a*).

(2) Notice in writing of any appointment, stating the names and addresses of the persons appointed, shall be given by the candidate or candidates to the returning officer two clear days at least before the opening of the poll; and if in respect of any polling station the number of polling agents exceeds the number permitted by this paragraph to attend, the returning officer shall determine which of them shall be permitted to attend, giving preference, so far as circumstances allow, to those appointed by the larger number of candidates.

(3) If a polling agent dies, or becomes incapable of acting, the candidate or candidates may appoint another polling agent in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the polling agent so appointed.

(4) Subject to the provisions of this paragraph, a polling agent in respect of whom such notice as aforesaid has been given may, during the hours of the poll, attend at the polling station to which he has been appointed.

Admission to polling station.

14.—(1) No person shall be admitted to vote at any polling station except at the one allotted to him.

(2) The presiding officer shall regulate the number of electors to be admitted to the polling station at the same time, and shall exclude all other persons except the candidates, the polling agents, the officers appointed under this Schedule, the police officers on duty, and any person accompanying a blind elector for the purpose of assisting him to vote.

(3) Nothing in this paragraph shall affect the provisions of the Police Disabilities Removal Act, 1887, as applied to elections of rural district councillors by the Police Disabilities Removal Act, 1893.

Ballot boxes to be sealed.

15. Immediately before the commencement of the poll, the presiding officer shall show the ballot box empty to such persons, if any, as may be present in the polling station, so that they may see that it is empty, and shall then lock it up and place his seal upon it in such manner as to prevent it being opened without breaking the seal, and shall place it in his view for the receipt of ballot papers, and keep it so locked and sealed.

Questions to be put to electors.

16.—(1) The presiding officer may, and, if required by two local government electors or by a candidate or his polling agent, shall, put to any person applying for a ballot paper at the time of his application, but not afterwards, the following questions, or either of them, that is to say:—

(*a*) Are you the person registered in the register of local government electors now in force for [this parish] [one of the combined parishes, viz.:—the parish of] [this ward] as follows [*read the whole entry from the register*]?

(*b*) Have you already voted at the present election [*adding in the case of an election for several electoral areas* in this [parish] [combination of parishes] [ward] or elsewhere in the rural district]?

(2) A ballot paper shall not be delivered to any person required to answer the above questions, or either of them, unless he has answered the question or questions satisfactorily (*b*).

(3) Save as by this paragraph authorised, no inquiry shall be permitted as to the right of any person to vote.

Challenge of elector by polling agent.

17.—(1) If at the time a person applies for a ballot paper, or after he has applied for a ballot paper and before he has left the polling station, a polling agent declares to the presiding officer that he has reasonable cause to believe that the applicant has committed an

(*a*) See note (*c*), *ante*, p. 2545.
(*b*) See note (*a*), *ante*, p. 2546.

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offence of personation under the Local Government Act, 1933, and undertakes to substantiate the charge in a court of law, the presiding officer may order a police officer to arrest the applicant, and the order of the presiding officer shall be sufficient authority for the police officer so to do.

(2) A person against whom a declaration is made under this paragraph by a polling agent shall not, by reason thereof, be prevented from voting, but the presiding officer shall cause the words " protested against for personation " to be placed against his name in the marked copy of the register of electors.

(3) A person arrested under the provisions of this paragraph shall be dealt with as a person taken into custody by a police officer for an offence without a warrant.

Marking of ballot papers.

18. A ballot paper shall be delivered to an elector who applies therefor, and immediately before delivery—

(*a*) the ballot paper shall be marked with the official mark, either embossed or perforated;

(*b*) the number, name, and description of the elector as stated in the copy of the register shall be called out;

(*c*) the number of the elector shall be marked on the counterfoil together with the distinctive letter of the parliamentary polling district in which the elector is registered, and the distinguishing sign, if any; and

(*d*) a mark shall be placed in the register against the number of the elector to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received.

19. The elector, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and there secretly mark his paper and fold it up so as to conceal his vote, and shall then show to the presiding officer the back of the paper, so as to disclose the official mark, and put the ballot paper, so folded up, into the ballot box in the presence of the presiding officer. The elector shall vote without undue delay, and shall leave the polling station as soon as he has put his ballot paper into the ballot box.

20.—(1) The presiding officer, on the application of—

(*a*) an elector who is incapacitated by blindness or other physical cause from voting in manner directed by this Schedule; or

(*b*) if the poll is taken on a Saturday, of an elector who declares that he is a Jew, and objects on religious grounds to vote in manner directed by this Schedule; or

(*c*) of an elector who makes a declaration that he is unable to read (in this Schedule referred to as " the declaration of unability to read " (*a*)).

shall, in the presence of the polling agents, cause the vote of the elector to be marked on a ballot paper in manner directed by the elector, and the ballot paper to be placed in the ballot box.

(2) The name and number on the register of electors of every elector whose vote is marked in pursuance of this paragraph, and the reason why it is so marked, shall be entered on a list (in this Schedule called " the list of votes marked by the presiding officer ").

21.—(1) Where an elector who is accompanied by another person makes application to the presiding officer to be allowed on the ground of blindness to vote with the assistance of the person accompanying him (in this Schedule referred to as " the companion "), the presiding officer shall require the elector to declare orally whether he is so incapacitated by his blindness as to be unable to vote without assistance.

(2) If the presiding officer is satisfied that the elector is so incapacitated and is also satisfied by a written declaration made by the companion (in this Schedule referred to as " the declaration made by the companion of a blind elector " (*b*)) that the companion is a qualified person within the meaning of this paragraph and has not previously assisted more than one blind person to vote at the election then being held, the presiding officer shall grant the application, and thereupon anything which is by this Schedule required to be done to or by the said elector in connection with the giving of his vote, may be done to, or with the assistance of, the companion, as the case may be.

(*a*) For form of declaration of inability to read, see Part IV, Form D, *post*, p. 2573.

(*b*) For form of declaration made by the companion of a blind elector, see Part IV, Form E, *post*, p. 2573.

(3) For the purposes of this paragraph a person shall be qualified to assist a blind elector to vote, if that person is either—

(*a*) a person who is entitled to vote at the election then being held; or

(*b*) the father, mother, brother, sister, husband, wife, son or daughter of the blind elector and has attained the age of twenty-one years.

(4) The name and number on the register of electors of every elector whose vote is given in accordance with this paragraph and the name and address of the companion shall be entered on a list (in this Schedule called " the list of blind electors assisted by companions ").

22.—(1) The declaration of inability to read and the declaration made by the companion of a blind elector—

(*a*) shall be in the appropriate form set forth in Part IV of this Schedule, or as near thereto as circumstances admit; and

(*b*) shall be made before the presiding officer at the time when the elector applies for a ballot paper or applies to vote with the assistance of the companion, as the case may be, and shall forthwith be handed to the presiding officer, who shall attest and retain it.

(2) No fee, stamp or other payment shall be charged in respect of the declaration (*a*).

Tendered ballot papers.

23. If a person, representing himself to be a particular elector named on the register, applies for a ballot paper after another person has voted as such elector, the applicant shall, upon satisfactorily answering the questions set out in paragraph 16 of this Part of this Schedule, be entitled to mark a ballot paper in the same manner as any other elector but the ballot paper (in this Schedule called " a tendered ballot paper ") shall be of a colour differing from the other ballot papers, and instead of being put into the ballot box shall be given to the presiding officer and endorsed by him with the name of the elector and his number in the register of electors, and set aside in a separate packet, and shall not be counted by the returning officer; and the name of the elector and his number on the register together with the distinctive letter of the parliamentary polling district and the distinguishing sign, if any, shall be entered on a list (in this Schedule called " the tendered votes list ").

Spoilt ballot papers.

24. An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving the fact of the inadvertence to the satisfaction of the presiding officer, obtain another ballot paper in the place of the ballot paper so delivered up (in this Schedule called " a spoilt ballot paper "), and the spoilt ballot paper shall be immediately cancelled.

Powers of presiding officer in adjourning poll.

25. For the purpose of the adjournment of the poll in the event of riot or open violence and of every other enactment relating to the poll, a presiding officer shall have the power by law belonging to a presiding officer at a parliamentary election.

Packets of ballot papers, etc., to be sealed.

26. As soon as practicable after the close of the poll, the presiding officer shall, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals,—

(*a*) each ballot box in use at his station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key attached;

(*b*) the unused and spoilt ballot papers, placed together;

(*c*) the tendered ballot papers;

(*d*) the marked copies of the register of electors and the counterfoils of the ballot papers;

(*e*) the tendered votes list, the list of blind electors assisted by companions, the list of votes marked by the presiding officer, a statement of the number of electors whose votes are so marked by the presiding officer under the heads " physical incapacity," " Jews," and " unable to read," the declarations made by the companions of blind electors, and the declarations of inability to read;

and shall deliver the packets to the returning officer to be taken charge of by him.

(*a*) For forms, see *post*, p. 2573.

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27. The packets shall be accompanied by a statement (in this Schedule referred to as "the ballot paper account") made by the presiding officer showing the number of ballot papers entrusted to him, and accounting for them under the heads of—

(*a*) ballot papers in the ballot box;

(*b*) unused and spoilt ballot papers,

(*c*) tendered ballot papers.

COUNTING OF VOTES

Appointment of counting agents.

28.—(1) Each candidate may appoint an agent (in this Schedule referred to as "a counting agent") to attend at the counting of the votes.

(2) Notice in writing of every appointment, stating the name and address of the person appointed, shall be given by the candidate to the returning officer two clear days at least before the opening of the poll; and the returning officer may refuse to admit to the place where the votes are counted any counting agent whose name and address has not been so given, notwithstanding that his appointment may be otherwise valid, and any notice required to be given to a counting agent by the returning officer may be delivered at or sent by post to the address stated in the notice.

(3) If a counting agent dies, or becomes incapable of acting, the candidate may appoint another counting agent in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the counting agent so appointed.

29. The returning officer shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the close of the poll, and shall give to the agents notice in writing of the time and place at which he will begin to count the votes.

The count.

30. Except with the consent of the returning officer, no person other than the returning officer, the persons appointed to assist him, and the candidates and their counting agents may be present at the counting of the votes.

31.—(1) If a poll has been taken for the election of rural district councillors only, before the returning officer proceeds to count the votes, he shall in the presence of the counting agents, open each ballot box, and taking out the papers therein, shall count and record the number thereof, and then mix together the whole of the ballot papers contained in the ballot boxes.

(2) If polls have been taken together for the election both of rural district councillors and of parish councillors, before the returning officer proceeds to count the votes, he shall, in the presence of the counting agents, open one of the ballot boxes and taking out the papers therein shall separate those relating to the election of rural district councillors from any relating to the election of parish councillors, and shall count and record the number of ballot papers relating to each election. He shall then place the ballot papers relating to each election in separate packets, and shall proceed in like manner with any other ballot boxes and papers therein. When all the ballot boxes and the papers therein have been so dealt with, he shall take all the packets of ballot papers relating to one election, and shall mix all such papers together and shall proceed to count the votes, keeping apart the papers relating to any other election until he has completed such counting. He shall afterwards deal in manner aforesaid with the packets and papers relating to the other election or elections.

32. The returning officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards, and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.

33. The returning officer shall, so far as practicable, proceed continuously with counting the votes, allowing only time for refreshment, and excluding (if and so far as he thinks it necessary) the hours between eight o'clock in the evening and nine o'clock on the succeeding morning. During the excluded time the returning officer shall place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals, and shall otherwise take proper precautions for the security of the papers and documents.

Void ballot papers.

34. Any ballot paper—

(*a*) which does not bear the official mark; or

(*b*) on which votes are given for more candidates than the elector is entitled to vote for; or

(*c*) on which anything is written or marked by which the elector can be identified except the printed number on the back; or

(*d*) which is unmarked or void for uncertainty;

shall not be counted (*a*):

Provided that where the elector is entitled to vote for more than one candidate, the ballot paper shall not be deemed to be void as regards any vote as to which no uncertainty arises, and that vote shall be counted.

35.—(1) The returning officer shall endorse—

(*a*) the word "rejected" on any ballot paper which under the last preceding paragraph is not to be counted; and

(*b*) in the case of a ballot paper on which any vote is counted under the proviso to that paragraph, the words "rejected in part" and a memorandum specifying the votes counted.

(2) The returning officer shall in either case add to the endorsement the words "rejection objected to," if an objection is made by any counting agent to his decision.

(3) The returning officer shall draw up a statement showing the number of ballot papers rejected, including those rejected in part, under the several heads of—

(*a*) want of official mark;

(*b*) voting for more candidates than entitled to;

(*c*) writing or mark by which elector could be identified;

(*d*) unmarked or wholly void for uncertainty;

(*e*) rejected in part;

and shall, on request, allow any counting agent to copy the statement.

36. The decision of the returning officer as to any question arising in respect of any ballot paper shall be final, but shall be subject to review on an election petition questioning the election.

Equality of votes.

37. Where an equality of votes is found to exist, and the addition of a vote would entitle any of the candidates to be declared elected, the returning officer, whether or not entitled to vote in the first instance, may give a casting vote by word of mouth or in writing (*b*).

Declaration of result.

38.—(1) When the result of the poll has been ascertained, the returning officer shall forthwith declare to be elected the candidate or candidates to whom the majority of votes have been given, and shall as soon as possible publish the name or names of the candidate or candidates elected and the total number of votes given for each candidate, whether elected or not (*c*).

(2) The returning officer unless he is the clerk of the rural district council shall forthwith return the names of the persons elected to that clerk.

Disposal of ballot papers, etc., after poll.

39. Upon the completion of the counting the returning officer shall seal up in separate packets the counted and rejected ballot papers, including ballot papers rejected in part. He shall not open the sealed packet of tendered ballot papers or the sealed packet containing the marked copy of the register of electors and counterfoils, but shall proceed, in the presence of the counting agents, to verify the ballot paper account given by each presiding officer by comparing it with the number of ballot papers recorded by him under paragraph 31 of this Part of this Schedule, and the unused and spoilt ballot papers in his possession and the tendered votes list, and shall reseal each sealed packet after examination. The returning officer shall draw up a statement as to the result of the verification and shall, on request, allow any counting agent to copy the statement.

(*a*) See note (*a*), *ante*, p. 2549.
(*b*) See note (*a*), *ante*, p. 2550.
(*c*) See note (*b*), *ante*, p. 2550.

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40. The returning officer shall forward to the clerk of the rural district council all the packets of ballot papers in his possession, together with the said statements, the ballot paper accounts, tendered votes lists, lists of blind electors assisted by companions, lists of votes marked by the presiding officer, statements relating thereto, declarations made by the companions of blind electors, declarations of inability to read, packets of counterfoils, and marked copies of registers, sent by each presiding officer, endorsing on each packet a description of its contents and the date of the election to which they relate, and the name of the parish or other electoral area for which the election was held.

41.—(1) A county court having jurisdiction in the rural district, or any part thereof, or an election court, on being satisfied by evidence on oath—

(*a*) that the inspection or production of any rejected ballot papers, including ballot papers rejected in part; or

(*b*) that the opening of the sealed packet of counterfoils or the inspection of counted ballot papers,

is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election, may make an order for the inspection or production of any such ballot papers or the opening of the sealed packet of counterfoils.

(2) An order made under this paragraph may be made subject to such conditions as to persons, time, place and mode of inspection or production of ballot papers or of opening the sealed packet of counterfoils as the court may think expedient, and may direct the clerk of the rural district council having custody of the ballot papers and the sealed packet of counterfoils to retain them intact for such period as may be specified in the order.

(3) Any power given to a county court by this paragraph may be exercised by any judge of the county court otherwise than in open court.

(4) In making and carrying into effect an order under this paragraph, care shall be taken that the way in which any particular elector has voted shall not be disclosed, until it has been proved that he voted and his vote has been declared by a competent court to be invalid.

(5) An appeal shall lie to the High Court from any order of a county court made under this paragraph.

42. Except by order of a court made under the last preceding paragraph, no person shall be allowed to inspect any ballot papers in the custody of the clerk of the rural district council or to open the sealed packet of counterfoils.

43. Where an order is made for the production by the clerk of the rural district council of any document in his possession relating to any specified election, the production by that clerk or his agent of the document ordered, in such manner as may be directed by the order, shall be conclusive evidence that the document so produced relates to the specified election; and any endorsement appearing on any packet of ballot papers produced by that clerk or his agent shall be *primâ facie* evidence of those papers being what they are stated to be by the endorsement. The production from proper custody of a ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed number and having a number marked thereon in writing shall be *primâ facie* evidence that the person who voted by that ballot paper was the person who at the time of that election had affixed to his name in the register of electors at that election the same number as the number written on that counterfoil.

44. The clerk of the rural district council shall retain for six months among the records of the rural district all documents relating to an election forwarded to him by the returning officer in pursuance of this Schedule, and then, unless otherwise directed by an order made under paragraph 41 of this Part of this Schedule, shall cause them to be destroyed.

45. All documents forwarded by a returning officer in pursuance of this Schedule to the clerk of the rural district council, other than ballot papers and counterfoils, shall, during a period of six months from the day of election, be open to public inspection at such time and in such manner as may be determined by the county council, and the clerk of the rural district council shall supply copies of or extracts from the said documents to any person demanding the same on payment of such fees and subject to such conditions as may be determined by the county council.

46. Subject to the provisions of this Part of this Schedule, the clerk of the rural district council shall, in respect of the custody and destruction of ballot papers and other documents coming into his possession in pursuance of this Part of this Schedule, be subject to the directions of the rural district council.

GENERAL PROVISIONS AS TO CONTESTED ELECTIONS.

47. The returning officer may, if he thinks fit, preside at a polling station, and the provisions of this Part of this Schedule relating to a presiding officer shall apply to a

returning officer so presiding with the necessary modifications as to things to be done by the returning officer to the presiding officer, or by the presiding officer to the returning officer

48.—(1) No returning officer, or officer appointed under this Schedule, or any partner or clerk of any such officer, shall act as a polling or counting agent.

(2) If any returning officer, or officer appointed under this Part of this Schedule, or the partner or clerk of any such officer, acts as a polling or counting agent in contravention of the provisions of this paragraph, he shall be guilty of a misdemeanour.

49. No person shall be appointed to act as an officer under this Part of this Schedule for the purposes of an election who has been employed by or on behalf of a candidate in or about the election.

50. A presiding officer may do, by the officers appointed to assist him, any act which he is required or authorised by this Part of this Schedule to do at a polling station except ordering the arrest, exclusion, or removal of any person from the polling station.

51. A candidate may himself do any act or thing which an agent of his, if appointed, would have been authorised or required to do, or may assist his agent in doing any such act or thing, but before acting under this paragraph the candidate shall make the declaration of secrecy required to be made by agents.

52. Where in this Part of this Schedule any act or thing is required or authorised to be done in the presence of the agents of the candidates, the non-attendance of any agents or agent at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Prohibition of disclosure of vote.

53. No person who has voted at an election shall, in any legal proceeding to question the election, be required to state for whom he has voted.

Requirement of Secrecy.

54.—(1) Every returning officer, and every officer, polling agent or counting agent, authorised to attend at a polling station or at the counting of the votes, shall, before the opening of the poll, or in the case of an agent appointed after the opening of the poll, before acting as such agent, make a declaration of secrecy in the form set forth in Part IV of this Schedule, or in a form as near thereto as circumstances admit (*a*).

(2) In the case of a returning officer the declaration shall be made in the presence of a justice of the peace, and in the case of any other officer or of an agent, the declaration shall be made either in the presence of a justice of the peace or of the returning officer.

(3) Save as aforesaid, no such returning officer, officer or agent shall be required, as such, to make any declaration or to take any oath on the occasion of an election.

(4) Every returning officer, and every officer, polling agent or counting agent in attendance at a polling station or at the counting of the votes, shall maintain and aid in maintaining secrecy of the voting.

(5) No person, being a returning officer, or officer appointed under this Part of this Schedule, or polling agent or counting agent, shall—

(*a*) except for some purpose authorised by law, communicate before the poll is closed to any person any information as to—

(i) the name or number on the register of any elector who has or has not applied for a ballot paper or voted at a polling station; or

(ii) the official mark; or

(*b*) ascertain or attempt to ascertain at the counting of the votes, the number on the back of any ballot paper; or

(*c*) communicate any information obtained at the counting of the votes, as to the candidate for whom any vote is given on any particular ballot paper.

(6) No person, whether or not such an officer, polling agent or counting agent as aforesaid, shall—

(*a*) interfere with or attempt to interfere with an elector when recording his vote; or

(*b*) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom an elector in that station is about to vote or has voted; or

(*c*) communicate at any time to any person any information obtained in a polling station as to the candidate for whom an elector in that station is about to vote or has voted, or as to the number on the back of the ballot paper given to an elector at that station; or

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(*a*) For form of declaration of secrecy, see Part IV, Form C, *post*, p. 2573.

ELECTIONS

(*d*) directly or indirectly induce an elector to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

(7) No person having undertaken to assist a blind elector to vote shall communicate at any time to any person any information as to the candidate for whom that elector intends to vote or has voted, or as to the number on the back of the ballot paper given for the use of that elector.

(8) If any person acts in contravention of the provisions of this paragraph, he shall be liable on summary conviction to imprisonment for a term not exceeding six months.

55. Any justice of the peace, any returning officer and any presiding officer may take any declaration authorised by this Part of this Schedule to be made before him.

Keeping of order in station.

56.—(1) It shall be the duty of the presiding officer to keep order at his polling station.

(2) If any person misconducts himself in a polling station, or fails to obey the lawful orders of the presiding officer, he may immediately, by order of the presiding officer, be removed from the polling station by a police officer in or near that station, or by any other person authorised in writing by the returning officer to remove him; and the person so removed shall not, without the permission of the presiding officer, again enter the polling station during the day.

(3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a police officer for an offence without a warrant.

(4) The powers conferred by this paragraph shall not be exercised so as to prevent an elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

PART IV.

FORMS FOR USE AT A CONTESTED ELECTION OF RURAL DISTRICT COUNCILLORS.

Note.—The forms contained in this Part of this Schedule, or forms as nearly resembling the same as circumstances will admit, shall be used in all cases to which they refer and are applicable, and when so used shall be sufficient in law.

FORM A.

Form of Ballot Paper.

Form of Front of Ballot Paper.

Counterfoil No.		
	1	BROWN (John Brown, of 52, George Street, Bristol, merchant.)
	2	JONES (William David Jones, of High Elms, Wilts, gentleman.)
	3	MERTON (Hon. George Travis, commonly called Viscount Merton, of Swansworth, Berks.)
	4	SMITH (Mary Smith, of 72, High Street, Bath, married woman.)

NOTE: *The counterfoil is to have a number to correspond with that on the back of the Ballot Paper.*

Form of Back of Ballot Paper.

No.

Election of rural district councillors for the [parish of] [combined parishes of] [ward of the parish of].

Note.—The number on the ballot paper is to correspond with that on the counterfoil.

Directions as to printing ballot paper.

Nothing is to be printed on the ballot paper except in accordance with this Schedule.

The surname of each candidate, and if there are two or more candidates of the same surname, also the other names of such candidates, shall be printed in large characters, as shown in the form, and the names, places of residence, and descriptions, and the number on the back of the paper, shall be printed in small characters.

FORM B.

Form of directions for the guidance of the elector in voting, which shall be printed in conspicuous characters, and exhibited outside every polling station and in every compartment of every polling station.

The elector may vote for candidate .

The elector will go into one of the compartments, and, with the pencil provided in the compartment, place a cross on the right-hand side of the ballot paper, opposite the name of each candidate for whom he votes, thus **X**.

The elector will then fold up the ballot paper so as to show the official mark on the back, and leaving the compartment will, without showing the front of the paper to any person, show the official mark on the back to the presiding officer, and then, in the presence of the presiding officer, put the paper into the ballot box, and forthwith quit the polling station.

If the elector inadvertently spoils a ballot paper, he can return it to the officer, who will, if satisfied of such inadvertence, give him another paper.

If the elector votes for more than candidate , or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the elector fraudulently takes a ballot paper out of the polling station, or deposits in the ballot box any other paper than the one given him by the officer, he will be liable, on summary conviction, to imprisonment for a term not exceeding six months.

FORM C.

Form of declaration of secrecy.

I solemnly promise and declare, That I will not at this election do anything forbidden by sub-paragraphs (4), (5), (6) and (8) of paragraph 54 of Part III of the Second Schedule to the Local Government Act, 1933, which have been read by me.

FORM D.

Form of declaration of inability to read.

I, *A.B.*, of , being numbered on the register of local government electors for the [parish of] [ward of the parish of], do hereby declare that I am unable to read.

A.B., his mark

day of 19 .

I, the undersigned, being the presiding officer for the polling station for the [parish of] [combined parishes of] [ward of the parish of], do hereby certify that the above declaration, having been first read to the above-named *A.B.*, was signed by him in my presence with his mark.

Signed, *C.D.*,

day of 19 .

FORM E.

Form of declaration to be made by the companion of a blind elector.

I, *A.B.*, of , having been requested to assist *C.D.*, who is numbered on the register of local government electors for the [parish of] [ward of the parish of] to record his vote at the election of rural district councillors now being held for the [said parish] [combined parishes of] [said ward] do hereby declare that [I am entitled to vote at the said election] [I am the

(*state the relationship of the companion to the elector*) of the said elector and have attained the age of twenty-one years], and that I have not previously assisted any blind person [except *E.F.* of] to vote at the said election.

Signed, *A.B.*,

day of 19 .

I, the undersigned, being the presiding officer for the polling station for the [parish of] [combined parishes of] [ward of the parish of], do hereby certify that the above declaration, having been first read to the above-named declarant, was signed by the declarant in my presence.

Signed, *G.H.*,

day of 19 .

at minutes past o'clock in the noon.

Note.—If the person making the above declaration knowlingly and wilfully makes therein a statement false in a material particular, he will be guilty of an offence.

THIRD SCHEDULE.

FORMS FOR USE AT AN ELECTION OF RURAL DISTRICT COUNCILLORS.

FORM A.

Form of Notice of Election.

RURAL DISTRICT OF .

ELECTION OF RURAL DISTRICT COUNCILLORS for the several Parishes, Combined parishes and Wards of parishes [*as the case may be*], hereinafter mentioned.

NOTICE IS HEREBY GIVEN THAT—

1. *Elections of Rural District Councillors for the said Parishes, Combined parishes and Wards of parishes [*as the case may be*], will be held on , the day of , 19 .

2. The number of Rural District Councillors to be elected for the said Parishes, Combined parishes and Wards [*as the case may be*], is as follows† :—

3. Each candidate must be nominated on a separate nomination paper in the form prescribed by the Rural District Councillors Election Rules, or in a form to the like effect. Forms of nomination paper may be obtained, free of charge, from me at , or from ‡ .

4. Every nomination paper must be delivered at not later than five o'clock in the afternoon on , the day of , 19 .

5. A local government elector must not sign—

(*a*) more than one nomination paper in respect of the same candidate;

(*b*) more nomination papers than there are Rural District Councillors to be elected for the Parish or Combined parishes or Ward of a parish, as the case may be;

(*c*) a nomination paper for more than one Parish or Combination of parishes or Ward of a parish in the Rural District.

6. No candidate will be validly nominated unless his consent (which must be given in writing on or within one month before the date specified in paragraph 4, and attested by one witness) is delivered at the place and not later than the time specified in paragraph 4.

§[Special provision is made by paragraph 3 of Part I of the Second Schedule to the Local Government Act, 1933, for a candidate who owing to absence from the United Kingdom cannot give his consent in this manner.]

7. Not later than five o'clock in the afternoon on , the day of , 19 , a statement containing the full names of all persons nominated and their places of residence and descriptions and the Returning Officer's decision whether those persons have been validly nominated will be affixed to the place specified in paragraph 4.

8. A candidate may withdraw from his candidature by notice of withdrawal signed by him and attested by one witness and delivered at the place specified in paragraph 4 not later than five o'clock in the afternoon on , the day of , 19 .

9. If the number of candidates remaining validly nominated for any Parish or Combined parishes or Ward of a parish exceeds that of the persons to be elected, a poll will be taken on the day of , 19 , of which due notice will be given.

Dated this day of , 19 .

.....

Returning Officer.

* If the day of election is not the same for all the Parishes, Combined parishes and Wards, adapt form accordingly.

† Insert here the names of the Parishes, Combined parishes and Wards of parishes, with the number of Rural District Councillors to be elected for each. A tabular form may be used if preferred.

‡ Here insert name and address of person or persons other than the returning officer from whom forms may be obtained.

§ These words to be deleted, except at a casual vacancy election.

FORM B.

Form of Nomination Paper.

RURAL DISTRICT OF .

ELECTION OF RURAL DISTRICT COUNCILLORS for the [Parish of] [Combined parishes of] [Ward of the parish of], to be held on the day of , 19 .

We, the undersigned, being respectively local government electors for the said [Parish] [Combined parishes] [Ward], do hereby nominate the undermentioned person as a candidate at the said election.

Names of Candidate.		Place of Residence.	Description.
Surname.	Other Names in full.		
1.	2.	3.	4.

Signature of PROPOSER.....

Place of Residence .....

Signature of SECONDER .....

Place of Residence .....

Instructions for filling up Nomination Paper.*

(1) The nomination of each candidate must be made on a separate nomination paper.

(2) The surname of the candidate must be inserted in column 1 and the other names of the candidate must be inserted in full in column 2.

(3) Insert in column 3 the place of residence of the candidate.

(4) Insert in column 4 the trade, profession or calling, if any, of the candidate. If none, insert some such description as "gentleman", "married woman", "spinster".

(5)—(i) The nomination paper must be signed by two local government electors for the [Parish] [Combined parishes] [Ward], and no more; by one as Proposer, and by the other as Seconder.

The places of residence of the Proposer and Seconder must also be inserted.

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(ii) A local government elector must not sign—

(*a*) more than one nomination paper in respect of the same candidate;

(*b*) more nomination papers than there are Rural District Councillors to be elected for the [Parish] [Combined parishes] [Ward];

(*c*) a nomination paper for more than one Parish or Combination of parishes or Ward of a parish in the Rural District.

* These instructions form part of the Nomination Paper.

FORM C.

Form of Statement as to Persons Nominated.

RURAL DISTRICT OF .

The following is a statement as to the persons nominated for election as Rural District Councillors for the several Parishes, Combined parishes and Wards of parishes [*as the case may be*] in the District.

Parishes, Combined parishes, and Wards.	Persons nominated.			Decision of Returning Officer that Candidate has not been validly nominated.
	Names (Surname first).	Place of Residence.	Description.	
1.	2.	3.	4.	5.

The Candidates opposite whose names no entry is made in Column 5 have been validly nominated.

Dated this day of , 19 .

.....

Returning Officer.

FOURTH SCHEDULE.

FORM OF DECLARATION OF ACCEPTANCE OF OFFICE BY THE CHAIRMAN OF A RURAL DISTRICT COUNCIL OR BY A RURAL DISTRICT COUNCILLOR.

I, *A.B.*, having been elected to the office of (*insert description of office*) hereby declare that I take the said office upon myself, and will duly and faithfully fulfil the duties thereof according to the best of my judgment and ability.

Dated this day of , 19 .

Signature .....

This declaration was made and subscribed before us*

Members of the Rural District Council.* .....

.....

* If the declaration is made and subscribed before the clerk of the rural district council, or a justice of the peace or magistrate, or a commissioner for oaths, or a British consul, adapt form accordingly.

S. R. & O., 1934, No. 1318.

THE PARISH COUNCILLORS ELECTION RULES, 1934, DATED NOVEMBER 29, 1934, MADE BY THE SECRETARY OF STATE IN PURSUANCE OF THE LOCAL GOVERNMENT ACT, 1933.

In pursuance of the Local Government Act, 1933, I hereby make the following Rules for the conduct of an election of parish councillors, and the following Regulations prescribing forms for use thereat and the form of declaration of acceptance of office by the chairman of a parish council and by a parish councillor.

RULES AND REGULATIONS.

Parish Meeting for Election.

1. A parish meeting for the election of parish councillors and the proceedings in connection therewith shall be conducted in accordance with the First Schedule hereto.

Returning Officer.

2.—(1) The clerk of the council of the rural district in which the parish is situate shall be the returning officer, and if at an election of parish councillors the office of clerk of the rural district council is vacant, or the clerk is for any reason unwilling or unable to act, the rural district council or the chairman thereof shall forthwith appoint another person to be the returning officer at that election:

Provided that where the parish councillors and any rural district councillors are to be elected on the same date and for the same area, the returning officer at the election of the rural district councillors shall be the returning officer at the election of the parish councillors.

(2) The returning officer may by writing under his hand appoint a fit person to be his deputy for all or any of the purposes of the election, but where the parish councillors and any rural district councillors are to be elected on the same date and for the same area and a person is appointed deputy for any of the purposes of the election of the rural district councillors, the returning officer shall appoint that person to be his deputy for the corresponding purposes of the election of the parish councillors. Any functions which a returning officer is authorised or required to discharge in relation to such election may be discharged by a deputy so appointed.

(3) A deputy acting as returning officer under the provisions of this Rule shall, as respects the election at which he is so acting, follow the instructions of the returning officer.

Day of Poll.

3. The day on which the poll shall be taken at an election of parish councillors shall be—

(*a*) in the case of an ordinary election or an election which can be held at the time of an ordinary election, the first Monday in April, or, if that is Easter Monday, the last Monday in March; or, in either case, such other day not being earlier than the preceding Saturday, or later than the following Wednesday, as may for special reasons be fixed by the county council;

(*b*) in the case of an election not held at the time of an ordinary election, subject to any special provision in the order consequent upon which the election is held, such day as may be fixed by the returning officer being (i) where a parish meeting is required to be held for the election, a day not less than 14 nor more than 21 days after the day of that meeting, or (ii) where an order under subsection (1) of section 51 of the Local Government Act, 1933, is in force, a day not later than six weeks from the date when the order consequent upon which the election is held comes into operation:

Provided in all cases that the county council or the returning officer, as the case may be, shall wherever practicable secure that the poll shall be taken on the same day as the poll at an election of rural district councillors for the same area.

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Day of election.

4.—(1) Where parish councillors are elected at a parish meeting and no poll is taken, the day on which that meeting is held shall be deemed to be the day of election.

(2) Where parish councillors are elected at a poll consequent on a parish meeting, or where an order under subsection (1) of section 51 of the Local Government Act, 1933 (*a*), is in force, the day of election shall be the day on which in accordance with Rule 3 the poll is to be taken.

Joint Polls.

5.—(1) Where an election of parish councillors and an election of rural district councillors are held on the same date and for the same area, the polls shall, so far as practicable, be taken together.

(2) Where polls are so taken together, one ballot box may, if the returning officer thinks fit, be used for the two elections; but, if separate ballot boxes are used, no vote for any parish councillor shall be rendered invalid by the ballot paper being placed in the box intended for the reception of ballot papers for rural district councillors.

Identification of Parts of Register.

6. If the parish or parish ward, as the case may be, is comprised in two or more parliamentary polling districts bearing the same distinctive letter, the returning officer shall put a distinguishing sign on the part of the register relating to each parliamentary polling district.

Adaptation of Part IV of Municipal Corporations Act, 1882, and Municipal Elections (Corrupt and Illegal Practices) Acts, 1884 and 1911.

7. In the application of Part IV of the Municipal Corporations Act, 1882, the Municipal Elections (Corrupt and Illegal Practices) Act, 1884 (other than the provisions referred to in Section 37 of that Act) and the Municipal Elections (Corrupt and Illegal Practices) Act, 1911, to an election of parish councillors the following adaptations, alterations and exceptions shall have effect:—

(1) The expressions in the second column of the Fifth Schedule hereto shall respectively be substituted for the expressions opposite thereto in the first column of the said Schedule except where the context otherwise requires.

(2) Paragraph (*d*) of subsection (1) of section 87 of the Municipal Corporations Act, 1882, shall be adapted and altered so as to read as follows:—

"(*d*) Unless he was elected at a parish meeting, that he was not duly elected by a majority of lawful votes."

(3) Subsection (2) of section 89 of the Municipal Corporations Act, 1882, shall be adapted and altered so as to read as follows:—

"(2) The security shall be to the amount of fifty pounds unless in any case the High Court or a Judge thereof, on summons, order that the same shall be to a less amount, or to a larger amount not exceeding three hundred pounds, and shall be given in the prescribed manner either by a deposit of money or by recognizance entered into by not more than four sureties, or partly in one way and partly in the other."

(4) Paragraph (*b*) of subsection (1) of section 13 of the Municipal Elections (Corrupt and Illegal Practices) Act, 1884, shall be adapted and altered so as to read as follows:—

"(*b*) Polling agents may be employed to the extent authorised by paragraph 13 of Part III of the Second Schedule to the Local Government Act, 1933, as adapted by the Parish Councillors Election Rules."

(*a*) *Ante*, p. 784.

(5) Subsection (1) of section 16 of the Municipal Elections (Corrupt and Illegal Practices) Act, 1884, shall not prohibit the use of any premises situated in a rural district for holding a meeting for the purpose of promoting or procuring the election of a candidate at an election of parish councillors.

(6) Subsection (1) of section 25 of the Municipal Elections (Corrupt and Illegal Practices) Act, 1884, shall be adapted and altered so as to read as follows :—

"(1) An election petition complaining of an election on the ground of an illegal practice may be presented at any time within six weeks after the day of election."

For the Acts here adapted see Vol. IV, *post*.

Adaptation of Second Schedule to Local Government Act, 1933.

8.—(1) Parts I and II of the Second Schedule to the Local Government Act, 1933 (*a*), shall not apply to an election of parish councillors except an election for a parish or for parish wards of a parish in which an order under subsection (1) of section 51 of the Local Government Act, 1933, is in force ; and in the application of the said Parts to an election for any such parish or parish ward, adaptations, alterations and exceptions shall be made therein so that they shall read as set out in the Second Schedule hereto.

(2) In the application of Parts III and IV of the Second Schedule to the Local Government Act, 1933, to an election of parish councillors, adaptations, alterations and exceptions shall be made therein so that they shall read as set out in the Second Schedule hereto.

Expenses.

9. Where polls for the election of parish councillors and rural district councillors for the same area are taken together, one half of any expenses which may be payable in respect of the two polls jointly, including the remuneration of any officers employed in the conduct thereof, shall be deemed to have been incurred in relation to the poll for the election of parish councillors, and shall be defrayed accordingly.

Forms.

10.—(1) The forms in the Third Schedule hereto or forms to the like effect shall be used, with such modifications as circumstances may require, at an election of parish councillors.

(2) A declaration of acceptance of office by the chairman of a parish council or by a parish councillor shall be in the form in the Fourth Schedule hereto or in a form to the like effect.

Citation, date of commencement and revocation.

11.—(1) These Rules and Regulations may be cited as the "Parish Councillors Election Rules, 1934."

(2) These Rules and Regulations shall come into operation forthwith.

(3) Any order or appointment made or direction or notice given or anything done under the Parish Councillors Election Provisional Rules, 1934, shall have effect as if it had been made, given or done under the corresponding provision of these Rules and Regulations.

(4) The Parish Councillors Election Rules, 1931 (*b*), and so much of the Urban and Rural District and Parish Councillors Election Rules, 1933 (*c*), as amends thesame are hereby revoked.

JOHN GILMOUR,
One of His Majesty's Principal Secretaries of State.

Home Office,
Whitehall,
November 29th, 1934.

(*a*) *Ante*, p. 1201.
(*b*) S. R. &. O., 1931, No. 25.
(*c*) S. R. & O., 1933, No. 1126.

FIRST SCHEDULE.

PROVISIONS RELATING TO THE PARISH MEETING FOR ELECTION OF PARISH COUNCILLORS AND MATTERS CONNECTED THEREWITH.

PART I.

Notice of Parish Meeting for Election.

1.—(1) On or before the day appointed for that purpose by Part II of this Schedule a notice of the parish meeting for the election of parish councillors (in this Schedule referred to as "the meeting") shall be published in the form prescribed by the Secretary of State (*a*).

(2) The notice of the meeting shall be prepared and signed in the case of an ordinary election or an election of additional councillors by the chairman of the parish council, and in the case of a first election by the chairman of the parish meeting for the parish, and shall in either case be published by such chairman—

(*a*) by affixing it on or near the principal door of each church or chapel in the parish or parish ward, as the case may be; and

(*b*) by posting it in some conspicuous place or places in the parish or parish ward, as the case may be; and

(*c*) in such other manner, if any, as appears to him to be desirable for giving publicity to the notice.

Chairman unable to Act.

2. If the office of chairman of the parish council or of the parish meeting for the parish, as the case may be, is vacant or the chairman is from illness or other sufficient cause unable to act, his duties shall be performed by the clerk of the parish council, or if there is no such clerk, by the returning officer.

Nomination of Candidates.

3.—(1) Every candidate must be nominated by two local government electors for the parish or, if the parish is divided into parish wards, for the parish ward, as his proposer and seconder.

(2) The nomination of each candidate must be made on a separate nomination paper in the form prescribed by the Secretary of State (*b*), stating the full name, place of residence and description of the candidate, and must be signed by the proposer and seconder.

(3) No person shall sign more than one nomination paper in respect of the same candidate, nor, if the parish is divided into parish wards, shall he sign a nomination paper for more than one parish ward, nor shall he sign more nomination papers than there are councillors to be elected for the parish or parish ward, as the case may be, and if he signs nomination papers otherwise than is permitted under this sub-paragraph, his signature shall be inoperative in all but those papers, up to the permitted number, which are first delivered.

(4) The returning officer shall provide the clerk of the parish council, or the chairman of the parish meeting for the parish, as the case may be, or, if there is no such clerk or chairman, some person in the parish, with nomination papers and the returning officer and such clerk or chairman or person shall supply any local government elector for the parish or parish ward, as the case may be, with as many nomination papers as may be required.

Delivery of Nomination Papers.

4. Every nomination paper shall be delivered at the meeting to the chairman of the meeting.

Day and Hour of Meeting.

5. The meeting shall be held on the day and at the hour appointed for that purpose in accordance with Part II of this Schedule.

(*a*) For form of notice of the parish meeting for election of parish councillors, see Sched. III, Form A, *post*, p. 2597; but see Sched. II, Parts I and II, *post*, p. 2584, for provisions as to any election when an order under s. 51 (1) of the Act (see *ante*, p. 784) is in force.

(*b*) For form of nomination paper, see Sched. III, Form B, *post*, p. 2599.

Order of Business at Meeting.

6. The business relating to the election shall be the first business transacted at the meeting and shall be completed without adjournment.

Nomination Papers to be asked for by Chairman.

7. The chairman of the meeting shall ask at the meeting that nomination papers be delivered to him, and they shall thereupon be delivered to him. He shall number them in the order in which they are received by him; and the first valid nomination paper received by him in respect of a candidate shall be deemed to be the nomination paper of that candidate.

If Chairman of Meeting is a Candidate.

8. If the chairman of the meeting is nominated for election, and he does not forthwith withdraw his candidature, he shall call upon the meeting to appoint some other person to take the chair. The meeting shall forthwith proceed to appoint some other person to take the chair, and as soon as such other person is appointed he shall become the chairman of the meeting, and the original chairman shall vacate the chair.

Decision as to Validity of Nomination.

9.—(1) The chairman shall examine the nomination papers, and decide whether the candidates have been validly nominated in accordance with the provisions of this Schedule.

(2) Where the chairman decides that a candidate has been so validly nominated, his decision shall be final and shall not be questioned in any proceeding whatsoever.

(3) Where the chairman decides that a candidate has not been so validly nominated, he shall endorse and sign on the nomination paper the fact and reasons for his decision, and shall state the fact and reasons to the meeting.

(4) The decision of the chairman under the last preceding sub-paragraph shall be subject to review on an election petition questioning the election.

Statement as to Persons Nominated.

10. When it appears to the chairman that all nomination papers have been handed in (including any fresh nomination paper in respect of a candidate who has been decided not to have been validly nominated) and not less than fifteen minutes have elapsed since he took the chair, he shall state to the meeting, in the alphabetical order of the surnames of the candidates, the full name of each candidate and his place of residence and description and the names of his proposer and seconder. After such statement has been made no further nomination papers shall be received except as provided by paragraph 13.

Questions to Candidates.

11. After making the statement as to persons nominated, the chairman shall give opportunity for putting questions to such of the candidates as have been validly nominated and are present, and receiving explanations from them.

Withdrawal of Candidates at Meeting.

12. Before the names of the candidates are put to the meeting, or, if under paragraph 14 the names are not required to be put to the meeting, before the chairman declares the names of the candidates elected, any candidate may withdraw his candidature. Any such withdrawal shall be in writing signed by the candidate, and shall be handed to the chairman; or, if the candidate is present at the meeting, he may by word of mouth declare that he withdraws his candidature, and the chairman shall thereupon write "Candidature withdrawn" on the back of the nomination paper, and the candidate shall sign his name or initials thereto. Except as aforesaid, no candidature shall be withdrawn at the meeting.

Additional Nominations.

13.—(1) If by reason of any withdrawal under the foregoing paragraph the number of candidates becomes less than the number of councillors to be elected, the chairman shall, if desired by any local government elector present at the meeting, allow a reasonable time at the meeting during which further nomination papers may be handed in to him.

(2) If any additional nomination papers are so delivered, the provisions of paragraphs 9, 10 and 11 shall apply, and the chairman shall proceed accordingly.

(3) The provisions of paragraph 12 shall apply to a candidate validly nominated in accordance with this paragraph.

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Candidates not more than number to be elected.

14. If the number of candidates remaining validly nominated is not more than the number of councillors to be elected, those candidates shall be deemed to be elected and shall be declared by the chairman to be elected.

Candidates exceed Number to be Elected—Voting.

15. If the number of candidates remaining validly nominated exceeds the number of councillors to be elected, the chairman shall put separately to the meeting the names of those candidates in the alphabetical order of their surnames and shall take the votes by show of hands in favour only of each candidate and shall count the votes so given for each candidate.

Statement as to Result of Voting.

16. As soon as the votes have been counted, the chairman shall—

(*a*) state to the meeting the number of votes given for each candidate ;

(*b*) declare to be elected, subject to a poll having to be taken, the candidates (up to the number of councillors to be elected) whom he names, being those to whom the majority of votes have been given ;

(*c*) read to the meeting paragraph 18 of this Part of this Schedule ; and

(*d*) ask whether a poll is demanded.

Conclusion of Meeting.

17. The meeting shall not be concluded until at least five minutes after the chairman has asked whether a poll is demanded.

Demand for Poll.

18. A demand may be made before the conclusion of the meeting for a poll to be taken as to which of the candidates whose names have been put to the meeting by the chairman shall be elected ; but a poll shall not be taken unless either the chairman consents or the poll is demanded by not less than five, or one-third, of the local government electors present at the meeting, whichever is the less.

Withdrawal of Demand for Poll.

19.—(1) If the demand for a poll is withdrawn before the conclusion of the meeting by all the persons who made it, a poll shall not be taken.

(2) If the demand for a poll is withdrawn before the conclusion of the meeting by so many of the persons who made it that the residue of those persons is less than five, or is less than one-third, of the local government electors who were present at the meeting when the demand was made, whichever is the less, the chairman shall decide whether a poll shall be taken or not.

If no Poll, Chairman's Declaration final.

20. If as the result of the proceedings at the meeting a poll has not to be taken, the declaration of the chairman as to the election of the candidates to whom the majority of votes have been given shall be final, and shall not be questioned in any proceedings whatever on the ground that the persons declared to be elected, or any of them, were not duly elected by a majority of lawful votes.

If no Poll, Publication of Result of Election.

21. If no poll is to be taken, the chairman shall, not later than the day after the meeting, publish a list of the persons whom he has declared to be elected under paragraph 14 or paragraph 16, as the case may be, and shall send a copy of that list to the returning officer.

Preliminaries to Poll.

22. If a poll is to be taken, the chairman shall—

(*a*) on the day after the meeting send by post or otherwise to each candidate whose name has been put to the meeting a notice stating that he has been nominated and that a poll has been demanded and giving the name and address of the returning officer ; and

(*b*) cause to be delivered to the returning officer not later than 4 o'clock in the afternoon of the day next but one after the meeting—

(i) a report signed by him stating the names of the candidates in respect of whom the poll has to be taken, with the nomination paper of each candidate annexed thereto ;

(ii) the remainder of the nomination papers ;

(iii) a statement of the names of any candidates who were decided not to be validly nominated or whose candidatures were withdrawn at the meeting.

Withdrawal of Candidates after Meeting.

23.—(1) If a poll is to be taken, a candidate may after the meeting withdraw from his candidature by notice of withdrawal signed by him and attested by one witness and delivered to the returning officer not later than the time appointed for that purpose by Part II of this Schedule.

(2) If by reason of any withdrawal under this paragraph the number of remaining candidates becomes equal to or less than the number of councillors to be elected, a poll shall not be taken, but those candidates shall be deemed to be elected and the returning officer shall certify the fact to the chairman of the meeting who shall as early as possible publish a list of the persons elected and send a copy to each of them.

Supplemental Provisions.

24. For the purposes of this Part of this Schedule a person shall be deemed to be registered as a local government elector for a parish or parish ward, if he is registered in the register of local government electors for that parish or parish ward which will be in force on the day of election, or if, pending the coming into force of that register, his name appears in the electors lists for that register as corrected by the registration officer.

25. In computing any period of time for the purposes of this Schedule, a Sunday, Christmas Day, Good Friday, Bank Holiday or day appointed for public thanksgiving or mourning, shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceeding under this Schedule.

PART II.

TIMES FOR PROCEEDINGS AT AN ELECTION OF PARISH COUNCILLORS AT A PARISH MEETING OR AT A POLL CONSEQUENT THEREON.

Proceeding.	Time.
Notice of parish meeting for election.	The seventh day before the day of the parish meeting for the election.
Day of parish meeting for election.	(*a*) In the case of an ordinary election or of any election which can be held at the time of an ordinary election, the first Monday after the tenth day of March, or, if the first Monday in April is Easter Monday, the first Monday after the third day of March ; or, in either case, such other day not being earlier than the preceding Saturday, or later than the following Wednesday, as may for special reasons be fixed by the county council. (*b*) In the case of an election of additional councillors not held at the time of an ordinary election, subject to any special provision in the order consequent upon which the election is held, such day as may be fixed by the chairman of the parish council. (*c*) In the case of a first election not held at the time of an ordinary election, subject to any special provision in the order consequent upon which the election is held, such day as may be fixed by the chairman of the parish meeting for the parish, being a day not later than the twenty-eighth day after the day on which such order comes into operation.

Proceeding.	Time.
Hour of parish meeting for election.	Such hour not being earlier than 6 o'clock in the evening as may be fixed by the chairman of the parish council or, in the case of a first election, by the chairman of the parish meeting for the parish.
Delivery of notices of withdrawals from candidatures after meeting.	5 o'clock in the afternoon on the fourth day after the day of the parish meeting for the election.
Notice of poll	The fifth day before the day of the poll.

Note.—In computing any period of time for the purposes of this Part of this Schedule, a Sunday, Christmas Day, Good Friday, Bank Holiday or day appointed for public thanksgiving or mourning is to be disregarded in accordance with paragraph 25 of Part I of this Schedule.

SECOND SCHEDULE.

ADAPTED PROVISIONS OF THE SECOND SCHEDULE TO THE LOCAL GOVERNMENT ACT, 1933.*

Note.—Parts I and II apply only to an election for a parish or for parish wards of a parish in which an order under subsection (1) of section 51 of the Local Government Act, 1933, is in force.

PART I.

PROVISIONS RELATING TO THE STAGES OF THE ELECTION OF PARISH COUNCILLORS PRECEDING THE POLL.

Notice of Election.

1.—(1) On or before the day appointed for that purpose by Part II of this Schedule a notice of election shall be published in the form prescribed by the Secretary of State (*a*).

(3) The notice of election shall be prepared and signed by the returning officer, and shall be published by him—

(*a*) by affixing it on or near the principal door of each church or chapel in the parish or parish ward, as the case may be; and

(*b*) by posting it in some conspicuous place or places in the parish or parish ward, as the case may be; and

(*c*) in such other manner, if any, as he may think desirable for giving publicity to the notice.

Nomination of Candidates.

2.—(1) Every candidate must be nominated by two local government electors for the parish or, if the parish is divided into parish wards, for the parish ward, as his proposer and seconder.

(2) The nomination of each candidate must be made on a separate nomination paper in the form prescribed by the Secretary of State (*b*), stating the full name (*c*), place of residence (*d*) and description of the candidate (*e*), and must be signed (*f*) by the proposer and seconder.

(4) No person shall sign more than one nomination paper in respect of the same candidate, nor, if the parish is divided into parish wards, shall he sign a nomination paper for more than one parish ward (*g*), nor shall he sign more nomination papers than there are councillors to be elected for the parish or parish ward, as the case may be, and if he signs nomination papers otherwise than is permitted under this sub-paragraph, his signature shall be inoperative in all but those papers, up to the permitted number, which are first delivered (*h*).

* The numbering of the paragraphs in this Schedule corresponds to the numbering in the Second Schedule to the Act.

(*a*) For form of notice of election, see Sched. III, Form AA, *post*, p. 2598.

(*b*) For form of nomination paper, see Sched. III, Form B, *post*, p. 2599.

(*c*) See note (*c*), *ante*, p. 2541.

(*d*) See note (*d*), *ante*, p. 2541.

(*e*) See note (*e*), *ante*, p. 2541.

(*f*) See note (*f*), *ante*, p. 2541.

(*g*) See note (*g*), *ante*, p. 2541.

(*h*) See note (*h*), *ante*, p. 2541.

(5) The returning officer shall provide nomination papers and he and any other person whom he may appoint for the purpose shall supply any local government elector for the parish or parish ward, as the case may be, with as many nomination papers as may be required and shall, at the request of any such local government elector, prepare for signature a nomination paper.

Time and Place for sending in Nomination Papers.

4.—(1) Every nomination paper shall be delivered at the place appointed for the purpose by the returning officer not later than the time appointed for that purpose by Part II of this Schedule.

Decision as to Validity of Nomination.

5.—(1) As soon as may be after the time for the delivery of nomination papers has expired, the returning officer shall examine the nomination papers, and decide whether the candidates have been validly nominated in accordance with the provisions of this Schedule (*a*).

(2) Where the returning officer decides that a candidate has been so validly nominated, his decision shall be final and shall not be questioned in any proceeding whatsoever.

(3) Where the returning officer decides that a candidate has not been so validly nominated, he shall endorse and sign on the nomination paper the fact and reasons for his decision (*b*).

(4) The decision of the returning officer under the last preceding sub-paragraph shall be subject to review on an election petition questioning the election.

(5) Not later than the time appointed for that purpose by Part II of this Schedule, the returning officer shall send notice of his decision to each candidate at his place of residence as stated on his nomination paper.

Statement as to Persons Nominated.

6. The returning officer shall, not later than the time appointed for that purpose by Part II of this Schedule, prepare a statement in the form prescribed by the Secretary of State (*c*) containing the full names of all persons nominated and their places of residence and descriptions and his decision whether those persons have been validly nominated, and shall publish the statement by causing it to be affixed to the place appointed for the delivery of nomination papers.

Withdrawal of Candidates.

7. A candidate may withdraw from his candidature by notice of withdrawal signed by him and attested by one witness and delivered at the place appointed for the delivery of nomination papers not later than the time appointed for that purpose by Part II of this Schedule (*d*).

Nomination in more than one Ward.

8. A candidate who is validly nominated for more than one parish ward of the same parish shall, by notice signed, attested, and delivered as aforesaid, withdraw from his candidature in all those parish wards except one, and if he does not so withdraw he shall be deemed to have withdrawn from his candidature in all those parish wards.

Method of Election and Publication of Result of Uncontested Election.

9.—(3) (*a*) If the number of persons remaining validly nominated (*e*) exceeds the number of vacancies, the councillors shall be elected in accordance with the provisions of Part III of this Schedule from among those persons (*f*);

(*b*) If the number of persons remaining validly nominated is the same as the number of vacancies, those persons shall be deemed to be elected;

(*c*) if the number of persons remaining validly nominated is less than the number of vacancies, those persons shall be deemed to be elected.

(4) If an election is not contested, the returning officer shall, not later than eleven o'clock in the morning of the day of election, publish a list of the persons elected, and shall

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(*a*) See note (*a*), *ante*, p. 2542.
(*b*) See note (*b*), *ante*, p. 2542.
(*c*) For form of statement as to persons nominated, see Sched. III, Form C, *post*, p. 2600.
(*d*) See note (*d*), *ante*, p. 2542.
(*e*) See note (*a*), *ante*, p. 2543.
(*f*) See note (*b*), *ante*, p. 2543.

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forthwith return the names of the persons elected to the clerk of the parish council or, if there is no such clerk, to the chairman of the parish council or, if there is no such chairman, to the chairman of the parish meeting for the parish.

Supplemental Provisions.

11. For the purposes of this Part of this Schedule a person shall be deemed to be registered as a local government elector for a parish or parish ward, if he is registered in the register of local government electors for that parish or parish ward which will be in force on the day of election, or if, pending the coming into force of that register, his name appears in the electors lists for that register as corrected by the registration officer.

12. In computing any period of time for the purposes of this Schedule, a Sunday, Christmas Day, Good Friday, Bank Holiday or day appointed for public thanksgiving or mourning, shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceeding under this Schedule.

PART II.

TIMES FOR THE PROCEEDINGS AT AN ELECTION OF PARISH COUNCILLORS.

Proceeding.	Time.
Notice of election	The twentieth day before the day of election.
Delivery of nomination papers	5 o'clock in the afternoon on the twelfth day before the day of election.
Despatch of notices of decision on nominations and publication of statement of persons nominated.	5 o'clock in the afternoon on the eleventh day before the day of election.
Delivery of notices of withdrawals from candidatures.	5 o'clock in the afternoon on the ninth day before the day of election.
Notice of poll	The fifth day before the day of election.

[*Note.*—In computing any period of time for the purposes of this Part of this Schedule, a Sunday, Christmas Day, Good Friday, Bank Holiday or day appointed for public thanksgiving or mourning is to be disregarded in accordance with paragraph 12 of Part I of this Schedule.]

PART III.

PROVISIONS RELATING TO POLLS AND TO THE SUBSEQUENT PROCEEDINGS.

THE POLL.

General conduct of poll.

1. At every poll, whether consequent on a parish meeting or not, the votes shall be given by ballot, and the poll shall be conducted in accordance with the provisions of this Schedule.

Notice of poll.

2.—(1) The returning officer shall on or before the day appointed for that purpose by Part II of the First Schedule to the Parish Councillors Election Rules or of this Schedule, as the case may be, give notice of the poll, specifying—

(*a*) the day and hours fixed for the poll;

(*b*) the number of councillors to be elected;

(*c*) the full name, place of residence, and description of each candidate remaining validly nominated;

(*d*) the names of the proposer and seconder who signed the nomination paper of each candidate; and

(*f*) the situation of each polling station (*a*) and the description of the persons entitled to vote thereat.

(*a*) See note (*a*), *ante*, p. 2544.

(2) For the purposes of this Part of this Schedule the first valid nomination paper delivered at the Parish meeting under pararagraph 7 of Part I of the said First Schedule or at the place appointed for the delivery of nomination papers under paragraph 4 (1) of Part I of this Schedule as the case may be, in respect of a candidate shall be deemed to be the nomination paper of that candidate.

(3) A notice of poll required to be published under this paragraph shall be published at the places at which the notice of the parish meeting for the election or the notice of the election, as the case may be, is required to be published.

Hours of poll.

3. The poll shall be open during such hours as shall be fixed by the county council by any general or special order so, however, that the poll shall always be open between the hours of 6 and 8 in the evening (*a*), or, if no such order is in force in the parish or parish ward, during such hours as were applicable at the last ordinary election of parish councillors for the parish or parish ward; or, if the matter is not so determinable, between the hours of 12 noon and 8 in the evening.

Use of schools, public rooms, or churches.

4.—(1) The returning officer may use, free of charge, for the purpose of taking the poll or of counting the votes—

(*a*) a room in a school in receipt of a grant, or in respect of which a grant is made, out of moneys provided by Parliament, from or by the Board of Education; and

(*b*) a room the expense of maintaining which is payable out of any rate.

(2) The returning officer shall make good any damage done to, and defray any expense incurred by the persons having control over, any such room as aforesaid by reason of its being used for the purpose of taking the poll or of counting the votes.

(3) The use of a room in an unoccupied house for the purpose of taking the poll or of counting the votes shall not render a person liable to be rated or to pay any rate for that house.

5. An election shall not be held in a church, chapel or other place of public worship.

Death of candidate after nomination.

6. If after the latest time for delivery of nomination papers and before the commencement of the poll a candidate who remains validly nominated dies, the returning officer shall, upon being satisfied of the fact of death, countermand the poll.

Provision of polling stations, ballot boxes, etc.

7. The returning officer shall—

(*a*) provide a sufficient number of polling stations for the electors, and allot the electors to the polling stations in such manner as he thinks most convenient;

(*b*) appoint a presiding officer to preside at each polling station, and such other officers (including poll clerks) as may be necessary for taking the poll and counting the votes;

(*c*) furnish each polling station with such number of compartments as may be necessary in which the electors can mark their votes screened from observation;

(*d*) furnish each presiding officer with such number of ballot boxes and ballot papers (*b*) as in the opinion of the returning officer may be necessary;

(*e*) provide each polling station with materials to enable electors to mark the ballot papers, with instruments for stamping thereon the official mark, and with copies of the register of electors for the parish or parish ward, as the case may be, or such part thereof as contains the names of the electors allotted to vote at the station;

(*f*) do such other act and things as may be necessary for effectually conducting the election in manner provided by this Schedule.

8. One or more polling stations may be provided in the same room, but no premises licensed for the sale of intoxicating liquor shall be used for a polling station.

9. A notice, in the form set forth in Part IV of this Schedule (*c*), or as near thereto as circumstances admit, giving directions for the guidance of electors in voting, shall be exhibited outside every polling station, and in every compartment in the polling station.

(*a*) See note (*b*), *ante*, p. 2544.

(*b*) For form of ballot paper, see Part IV, Form A, *post*, p. 2595.

(*c*) For form of notice, see Part IV, Form B, *post*, p. 2596.

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Ballot boxes, ballot papers, official mark.

10. Every ballot box shall be so constructed that the ballot papers can be put therein, but cannot be withdrawn therefrom, without the box being unlocked.

11. Every ballot paper shall be in the form set forth in Part IV of this Schedule or as near thereto as circumstances admit and—

(*a*) shall contain the full names, places of residence and descriptions of the candidates as shown on their respective nomination papers and arranged alphabetically in the order of their surnames and (if there are two or more candidates with the same surname) of their other names;

(*b*) shall be capable of being folded up;

(*c*) shall have a number printed on the back;

(*d*) shall have attached a counterfoil with the same number printed on the face; and

(*e*) shall be of a different colour from that of any ballot papers used in an election of rural district councillors held on the same date and for the same area.

12. The official mark shall be kept secret.

Appointment of polling agents.

13.—(1) The candidates severally or jointly may appoint agents (in this Schedule referred to as "polling agents") to attend at the polling stations for the purpose of detecting personation; but not more than one polling agent shall be permitted to attend at any polling station on behalf of the same candidate, nor shall more than three polling agents be permitted to attend at any polling station (*a*).

(2) Notice in writing of any appointment, stating the names and addresses of the persons appointed, shall be given by the candidate or candidates to the returning officer two clear days at least before the opening of the poll; and if in respect of any polling station the number of polling agents exceeds the number permitted by this paragraph to attend, the returning officer shall determine which of them shall be permitted to attend, giving preference, so far as circumstances allow, to those appointed by the larger number of candidates.

(3) If a polling agent dies, or becomes incapable of acting, the candidate or candidates may appoint another polling agent in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the polling agent so appointed.

(4) Subject to the provisions of this paragraph, a polling agent in respect of whom such notice as aforesaid has been given may, during the hours of the poll, attend at the polling station to which he has been appointed.

Admission to polling station.

14.—(1) No person shall be admitted to vote at any polling station except at the one allotted to him.

(2) The presiding officer shall regulate the number of electors to be admitted to the polling station at the same time, and shall exclude all other persons except the candidates, the polling agents, the officers appointed under this Schedule, the police officers on duty, and any person accompanying a blind elector for the purpose of assisting him to vote.

(3) Nothing in this paragraph shall affect the provisions of the Police Disabilities Removal Act, 1887, as applied to elections of parish councillors by the Police Disabilities Removal Act, 1893.

Ballot boxes to be sealed.

15. Immediately before the commencement of the poll, the presiding officer shall show the ballot box empty to such persons, if any, as may be present in the polling station, so that they may see that it is empty, and shall then lock it up and place his seal upon it in such manner as to prevent it being opened without breaking the seal, and shall place it in his view for the receipt of ballot papers, and keep it so locked and sealed.

Questions to be put to electors.

16.—(1) The presiding officer may, and, if required by two local government electors or by a candidate or his polling agent, shall, put to any person applying for a ballot paper at the time of his application, but not afterwards, the following questions, or either of them, that is to say:—

(*a*) Are you the person registered in the register of local government electors now in force for this [parish] [parish ward] as follows [*read the whole entry from the register*]?

(*a*) See note (*c*), *ante*, p. 2545.

(*b*) Have you already voted at the present election [*adding in the case of an election for for several parish wards* in this or any other parish ward]?

(2) A ballot paper shall not be delivered to any person required to answer the above questions, or either of them, unless he has answered the question or questions satisfactorily (*a*).

(3) Save as by this paragraph authorised, no inquiry shall be permitted as to the right of any person to vote.

Challenge of elector by polling agent.

17.—(1) If at the time a person applies for a ballot paper, or after he has applied for a ballot paper and before he has left the polling station, a polling agent declares to the presiding officer that he has reasonable cause to believe that the applicant has committed an offence of personation under the Local Government Act, 1933, and undertakes to substantiate the charge in a court of law, the presiding officer may order a police officer to arrest the applicant, and the order of the presiding officer shall be sufficient authority for the police officer so to do.

(2) A person against whom a declaration is made under this paragraph by a polling agent shall not, by reason thereof, be prevented from voting, but the presiding officer shall cause the words "protested against for personation" to be placed against his name in the marked copy of the register of electors.

(3) A person arrested under the provisions of this paragraph shall be dealt with as a person taken into custody by a police officer for an offence without a warrant.

Marking of ballot papers.

18. A ballot paper shall be delivered to an elector who applies therefor, and immediately before delivery—

(*a*) the ballot paper shall be marked with the official mark, either embossed or perforated;

(*b*) the number, name, and description of the elector as stated in the copy of the register shall be called out;

(*c*) the number of the elector shall be marked on the counterfoil together with the distinctive letter of the parliamentary polling district in which the elector is registered, and the distinguishing sign, if any; and

(*d*) a mark shall be placed in the register against the number of the elector to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received.

19. The elector, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and there secretly mark his paper and fold it up so as to conceal his vote, and shall then show to the presiding officer the back of the paper, so as to disclose the official mark, and put the ballot paper, so folded up, into the ballot box in the presence of the presiding officer. The elector shall vote without undue delay, and shall leave the polling station as soon as he has put his ballot paper into the ballot box.

20.—(1) The presiding officer, on the application of—

(*a*) an elector who is incapacitated by blindness or other physical cause from voting in manner directed by this Schedule; or

(*b*) if the poll is taken on a Saturday, of an elector who declares that he is a Jew, and objects on religious grounds to vote in manner directed by this Schedule; or

(*c*) of an elector who makes a declaration that he is unable to read (in this Schedule referred to as "the declaration of inability to read" (*b*))

shall, in the presence of the polling agents, cause the vote of the elector to be marked on a ballot paper in manner directed by the elector, and the ballot paper to be placed in the ballot box.

(2) The name and number on the register of electors of every elector whose vote is marked in pursuance of this paragraph, and the reason why it is so marked, shall be entered on a list (in this Schedule called "the list of votes marked by the presiding officer").

21.—(1) Where an elector who is accompanied by another person makes application to the presiding officer to be allowed on the ground of blindness to vote with the assistance of the person accompanying him (in this Schedule referred to as "the companion"), the presiding officer shall require the elector to declare orally whether he is so incapacitated by his blindness as to be unable to vote without assistance.

(*a*) See note (*a*), *ante*, p. 2546.

(*b*) For form of declaration of inability to read, see Part IV, Form D, *post*, p. 2596.

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(2) If the presiding officer is satisfied that the elector is so incapacitated and is also satisfied by a written declaration made by the companion (in this Schedule referred to as "the declaration made by the companion of a blind elector" (*a*)) that the companion is a qualified person within the meaning of this paragraph and has not previously assisted more than one blind person to vote at the election then being held, the presiding officer shall grant the application, and thereupon anything which is by this Schedule required to be done to or by the said elector in connection with the giving of his vote, may be done to, or with the assistance of, the companion, as the case may be.

(3) For the purposes of this paragraph a person shall be qualified to assist a blind elector to vote, if that person is either—

(*a*) a person who is entitled to vote at the election then being held; or

(*b*) the father, mother, brother, sister, husband, wife, son or daughter of the blind elector and has attained the age of twenty-one years.

(4) The name and number on the register of electors of every elector whose vote is given in accordance with this paragraph and the name and address of the companion shall be entered on a list (in this Schedule called "the list of blind electors assisted by companions").

22.—(1) The declaration of inability to read and the declaration made by the companion of a blind elector—

(*a*) shall be in the appropriate form set forth in Part IV of this Schedule, or as near thereto as circumstances admit; and

(*b*) shall be made before the presiding officer at the time when the elector applies for a ballot paper or applies to vote with the assistance of the companion, as the case may be, and shall forthwith be handed to the presiding officer, who shall attest and retain it.

(2) No fee, stamp or other payment shall be charged in respect of the declaration (*b*).

Tendered ballot papers.

23. If a person, representing himself to be a particular elector named on the register, applies for a ballot paper after another person has voted as such elector, the applicant shall, upon satisfactorily answering the questions set out in paragraph 16 of this Part of this Schedule, be entitled to mark a ballot paper in the same manner as any other elector, but the ballot paper (in this Schedule called "a tendered ballot paper") shall be of a colour differing from the other ballot papers, and instead of being put into the ballot box shall be given to the presiding officer and endorsed by him with the name of the elector and his number in the register of electors, and set aside in a separate packet, and shall not be counted by the returning officer; and the name of the elector and his number on the register together with the distinctive letter of the parliamentary polling district and the distinguishing sign, if any, shall be entered on a list (in this Schedule called "the tendered votes list").

Spoilt ballot papers.

24. An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving the fact of the inadvertence to the satisfaction of the presiding officer, obtain another ballot paper in the place of the ballot paper so delivered up (in this Schedule called "a spoilt ballot paper"), and the spoilt ballot paper shall be immediately cancelled.

Powers of presiding officer in adjourning poll.

25. For the purpose of the adjournment of the poll in the event of riot or open violence and of every other enactment relating to the poll, a presiding officer shall have the power by law belonging to a presiding officer at a parliamentary election.

Packets of ballot papers, etc., to be sealed.

26. As soon as practicable after the close of the poll, the presiding officer shall, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals,—

(*a*) each ballot box in use at his station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key attached;

(*b*) the unused and spoilt ballot papers, placed together;

(*a*) For form of declaration made by companion of a blind elector, see Part IV, Form E, *post*, p. 2597.

(*b*) For forms, see *post*, pp. 2596, 2597.

(*c*) the tendered ballot papers;

(*d*) the marked copies of the register of electors and the counterfoils of the ballot papers;

(*e*) the tendered votes list, the list of blind electors assisted by companions, the list of votes marked by the presiding officer, a statement of the number of electors whose votes are so marked by the presiding officer under the heads "physical incapacity," "Jews," and "unable to read," the declarations made by the companions of blind electors, and the declarations of inability to read;

and shall deliver the packets to the returning officer to be taken charge of by him.

27. The packets shall be accompanied by a statement (in this Schedule referred to as "the ballot paper account") made by the presiding officer showing the number of ballot papers entrusted to him, and accounting for them under the heads of—

(*a*) ballot papers in the ballot box;

(*b*) unused and spoilt ballot papers;

(*c*) tendered ballot papers.

COUNTING OF VOTES.

Appointment of counting agents.

28.—(1) Each candidate may appoint an agent (in this Schedule referred to as "a counting agent") to attend at the counting of the votes.

(2) Notice in writing of every appointment, stating the name and address of the person appointed, shall be given by the candidate to the returning officer two clear days at least before the opening of the poll; and the returning officer may refuse to admit to the place where the votes are counted any counting agent whose name and address has not been so given, notwithstanding that his appointment may be otherwise valid, and any notice required to be given to a counting agent by the returning officer may be delivered at or sent by post to the address stated in the notice.

(3) If a counting agent dies, or becomes incapable of acting, the candidate may appoint another counting agent in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the counting agent so appointed.

29. The returning officer shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the close of the poll, and shall give to the agents notice in writing of the time and place at which he will begin to count the votes.

The count.

30. Except with the consent of the returning officer, no person other than the returning officer, the persons appointed to assist him, and the candidates and their counting agents may be present at the counting of the votes.

31.—(1) If a poll has been taken for the election of parish councillors only, before the returning officer proceeds to count the votes, he shall in the presence of the counting agents, open each ballot box, and taking out the papers therein, shall count and record the number thereof, and then mix together the whole of the ballot papers contained in the ballot boxes.

(2) If polls have been taken together for the election both of parish councillors and of rural district councillors, before the returning officer proceeds to count the votes, he shall, in the presence of the counting agents, open one of the ballot boxes and taking out the papers therein shall separate those relating to the election of parish councillors from any relating to the election of rural district councillors, and shall count and record the number of ballot papers relating to each election. He shall then place the ballot papers relating to each election in separate packets, and shall proceed in like manner with any other ballot boxes and papers therein. When all the ballot boxes and the papers therein have been so dealt with, he shall take all the packets of ballot papers relating to one election, and shall mix all such papers together and shall proceed to count the votes, keeping apart the papers relating to any other election until he has completed such counting. He shall afterwards deal in manner aforesaid with the packets and papers relating to the other election or elections.

32. The returning officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards, and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.

33. The returning officer shall, so far as practicable, proceed continuously with counting the votes, allowing only time for refreshment, and excluding (if and so far as he thinks it necessary) the hours between eight o'clock in the evening and nine o'clock on the succeeding morning. During the excluded time the returning officer shall place the ballot papers

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and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals, and shall otherwise take proper precautions for the security of the papers and documents.

Void ballot papers.

34. Any ballot paper—

(a) which does not bear the official mark; or

(b) on which votes are given for more candidates than the elector is entitled to vote for; or

(c) on which anything is written or marked by which the elector can be identified except the printed number on the back; or

(d) which is unmarked or void for uncertainty;

shall not be counted (a):

Provided that where the elector is entitled to vote for more than one candidate, the ballot paper shall not be deemed to be void as regards any vote as to which no uncertainty arises, and that vote shall be counted.

35.—(1) The returning officer shall endorse—

(a) the word "rejected" on any ballot paper which under the last preceding paragraph is not to be counted; and

(b) in the case of a ballot paper on which any vote is counted under the proviso to that paragraph, the words "rejected in part" and a memorandum specifying the votes counted.

(2) The returning officer shall in either case add to the endorsement the words "rejection objected to," if an objection is made by any counting agent to his decision.

(3) The returning officer shall draw up a statement showing the number of ballot papers rejected, including those rejected in part, under the several heads of—

(a) want of official mark;

(b) voting for more candidates than entitled to;

(c) writing or mark by which elector could be identified;

(d) unmarked or wholly void for uncertainty;

(e) rejected in part;

and shall, on request, allow any counting agent to copy the statement.

36. The decision of the returning officer as to any question arising in respect of any ballot paper shall be final, but shall be subject to review on an election petition questioning the election.

Equality of votes.

37. Where an equality of votes is found to exist, and the addition of a vote would entitle any of the candidates to be declared elected, the returning officer, whether or not entitled to vote in the first instance, may give a casting vote by word of mouth or in writing (b).

Declaration of result.

38.—(1) When the result of the poll has been ascertained, the returning officer shall forthwith declare to be elected the candidate or candidates to whom the majority of votes have been given, and shall as soon as possible publish the name or names of the candidate or candidates elected and the total number of votes given for each candidate, whether elected or not (c).

(2) The returning officer shall forthwith return the names of the persons elected to the clerk of the parish council or, if there is no such clerk, to the chairman of the parish council or, if there is no such chairman, to the chairman of the parish meeting for the parish.

Disposal of ballot papers, &c., after poll.

39. Upon the completion of the counting the returning officer shall seal up in separate packets the counted and rejected ballot papers, including ballot papers rejected in part. He shall not open the sealed packet of tendered ballot papers or the sealed packet containing the marked copy of the register of electors and counterfoils, but shall proceed, in the presence of the counting agents, to verify the ballot paper account given by each presiding officer by comparing it with the number of ballot papers recorded by him under paragraph 31 of this Part of this Schedule, and the unused and spoilt ballot papers in his

(a) See note (a), *ante*, p. 2549.
(b) See note (a), *ante*, p. 2550.
(c) See note (b), *ante*, p. 2550.

possession and the tendered votes list, and shall reseal each sealed packet after examination. The returning officer shall draw up a statement as to the result of the verification and shall, on request, allow any counting agent to copy the statement.

40. The returning officer shall forward to the clerk of the council of the rural district in which the parish is situate all the packets of ballot papers in his possession together with the said statements, the ballot paper accounts, tendered votes lists, lists of blind electors assisted by companions, lists of votes marked by the presiding officer, statements relating thereto, declarations made by the companions of blind electors, declarations of inability to read, packets of counterfoils, and marked copies of registers, sent by each presiding officer, endorsing on each packet a description of its contents and the date of the election to which they relate, and the name of the parish or parish ward for which the election was held.

41.—(1) A county court having jurisdiction in the parish, or any part thereof, or an election court, on being satisfied by evidence on oath—

(*a*) that the inspection or production of any rejected ballot papers, including ballot papers rejected in part; or

(*b*) that the opening of the sealed packet of counterfoils or the inspection of counted ballot papers,

is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election, may make an order for the inspection or production of any such ballot papers or the opening of the sealed packet of counterfoils.

(2) An order made under this paragraph may be made subject to such conditions as to persons, time, place and mode of inspection or production of ballot papers or of opening the sealed packet of counterfoils as the court may think expedient, and may direct the clerk of the rural district council having custody of the ballot papers and the sealed packet of counterfoils to retain them intact for such period as may be specified in the order.

(3) Any power given to a county court by this paragraph may be exercised by any judge of the county court otherwise than in open court.

(4) In making and carrying into effect an order under this paragraph, care shall be taken that the way in which any particular elector has voted shall not be disclosed, until it has been proved that he voted and his vote has been declared by a competent court to be invalid.

(5) An appeal shall lie to the High Court from any order of a county court made under this paragraph.

42. Except by order of a court made under the last preceding paragraph, no person shall be allowed to inspect any ballot papers in the custody of the clerk of the rural district council or to open the sealed packet of counterfoils.

43. Where an order is made for the production by the clerk of the rural district council of any document in his possession relating to any specified election, the production by that clerk or his agent of the document ordered, in such manner as may be directed by the order, shall be conclusive evidence that the document so produced relates to the specified election; and any endorsement appearing on any packet of ballot papers produced by that clerk or his agent shall be *primâ facie* evidence of those papers being what they are stated to be by the endorsement. The production from proper custody of a ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed number and having a number marked thereon in writing shall be *primâ facie* evidence that the person who voted by that ballot paper was the person who at the time of that election had affixed to his name in the register of electors at that election the same number as the number written on that counterfoil.

44. The clerk of the rural district council shall retain for six months among the records of the rural district all documents relating to an election forwarded to him by the returning officer in pursuance of this Schedule, and then, unless otherwise directed by an order made under paragraph 41 of this Part of this Schedule, shall cause them to be destroyed.

45. All documents forwarded by a returning officer in pursuance of this Schedule to the clerk of the rural district council, other than ballot papers and counterfoils, shall, during a period of six months from the day of election, be open to public inspection at such time and in such manner as may be determined by the county council, and the clerk of the rural district council shall supply copies of or extracts from the said documents to any person demanding the same on payment of such fees and subject to such conditions as may be determined by the county council.

46. Subject to the provisions of this Part of this Schedule, the clerk of the rural district council shall, in respect of the custody and destruction of ballot papers and other documents coming into his possession in pursuance of this Part of this Schedule, be subject to the directions of the rural district council.

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GENERAL PROVISIONS AS TO POLLS.

47. The returning officer may, if he thinks fit, preside at a polling station, and the provisions of this Part of this Schedule relating to a presiding officer shall apply to a returning officer so presiding with the necessary modifications as to things to be done by the returning officer to the presiding officer, or by the presiding officer to the returning officer.

48.—(1) No returning officer, or officer appointed under this Schedule, or any partner or clerk of any such officer, shall act as a polling or counting agent.

(2) If any returning officer, or officer appointed under this Part of this Schedule, or the partner or clerk of any such officer, acts as a polling or counting agent in contravention of the provisions of this paragraph, he shall be guilty of a misdemeanour.

49. No person shall be appointed to act as an officer under this Part of this Schedule for the purposes of an election who has been employed by or on behalf of a candidate in or about the election.

50. A presiding officer may do, by the officers appointed to assist him, any act which he is required or authorised by this Part of this Schedule to do at a polling station except ordering the arrest, exclusion, or removal of any person from the polling station.

51. A candidate may himself do any act or thing which an agent of his, if appointed, would have been authorised or required to do, or may assist his agent in doing any such act or thing, but before acting under this paragraph the candidate shall make the declaration of secrecy required to be made by agents.

52. Where in this Part of this Schedule any act or thing is required or authorised to be done in the presence of the agents of the candidates, the non-attendance of any agents or agent at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Prohibition of disclosure of vote.

53. No person who has voted at an election shall, in any legal proceeding to question the election, be required to state for whom he has voted.

Requirement of Secrecy.

54.—(1) Every returning officer, and every officer, polling agent or counting agent, authorised to attend at a polling station or at the counting of the votes, shall, before the opening of the poll, or in the case of an agent appointed after the opening of the poll, before acting as such agent, make a declaration of secrecy in the form set forth in Part IV of this Schedule, or in a form as near thereto as circumstances admit (*a*).

(2) In the case of a returning officer the declaration shall be made in the presence of a justice of the peace, and in the case of any other officer or of an agent, the declaration shall be made either in the presence of a justice of the peace or of the returning officer.

(3) Save as aforesaid, no such returning officer, officer or agent shall be required, as such, to make any declaration or to take any oath on the occasion of an election.

(4) Every returning officer, and every officer, polling agent or counting agent in attendance at a polling station or at the counting of the votes, shall maintain and aid in maintaining secrecy of the voting.

(5) No person, being a returning officer, or officer appointed under this Part of this Schedule, or polling agent or counting agent, shall—

(*a*) except for some purpose authorised by law, communicate before the poll is closed to any person any information as to—

(i) the name or number on the register of any elector who has or has not applied for a ballot paper or voted at a polling station; or

(ii) the official mark; or

(*b*) ascertain or attempt to ascertain at the counting of the votes the number on the back of any ballot paper; or

(*c*) communicate any information obtained at the counting of the votes, as to the candidate for whom any vote is given on any particular ballot paper.

(6) No person, whether or not such an officer, polling agent or counting agent as aforesaid, shall—

(*a*) interfere with or attempt to interfere with an elector when recording his vote; or

(*a*) For form of declaration of secrecy, see Part IV, Form C, *post*, p. 2596.

(*b*) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom an elector in that station is about to vote or has voted; or

(*c*) communicate at any time to any person any information obtained in a polling station as to the candidate for whom an elector in that station is about to vote or has voted, or as to the number on the back of the ballot paper given to an elector at that station; or

(*d*) directly or indirectly induce an elector to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

(7) No person having undertaken to assist a blind elector to vote shall communicate at any time to any person any information as to the candidate for whom that elector intends to vote or has voted, or as to the number on the back of the ballot paper given for the use of that elector.

(8) If any person acts in contravention of the provisions of this paragraph, he shall be liable on summary conviction to imprisonment for a term not exceeding six months.

55. Any justice of the peace, any returning officer and any presiding officer may take any declaration authorised by this Part of this Schedule to be made before him.

Keeping of order in station.

56.—(1) It shall be the duty of the presiding officer to keep order at his polling station.

(2) If any person misconducts himself in a polling station, or fails to obey the lawful orders of the presiding officer, he may immediately, by order of the presiding officer, be removed from the polling station by a police officer in or near that station, or by any other person authorised in writing by the returning officer to remove him; and the person so removed shall not, without the permission of the presiding officer, again enter the polling station during the day.

(3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a police officer for an offence without a warrant.

(4) The powers conferred by this paragraph shall not be exercised so as to prevent an elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

PART IV.

FORMS FOR USE AT A POLL FOR ELECTION OF PARISH COUNCILLORS.

Note.—The forms contained in this Part of this Schedule, or forms as nearly resembling the same as circumstances will admit, shall be used in all cases to which they refer and are applicable, and when so used shall be sufficient in law.

FORM A.

Form of Ballot Paper.

Form of Front of Ballot Paper.

Counterfoil No.			
	1	BROWN (John Brown, of 52, George Street, Bristol, merchant.)	
NOTE: *The counterfoil is to have a number to correspond with that on the back of the Ballot Paper.*	2	JONES (William David Jones, of High Elms, Wilts, gentleman.)	
	3	MERTON (Hon. George Travis, commonly called Viscount Merton, of Swanworth, Berks.)	
	4	SMITH (Mary Smith, of 72, High Street, Bath, married woman.)	

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Form of Back of Ballot Paper.

No.

Election of parish councillors for the [parish of]
[parish ward of the parish of].

Note.—The number on the ballot paper is to correspond with that on the counterfoil.

Directions as to printing ballot paper.

Nothing is to be printed on the ballot paper except in accordance with this Schedule.

The surname of each candidate, and if there are two or more candidates of the same surname, also the other names of such candidates, shall be printed in large characters, as shown in the form, and the names, places of residence, and descriptions, and the number on the back of the paper, shall be printed in small characters.

FORM B.

Form of directions for the guidance of the elector in voting, which shall be printed in conspicuous characters, and exhibited outside every polling station and in every compartment of every polling station.

The elector may vote for candidate .

The elector will go into one of the compartments, and, with the pencil provided in the compartment, place a cross on the right-hand side of the ballot paper, opposite the name of each candidate for whom he votes, thus **X**.

The elector will then fold up the ballot paper so as to show the official mark on the back, and leaving the compartment will, without showing the front of the paper to any person, show the official mark on the back to the presiding officer, and then, in the presence of the presiding officer, put the paper into the ballot box, and forthwith quit the polling station.

If the elector inadvertently spoils a ballot paper, he can return it to the officer, who will, if satisfied of such inadvertence, give him another paper.

If the elector votes for more than candidate , or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the elector fraudulently takes a ballot paper out of the polling station, or deposits in the ballot box any other paper than the one given him by the officer, he will be liable, on summary conviction, to imprisonment for a term not exceeding six months.

FORM C.

Form of declaration of secrecy.

I solemnly promise and declare, That I will not at this election do anything forbidden by sub-paragraphs (4), (5), (6) and (8) of paragraph 54 of Part III of the Second Schedule to the Local Government Act, 1933, which have been read by me.

FORM D.

Form of declaration of inability to read.

I, *A.B.*, of , being numbered on the register of local government electors for the [parish of][
parish ward of the parish of], do hereby declare that I am unable to read.

A.B., his mark

day of 19 .

I, the undersigned, being the presiding officer for the polling station for the [parish of][
parish ward of the parish of], do hereby certify that the above declaration, having been first read to the above-named *A.B.*, was signed by him in my presence with his mark.

Signed, *C.D.*,

day of 19 .

FORM E.

Form of declaration to be made by the companion of a blind elector.

I, *A.B.*, of , having been requested to assist *C.D.*, who is numbered on the register of local government electors for the [parish of] [parish ward of the parish of] to record his vote at the election of parish councillors now being held for the said [parish] [parish ward], do hereby declare that [I am entitled to vote at the said election] [I am the (*state the relationship of the companion to the elector*) of the said elector and have attained the age of twenty-one years], and that I have not previously assisted any blind person [except *E.F.* of] to vote at the said election.

Signed, *A.B.*,

day of 19 .

I, the undersigned, being the presiding officer for the polling station for the [parish of] [parish ward of the parish of], do hereby certify that the above declaration, having been first read to the above-named declarant, was signed by the declarant in my presence.

Signed, *G.H.*,

day of 19 ,

at minutes past o'clock in the noon.

Note.—If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he will be guilty of an offence.

THIRD SCHEDULE.

FORMS FOR USE AT AN ELECTION OF PARISH COUNCILLORS.

FORM A.

Form of Notice of Parish Meeting for Election.

[WARD OF THE] PARISH OF .

ELECTION OF PARISH COUNCILLORS.

NOTICE IS HEREBY GIVEN THAT—

1. The Parish Meeting for the election of Parish Councillors for the said [Ward] [Parish] and for other business * will be held at on , the day of , 19 , at o'clock in the evening.

2. The number of Parish Councillors to be elected for the said [Ward] [Parish] is .

3. Each candidate must be nominated on a separate nomination paper in the form prescribed by the Parish Councillors Election Rules, or in a form to the like effect. Forms of nomination paper may be obtained, free of charge, from at .

4. Every nomination paper must be delivered at the Parish Meeting to the Chairman of the Meeting.

5. A local government elector must not sign—

(*a*) more than one nomination paper in respect of the same candidate;

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(*b*) more nomination papers than there are Parish Councillors to be elected for the [Ward] [Parish].

†[(*c*) a nomination paper for more than one Ward.]

[6. The Meeting will also be the Annual Assembly of the Parish Meeting.]‡

§

Dated this day of , 19 .

.....

Chairman of the Parish [Council] [Meeting].

* If no other business is to be transacted, omit the words "and for other business."
† If the Parish is not divided into Parish Wards, omit these words.
‡ Omit these words, if not required.
§ If any other business is to be transacted, here state what it is.

FORM AA.

Form of Notice of Election where an order under subsection (1) *of section* 51 *of the Local Government Act*, 1933, *is in force.**

[WARD OF THE] PARISH OF .

ELECTION OF PARISH COUNCILLORS.

NOTICE IS HEREBY GIVEN THAT—

1. An election of Parish Councillors for the said [Ward] [Parish] will be held on , the day of , 19 .

2. The number of Parish Councillors to be elected for the said [Ward] [Parish] is .

3. Each candidate must be nominated on a separate nomination paper in the form prescribed by the Parish Councillors Election Rules, or in a form to the like effect. Forms of nomination paper may be obtained free of charge, from me at or from †

4. Every nomination paper must be delivered at not later than five o'clock in the afternoon on , the day of , 19 .

5. A local government elector must not sign—

(*a*) more than one nomination paper in respect of the same candidate;

(*b*) more nomination papers than there are Parish Councillors to be elected for the [Ward] [Parish].

‡[(*c*) a nomination paper for more than one Ward.]

6. Not later than five o'clock in the afternoon on , the day of , 19 , a statement containing the full names of all persons nominated and their places of residence and descriptions and the decisions of the Returning Officer whether those persons have been validly nominated will be affixed to the place specified in paragraph 4.

7. A candidate may withdraw from his candidature by notice of withdrawal signed by him and attested by one witness and delivered at the place specified in paragraph 4 not later than five o'clock in the afternoon on , the day of , 19 .

8. If the number of candidates remaining validly nominated exceeds that of the Parish Councillors to be elected, a poll will be taken on the day of , 19 , of which due notice will be given.

Dated this day of , 19 .

.....

Returning Officer.

* If the notice relates to more than one election adapt form accordingly.
† Here insert name and address of person or persons other than the returning officer from whom forms may be obtained.
‡ If the Parish is not divided into Parish Wards, omit these words.

FORM B.

Form of Nomination Paper.

ELECTION OF PARISH COUNCILLORS for the [Ward of the]
Parish of .

We, the undersigned, being respectively local government electors for the said [Ward] [Parish] do hereby nominate the undermentioned person as a candidate at the election now about to be held.

Names of Candidate.		Place of Residence.	Description.
Surname.	Other Names in full.		
1.	2.	3.	4.

Signature of PROPOSER .....

Place of Residence .....

Date .....

Signature of SECONDER .....

Place of Residence .....

Date .....

Instructions for filling up Nomination Paper.*

(1) The nomination of each candidate must be made on a separate nomination paper.

(2) The surname of the candidate must be inserted in column 1 and the other names of the candidate must be inserted in full in column 2.

(3) Insert in column 3 the place of residence of the candidate.

(4) Insert in column 4 the trade, profession or calling, if any, of the candidate. If none, insert some such description as "gentleman", "married woman", "spinster".

(5)—(i) The nomination paper must be signed by two local government electors for the [Ward] [Parish] and no more; by one as Proposer, and by the other as Seconder. The places of residence of the Proposer and Seconder must also be inserted.

(ii) A local government elector must not sign—

(*a*) more than one nomination paper in respect of the same candidate;

(*b*) more nomination papers than there are Parish Councillors to be elected for the [Ward] [Parish];

†[(*c*) a nomination paper for more than one Ward.]

* These instructions form part of the Nomination Paper.

† If the Parish is not divided into Parish Wards, omit these words.

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FORM C.

*Form of Statement as to Persons Nominated.**

[WARD OF THE] PARISH OF .

The following is a statement as to the persons nominated for election as Parish Councillors for the said [Ward] [Parish].

Persons nominated.			Decision of Returning Officer that Candidate has not been validly nominated.
Names (Surname first).	Place of Residence.	Description.	
1.	2.	3.	4.

The Candidates opposite whose names no entry is made in column 4 have been validly nominated.

Dated this day of , 19 .

.....

Returning Officer.

* If the statement relates to more than one election adapt form accordingly.

FOURTH SCHEDULE.

FORM OF DECLARATION OF ACCEPTANCE OF OFFICE BY THE CHAIRMAN OF A PARISH COUNCIL OR BY A PARISH COUNCILLOR.

I, *A.B.*, having been elected to the office of (*insert description of office*) hereby declare that I take the said office upon myself, and will duly and faithfully fulfil the duties thereof according to the best of my judgment and ability.

Dated this day of , 19 .

Signature .....

This declaration was made and subscribed before me.

A member of the Parish Council .....

FIFTH SCHEDULE.

ADAPTATIONS TO BE MADE IN THE APPLICATION OF PART IV OF THE MUNICIPAL CORPORATIONS ACT, 1882, AND THE MUNICIPAL ELECTIONS (CORRUPT AND ILLEGAL PRACTICES) ACTS, 1884 AND 1911.

Expression used in the above-mentioned Acts.	Adaptation.
borough (except in section 93 (2) of the Act of 1882).	parish.
borough (in section 93 (2) of the Act of 1882).	rural district in which the parish is situate or a borough or urban district contiguous to that rural district.
borough fund or borough rate . .	general rate levied in the parish or any additional item thereof.

Expression used in the above-mentioned Acts.	Adaptation.
corporate office	office of parish councillor.
municipal borough	parish.
municipal election	election of parish councillors.
municipal election court	court constituted to try an election petition in respect of an election of parish councillors.
municipal election list	list of election petitions.
municipal election petition	election petition in respect of an election of parish councillors.
returning officer (in section 88 (2) of the Act of 1882).	returning officer or chairman of the parish meeting for election of parish councillors.
town clerk	clerk of the council of the rural district in which the parish is situate.
ward	parish ward.

S. R. & O., 1936, No. 815.

THE PARISH MEETINGS (POLLS) RULES, 1936, DATED AUGUST 1, 1936, MADE BY THE SECRETARY OF STATE IN PURSUANCE OF THE LOCAL GOVERNMENT ACT, 1933.

In pursuance of the Local Government Act, 1933, I hereby make the following Rules for the conduct of a poll consequent on a parish meeting, other than a poll for the election of parish councillors, and the following Regulations prescribing forms for use thereat.

RULES AND REGULATIONS.

Returning Officer.

1.—(1) The chairman of the parish meeting at which the poll is demanded shall be the returning officer, and if the chairman is for any reason unwilling or unable to act, he shall forthwith appoint another person to be the returning officer.

(2) If the chairman does not act as returning officer he shall send to the returning officer a copy of the resolution in respect of which, the poll is to be taken and the name of the proposer thereof or, if the poll is to be taken on a question of appointment to any office, the full name, place of residence and description of each candidate with respect to whom the poll is to be taken and the name of the proposer of each such candidate.

(3) The returning officer shall appoint an office for the purpose of the poll.

Day of Poll.

2. The poll shall be taken on such day as shall be fixed by the returning officer, being a day not earlier than the fourteenth day nor, unless for special reasons the Secretary of State otherwise directs, later than the twenty-first day, after the day on which the poll was demanded.

Withdrawal of Candidates after Meeting.

3.—(1) If the poll is to be taken on a question of appointment to any office, any candidate for that office may withdraw from his candidature by notice of withdrawal signed by him and attested by one witness and delivered to the returning officer at his office not later than 5 o'clock in the afternoon on the fourth day after the day on which the poll was demanded.

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(2) If by reason of any withdrawal under this Rule the number of remaining candidates becomes equal to or less than the number of persons to be elected, a poll shall not be taken, but those candidates shall be deemed to be elected and the returning officer shall as early as possible publish a notice in the form A in the Third Schedule hereto or in a form to the like effect, stating that no poll will be taken and giving a list of the persons elected, and shall send a copy to each of them and, if he is not the chairman of the meeting at which the poll was demanded, to that chairman.

Identification of Parts of Register.

4. If the parish is comprised in two or more parliamentary polling districts bearing the same distinctive letter, the returning officer shall put a distinguishing sign on the part of the register relating to each parliamentary polling district.

Adaptation of Part IV of Municipal Corporations Act, 1882, *and Municipal Elections (Corrupt and Illegal Practices) Acts,* 1884 *and* 1911.

5. In the application of Part IV of the Municipal Corporations Act, 1882, the Municipal Corporations (Corrupt and Illegal Practices) Act, 1884 (other than the provisions referred to in Section 37 of that Act) and the Municipal Corporations (Corrupt and Illegal Practices) Act, 1911, to a poll consequent on a parish meeting the following adaptations, alterations and exceptions shall have effect :—

(1) The expressions in the second column of the First Schedule hereto shall respectively be substituted for the expressions opposite thereto in the first column of the said Schedule except where the context otherwise requires.

(2) Subsection (2) of section 89 of the Municipal Corporations Act, 1882, shall be adapted and altered so as to read as follows :—

" (2) The security shall be to the amount of fifty pounds unless in any case the High Court or a Judge thereof, on summons order that the same shall be to a less amount, or to a larger amount not exceeding three hundred pounds, and shall be given in the prescribed manner either by a deposit of money or by recognizance entered into by not more than four sureties, or partly in one way and partly in the other."

(3) Subsection (1) of section 16 of the Municipal Elections (Corrupt and Illegal Practices) Act, 1884, shall not prohibit the use of any premises situated in a rural district for holding a meeting for the purpose of promoting or procuring the election of a candidate at a poll consequent on a parish meeting.

(4) Subsection (1) of section 25 of the Municipal Elections (Corrupt and Illegal Practices) Act, 1884, shall be adapted and altered so as to read as follows :—

" (1) An election petition complaining of a poll consequent on a parish meeting on the ground of an illegal practice may be presented at any time within six weeks after the day of the poll."

For the Acts here adapted see Vol. IV, *post.*

Adaptation of Second Schedule to Local Government Act, 1933.

6.—(1) Parts I and II of the Second Schedule to the Local Government Act, 1933 (*a*), shall not apply to a poll consequent on a parish meeting.

(2) In thea pplication of Parts III and IV of the Second Schedule to the Local Government Act, 1933, to a poll consequent on a parish meeting, adaptations, alterations and exceptions shall be made therein so that they shall read as set out in the Second Schedule hereto.

Forms.

7. The notice of poll to be given in accordance with paragraph 2 of the Second Schedule hereto, and the notices to be published in accordance with sub-paragraph (1) of paragraph 38 of the said Schedule, shall respectively be in the appropriate form in the Third Schedule hereto, or in a form to the like effect.

(*a*) *Ante,* p. 1201.

Poll for Part of Parish.

8. If a poll is taken for part of a parish, these Rules shall apply as if such part were a parish.

Computation of Time.

9. In computing any period of time for the purposes of these Rules, a Sunday, Christmas Day, Good Friday, Bank Holiday or day appointed for public thanksgiving or mourning shall be disregarded and any such day shall not be treated as a day for the purpose of any proceeding under these Rules.

Citation, Extent, Date of Commencement and Revocation.

10.—(1) These Rules and Regulations may be cited as the "Parish Meetings (Polls) Rules, 1936".

(2) These Rules and Regulations shall not apply to a poll for the election of parish councillors.

(3) These Rules and Regulations shall come into operation forthwith.

(4) Any order or appointment made or direction or notice given or anything done under the Parish Meetings (Polls) Provisional Rules, 1934, shall have effect as if it had been made, given or done under the corresponding provision of these Rules and Regulations.

(5) The Parish Meetings (Polls) Order, 1894 (*a*), and the Parish Meetings (Polls) Order, 1895 (*b*), are hereby revoked.

JOHN SIMON,
One of His Majesty's Principal Secretaries of State.

Home Office,
Whitehall,
1st August, 1936.

FIRST SCHEDULE.

ADAPTATIONS TO BE MADE IN THE APPLICATION OF PART IV OF THE MUNICIPAL CORPORATIONS ACT, 1882, AND THE MUNICIPAL ELECTIONS (CORRUPT AND ILLEGAL PRACTICES) ACTS, 1884 AND 1911.

Expression used in the above-mentioned Acts.	Adaptation.
borough (except in section 93 (2) of the Act of 1882).	parish.
borough (in section 93 (2) of the Act of 1882).	rural district in which the parish is situate or a borough or urban district contiguous to that rural district.
borough fund or borough rate . .	general rate levied in the parish or any additional item thereof.
corporate office	an office to which the parish meeting may appoint.
municipal borough	parish.
municipal election	poll consequent on a parish meeting.
municipal election court . . .	court constituted to try an election petition in respect of a poll consequent on a parish meeting.
municipal election list . . .	list of election petitions.
municipal election petition . . .	election petition in respect of a poll consequent on a parish meeting.
town clerk	returning officer.
ward	part of a parish.

(*a*) S. R. & O., 1894, No. 738.
(*b*) S. R. & O., 1895, No. 456.

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SECOND SCHEDULE.

ADAPTED PROVISIONS OF THE SECOND SCHEDULE TO THE LOCAL GOVERNMENT ACT, 1933.*

PART III.

PROVISIONS RELATING TO POLLS AND TO THE SUBSEQUENT PROCEEDINGS.

THE POLL.

General conduct of poll.

1. At every poll consequent on a parish meeting the votes shall be given by ballot, and the poll shall be conducted in accordance with the provisions of this Schedule, and if the poll is taken for part of a parish the provisions of this Schedule shall apply as if such part were a parish.

Notice of poll.

2.—(1) The returning officer shall on or before the fifth day before the day of the poll give notice of the poll in the form prescribed by the Secretary of State, specifying—

(*a*) the day and hours fixed for the poll;

(*b*) the question or questions on which the poll is to be taken;

(*c*) if the poll is to be taken on a question of appointment to any office, the number of persons to be elected and the full name, place of residence, and description of each candidate;

(*d*) the name of the proposer of the resolution in respect of which the poll is to be taken or, if the poll is to be taken on a question of appointment to any office, the name of the proposer of each candidate; and

(*f*) the situation of each polling station and the description of the persons entitled to vote thereat.

(3) A notice of poll required to be published under this paragraph shall be published at the places at which public notice of a parish meeting is required to be published (*a*).

Hours of poll.

3. The poll shall be open during such hours as shall be fixed by the county council by any general or special order, so, however, that the poll shall always be open between the hours of 6 and 8 in the evening, or, if no such order is in force in the parish, during such hours as were applicable at the last ordinary election of parish councillors for the parish or, if the matter is not so determinable, between the hours of 4 p.m. and 8 p.m.

Use of schools, public rooms, or churches.

4.—(1) The returning officer may use, free of charge, for the purpose of taking the poll or of counting the votes—

(*a*) a room in a school in receipt of a grant, or in respect of which a grant is made, out of moneys provided by Parliament, from or by the Board of Education; and

(*b*) a room the expense of maintaining which is payable out of any rate.

(2) The returning officer shall make good any damage done to, and defray any expense incurred by the persons having control over, any such room as aforesaid by reason of its being used for the purpose of taking the poll or of counting the votes.

(3) The use of a room in an unoccupied house for the purpose of taking the poll or of counting the votes shall not render a person liable to be rated or to pay any rate for that house.

5. A poll shall not be held in a church, chapel or other place of public worship.

Death of candidate after nomination.

6. If the poll is to be taken on a question of appointment to any office and before the commencement of the poll a candidate dies, the returning officer shall, upon being satisfied of the fact of death, countermand the poll.

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* (The numbering of the paragraphs in this Schedule corresponds to the numbering in the Second Schedule to the Act.)

(*a*) For form of notice of poll, see Sched. III, Form B, *post*, p. 2616.

Provision of polling stations, ballot boxes, &c.

7. The returning officer shall—

(*a*) provide one polling station or such other number of polling stations as the county council may by any general or special order direct, and shall, if more than one polling station is provided, allot the electors to the polling stations in such manner as he thinks most convenient;

(*b*) appoint a presiding officer to preside at each polling station, and such other officers (including poll clerks) as may be necessary for taking the poll and counting the votes;

(*c*) furnish each polling station with such number of compartments as may be necessary in which the electors can mark their votes screened from observations;

(*d*) furnish each presiding officer with such number of ballot boxes and ballot papers (*a*) as in the opinion of the returning officer may be necessary;

(*e*) provide each polling station with materials to enable electors to mark the ballot papers, with instruments for stamping thereon the official mark, and with copies of the register of electors for the parish or such part thereof as contains the names of the electors alloted to vote at the station;

(*f*) do such other acts and things as may be necessary for effectually conducting the poll in manner provided by this Schedule.

8. One or more polling stations may be provided in the same room, but no premises licensed for the sale of intoxicating liquor shall be used for a polling station.

9. A notice, in the appropriate form set forth in Part IV of this Schedule, or as near thereto as circumstances admit, giving directions for the guidance of electors in voting, shall be exhibited outside every polling station, and in every compartment in the polling station (*b*).

Ballot boxes, ballot papers, official mark.

10. Every ballot box shall be so constructed that the ballot papers can be put therein, but cannot be withdrawn therefrom, without the box being unlocked.

11. Every ballot paper—

(*a*) if the poll is taken on a question or questions other than a question of appointment to any office, shall be in the form A set forth in Part IV of this Schedule or as near thereto as circumstances admit and shall state the question or questions on which the poll is to be taken; or, if the poll is taken on a question of appointment to any office, shall be in the form AA set forth in Part IV of this Schedule or as near thereto as circumstances admit and shall contain the full names, places of residence and descriptions of the candidates arranged alphabetically in the order of their surnames and (if there are two or more candidates with the same surname) of their other names;

(*b*) shall be capable of being folded up;

(*c*) shall have a number printed on the back; and

(*d*) shall have attached a counterfoil with the same number printed on the face.

12. The official mark shall be kept secret.

Appointment of polling agents.

13.—(1) If the poll is taken on a question or questions other than a question of appointment to any office, the proposer of each resolution in respect of which the poll is taken or, if the poll is taken on a question of appointment to any office, each candidate for that office, may appoint an agent (in this Schedule referred to as a "polling agent") to attend at each of the polling stations for the purpose of detecting personation.

(2) Notice in writing of any appointment, stating the name and address of the person appointed, shall be given by the proposer or candidate, as the case may be, to the returning officer two clear days at least before the opening of the poll.

(3) If a polling agent dies, or becomes incapable of acting, the proposer or candidate, as the case may be, may appoint another polling agent in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the polling agent so appointed.

(*a*) For form of ballot paper where the question is one of appointment to an office, see Part IV, Form AA, *post*, p. 2613, and in respect of other questions, see *ibid.*, Form A *post*, p. 2613.

(*b*) For form of notice, see Part IV, Form B, *post*, p. 2614.

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(4) A polling agent in respect of whom such notice as aforesaid has been given may, during the hours of the poll, attend at the polling station to which he has been appointed.

Admission to polling station.

14.—(1) No person shall be admitted to vote at any polling station except at the one allotted to him.

(2) The presiding officer shall regulate the number of electors to be admitted to the polling station at the same time, and shall exclude all other persons except the polling agents, the officers appointed under this Schedule, the police officers on duty, and any person accompanying a blind elector for the purpose of assisting him to vote.

(3) Nothing in this paragraph shall affect the provisions of the Police Disabilities Removal Act, 1887, and the Police Disabilities Removal Act, 1893.

Ballot boxes to be sealed.

15. Immediately before the commencement of the poll, the presiding officer shall show the ballot box empty to such persons, if any, as may be present in the polling station, so that they may see that it is empty, and shall then lock it up and place his seal upon it in such manner as to prevent it being opened without breaking the seal, and shall place it in his view for the receipt of ballot papers, and keep it so locked and sealed.

Questions to be put to electors.

16.—(1) The presiding officer may, and, if required by two local government electors or by a polling agent, shall, put to any person applying for a ballot paper at the time of his application, but not afterwards, the following questions, or either of them, that is to say :—

(*a*) Are you the person registered in the register of local government electors now in force for this parish as follows [*read the whole entry from the register*] ?

(*b*) Have you already voted at the present poll ?

(2) A ballot paper shall not be delivered to any person required to answer the above questions, or either of them, unless he has answered the question or questions satisfactorily.

(3) Save as by this paragraph authorised, no inquiry shall be permitted as to the right of any person to vote.

Challenge of elector by polling agent.

17.—(1) If at the time a person applies for a ballot paper, or after he has applied for a ballot paper and before he has left the polling station, a polling agent declares to the presiding officer that he has reasonable cause to believe that the applicant has committed an offence of personation under the Local Government Act, 1933, and undertakes to substantiate the charge in a court of law, the presiding officer may order a police officer to arrest the applicant, and the order of the presiding officer shall be sufficient authority for the police officer so to do.

(2) A person against whom a declaration is made under this paragraph by a polling agent shall not, by reason thereof, be prevented from voting, but the presiding officer shall cause the words " protested against for personation " to be placed against his name in the marked copy of the register of electors.

(3) A person arrested under the provisions of this paragraph shall be dealt with as a person taken into custody by a police officer for an offence without a warrant.

Marking of ballot papers.

18. A ballot paper shall be delivered to an elector who applies therefor, and immediately before delivery—

(*a*) the ballot paper shall be marked with the official mark, either embossed or perforated ;

(*b*) the number, name, and description of the elector as stated in the copy of the register shall be called out ;

(*c*) the number of the elector shall be marked on the counterfoil together with the distinctive letter of the parliamentary polling district in which the elector is registered, and the distinguishing sign, if any ; and

(*d*) a mark shall be placed in the register against the number of the elector to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received.

19. The elector, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and there secretly mark his paper and fold it up so as to

conceal his vote, and shall then show to the presiding officer the back of the paper, so as to disclose the official mark, and put the ballot paper, so folded up, into the ballot box in the presence of the presiding officer. The elector shall vote without undue delay, and shall leave the polling station as soon as he has put his ballot paper into the ballot box.

20.—(1) The presiding officer, on the application of—

(*a*) an elector who is incapacitated by blindness or other physical cause from voting in manner directed by this Schedule; or

(*b*) if the poll is taken on a Saturday, of an elector who declares that he is a Jew, and objects on religious grounds to vote in manner directed by this Schedule; or

(*c*) of an elector who makes a declaration that he is unable to read (in this Schedule referred to as "the declaration of inability to read")

shall, in the presence of the polling agents, cause the vote of the elector to be marked on a ballot paper in manner directed by the elector, and the ballot paper to be placed in the ballot box.

(2) The name and number on the register of electors of every elector whose vote is marked in pursuance of this paragraph, and the reason why it is so marked, shall be entered on a list (in this Schedule called "the list of votes marked by the presiding officer") (*a*).

21.—(1) Where an elector who is accompanied by another person makes application to the presiding officer to be allowed on the ground of blindness to vote with the assistance of the person accompanying him (in this Schedule referred to as "the companion"), the presiding officer shall require the elector to declare orally whether he is so incapacitated by his blindness as to be unable to vote without assistance.

(2) If the presiding officer is satisfied that the elector is so incapacitated and is also satisfied by a written declaration made by the companion (in this Schedule referred to as "the declaration made by the companion of a blind elector") that the companion is a qualified person within the meaning of this paragraph and has not previously assisted more than one blind person to vote at the poll then being taken, the presiding officer shall grant the application, and thereupon anything which is by this Schedule required to be done to or by the said elector in connection with the giving of his vote, may be done to, or with the assistance of, the companion, as the case may be.

(3) For the purposes of this paragraph a person shall be qualified to assist a blind elector to vote, if that person is either—

(*a*) a person who is entitled to vote at the poll then being taken; or

(*b*) the father, mother, brother, sister, husband, wife, son or daughter of the blind elector and has attained the age of twenty-one years.

(4) The name and number on the register of electors of every elector whose vote is given in accordance with this paragraph and the name and address of the companion shall be entered on a list (in this Schedule called "the list of blind electors assisted by companions") (*b*).

22.—(1) The declaration of inability to read and the declaration made by the companion of a blind elector—

(*a*) shall be in the appropriate form set forth in Part IV of this Schedule, or as near thereto as circumstances admit; and

(*b*) shall be made before the presiding officer at the time when the elector applies for a ballot paper or applies to vote with the assistance of the companion, as the case may be, and shall forthwith be handed to the presiding officer, who shall attest and retain it.

(2) No fee, stamp or other payment shall be charged in respect of the declaration.

Tendered ballot papers.

23. If a person, representing himself to be a particular elector named on the register, applies for a ballot paper after another person has voted as such elector, the applicant shall, upon satisfactorily answering the questions set out in paragraph 16 of this Part of this Schedule, be entitled to mark a ballot paper in the same manner as any other elector, but the ballot paper (in this Schedule called "a tendered ballot paper") shall be of a colour differing from the other ballot papers, and instead of being put into the ballot box shall be given to the presiding officer and endorsed by him with the name of the elector and his number in the register of electors, and set aside in a separate packet, and shall not be counted by the returning officer; and the name of the elector and his number on

(*a*) For form of declaration of inability to read, see Part IV, Form D, *post*, p. 2615.

(*b*) For form of declaration by companion of a blind elector, see Part IV, Form E, *post*, p. 2615.

the register together with the distinctive letter of the parliamentary polling district and the distinguishing sign, if any, shall be entered on a list (in this Schedule called "the tendered votes list").

Spoilt ballot papers.

24. An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving the fact of the inadvertence to the satisfaction of the presiding officer, obtain another ballot paper in the place of the ballot paper so delivered up (in this Schedule called "a spoilt ballot paper"), and the spoilt ballot paper shall be immediately cancelled.

Powers of presiding officer in adjourning poll.

25. For the purpose of the adjournment of the poll in the event of riot or open violence and of every other enactment relating to the poll, a presiding officer shall have the power by law belonging to a presiding officer at a parliamentary election.

Packets of ballot papers, &c., to be sealed.

26. As soon as practicable after the close of the poll, the presiding officer shall, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals,—

(*a*) each ballot box in use at his station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key attached;

(*b*) the unused and spoilt ballot papers, placed together;

(*c*) the tendered ballot papers;

(*d*) the marked copies of the register of electors and the counterfoils of the ballot papers;

(*e*) the tendered votes list, the list of blind electors assisted by companions, the list of votes marked by the presiding officer, a statement of the number of electors whose votes are so marked by the presiding officer under the heads "physical incapacity," "Jews," and "unable to read," the declarations made by the companions of blind electors, and the declarations of inability to read;

and unless he is himself the returning officer shall deliver the packets to the returning officer to be taken charge of by him.

27. The packets shall be accompanied by a statement (in this Schedule referred to as "the ballot paper account") made by the presiding officer showing the number of ballot papers entrusted to him, and accounting for them under the heads of—

(*a*) ballot papers in the ballot box;

(*b*) unused and spoilt ballot papers;

(*c*) tendered ballot papers.

COUNTING OF VOTES.

Appointment of counting agents.

28.—(1) If the poll is taken on a question other than a question of appointment to any office, the proposer of each resolution in respect of which a poll is taken or, if the poll is taken on a question of appointment to any office, each candidate for that office, may appoint an agent (in this Schedule referred to as "a counting agent") to attend at the counting of the votes.

(2) Notice in writing of every appointment, stating the name and address of the person appointed, shall be given by the proposer or candidate, as the case may be, to the returning officer two clear days at least before the opening of the poll; and the returning officer may refuse to admit to the place where the votes are counted any counting agent whose name and address has not been so given, notwithstanding that his appointment may be otherwise valid, and any notice required to be given to a counting agent by the returning officer may be delivered at or sent by post to the address stated in the notice.

(3) If a counting agent dies, or becomes incapable of acting, the proposer or candidate, as the case may be, may appoint another counting agent in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the counting agent so appointed.

29. The returning officer shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the close of the poll, and shall give to the agents notice in writing of the time and place at which he will begin to count the votes.

The count.

30. Except with the consent of the returning officer, no person other than the returning officer, the persons appointed to assist him, and the counting agents may be present at the counting of the votes.

31.—(1) If a poll has been taken only on a question of appointment to an office, or only on some other question or questions, before the returning officer proceeds to count the votes, he shall, in the presence of the counting agents, open each ballot box, and taking out his papers therein, shall count and record the number thereof, and then mix together the whole of the ballot papers contained in the ballot boxes.

(2) If polls have been taken together both on a question of appointment to an office and on some other question or questions, before the returning officer proceeds to count the votes, he shall, in the presence of the counting agents, open one of the ballot boxes and taking out the papers therein shall separate those relating to the one poll from any relating to the other poll, and shall count and record the number of ballot papers relating to each poll. He shall then place the ballot papers relating to each poll in separate packets, and shall proceed in like manner with any other ballot boxes and papers therein. When all the ballot boxes and the papers therein have been so dealt with, he shall take all the packets of ballot papers relating to one poll and shall mix all such papers together and shall proceed to count the votes, keeping apart the papers relating to any other poll until he has completed such counting. He shall afterwards deal in manner aforesaid with the packets and papers relating to the other poll or polls.

32. The returning officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards, and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.

33. The returning officer shall, so far as practicable, proceed continuously with counting the votes, allowing only time for refreshment, and excluding (if and so far as he thinks it necessary) the hours between eight o'clock in the evening and nine o'clock on the succeeding morning. During the excluded time the returning officer shall place the ballot papers and other documents relating to the poll under his own seal and the seals of such of the counting agents as desire to affix their seals, and shall otherwise take proper precautions for the security of the papers and documents.

Void ballot papers.

34. Any ballot paper—

(*a*) which does not bear the official mark; or

(*b*) on which votes are given for more candidates than the elector is entitled to vote for; or

(*c*) on which anything is written or marked by which the elector can be identified except the printed number on the back; or

(*d*) which is unmarked or void for uncertainty;

shall not be counted:

Provided that where the elector is entitled to vote for more than one candidate, the ballot paper shall not be deemed to be void as regards any vote as to which no uncertainty arises, and that vote shall be counted.

35.—(1) The returning officer shall endorse—

(*a*) the word "rejected" on any ballot paper which under the last preceding paragraph is not to be counted; and

(*b*) in the case of a ballot paper on which any vote is counted under the proviso to that paragraph, the words "rejected in part" and a memorandum specifying the votes counted.

(2) The returning officer shall in either case add to the endorsement the words "rejection objected to," if an objection is made by any counting agent to his decision.

(3) The returning officer shall draw up a statement showing the number of ballot papers rejected, including those rejected in part, under the several heads of—

(*a*) want of official mark;

(*b*) voting for more candidates than entitled to;

(*c*) writing or mark by which elector could be identified;

(*d*) unmarked or wholly void for uncertainty;

(*e*) rejected in part;

and shall, on request, allow any counting agent to copy the statement.

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36. The decision of the returning officer as to any question arising in respect of any ballot paper shall be final, but shall be subject to review on an election petition questioning the poll.

Equality of votes.

37. Where an equality of votes is found to exist, and the addition of a vote would decide the question on which the poll is taken, or would entitle any of the candidates to be declared elected, the returning officer, whether or not entitled to vote in the first instance, may give a casting vote by word of mouth or in writing.

Declaration of result.

38.—(1) When the result of the poll has been ascertained, the returning officer shall forthwith—

(i) in the case of a poll on a question other than a question of appointment to any office, declare the number of votes given for and against the proposal to which the question relates, and whether the proposal has been carried (regard being had to any particular majority which may be required) or lost, and shall as soon as possible publish a notice, in the form prescribed by the Secretary of State, of the result as declared; or

(ii) in the case of a poll on a question of appointment to any office, declare to be elected the candidate or candidates to whom the majority of votes have been given, and shall as soon as possible publish a notice, in the form prescribed by the Secretary of State, showing the name or names of the candidate or candidates elected and the total number of votes given for each candidate, whether elected or not.

(2) The returning officer, if he is not the chairman of the meeting at which the poll was demanded, shall forthwith return the result of the poll, or the names of the persons elected, as the case may be, to that chairman (*a*).

Disposal of ballot papers, &c., after poll.

39. Upon the completion of the counting the returning officer shall seal up in separate packets the counted and rejected ballot papers, including ballot papers rejected in part. He shall not open the sealed packet of tendered ballot papers or the sealed packet containing the marked copy of the register of electors and counterfoils, but shall proceed, in the presence of the counting agents, to verify the ballot paper account given by each presiding officer by comparing it with the number of ballot papers recorded by him under paragraph 31 of this Part of this Schedule, and the unused and spoilt ballot papers in his possession and the tendered votes list, and shall reseal each sealed packet after examination. The returning officer shall draw up a statement as to the result of the verification and shall, on request, allow any counting agent to copy the statement.

40. The returning officer shall carefully preserve for the period specified in paragraph 44 all the packets of ballot papers in his possession, together with the said statements, the ballot paper accounts, tendered votes lists, lists of blind electors assisted by companions, lists of votes marked by the presiding officer, statements relating thereto, declarations made by the companions of blind electors, declarations of inability to read, packets of counterfoils, and marked copies of registers, sent by each presiding officer, endorsing on each packet a description of its contents and the date of the poll to which they relate, and the name of the parish for which the poll was held.

41.—(1) A county court having jurisdiction in the parish, or any part thereof, or an election court, on being satisfied by evidence on oath—

(*a*) that the inspection or production of any rejected ballot papers, including ballot papers rejected in part; or

(*b*) that the opening of the sealed packet of counterfoils or the inspection of counted ballot papers,

is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning a poll, may make an order for the inspection or production of any such ballot papers or the opening of the sealed packet of counterfoils.

(2) An order made under this paragraph may be made subject to such conditions as to persons, time, place and mode of inspection or production of ballot papers or of opening the sealed packet of counterfoils as the court may think expedient, and may direct the returning officer having custody of the ballot papers and the sealed packet of counterfoils to retain them intact for such period as may be specified in the order.

(*a*) For forms of declaration of result in cases of appointment to an office or otherwise see respectively Sched. III, Forms C and D, *post*, pp. 2616, 2617.

(3) Any power given to a county court by this paragraph may be exercised by any judge of the county court otherwise than in open court.

(4) In making and carrying into effect an order under this paragraph, care shall be taken that the way in which any particular elector has voted shall not be disclosed, until it has been proved that he voted and his vote has been declared by a competent court to be invalid.

(5) An appeal shall lie to the High Court from any order of a county court made under this paragraph.

42. Except by order of a court made under the last preceding paragraph, no person shall be allowed to inspect any ballot papers in the custody of the returning officer or to open the sealed packet of counterfoils.

43. Where an order is made for the production by the returning officer of any document in his possession relating to any specified election, the production by that returning officer or his agent of the document ordered, in such manner as may be directed by the order, shall be conclusive evidence that the document so produced relates to the specified poll; and any endorsement appearing on any packet of ballot papers produced by that returning officer or his agent shall be *primâ facie* evidence of those papers being what they are stated to be by the endorsement. The production from proper custody of a ballot paper purporting to have been used at any poll, and of a counterfoil marked with the same printed number and having a number marked thereon in writing shall be *primâ facie* evidence that the person who voted by that ballot paper was the person who at the time of that poll had affixed to his name in the register of electors at that poll the same number as the number written on that counterfoil.

44. The returning officer shall retain for six months all documents relating to a poll, and then, unless otherwise directed by an order made under paragraph 41 of this Part of this Schedule, shall cause them to be destroyed.

45. All documents retained by a returning officer in pursuance of this Schedule, other than ballot papers and counterfoils, shall, during a period of six months from the day of the poll, be open to public inspection at such time and in such manner as may be determined by the county council, and the returning officer shall supply copies of or extracts from the said documents to any person demanding the same on payment of such fees and subject to such conditions as may be determined by the county council.

GENERAL PROVISIONS AS TO POLLS.

47. The returning officer may, if he thinks fit, preside at a polling station, and the provisions of this Part of this Schedule relating to a presiding officer shall apply to a returning officer so presiding with the necessary modifications as to things to be done by the returning officer to the presiding officer, or by the presiding officer to the returning officer.

48.—(1) No returning officer, or officer appointed under this Schedule, or any partner or clerk of any such officer, shall act as a polling or counting agent.

(2) If any returning officer, or officer appointed under this Part of this Schedule, or the partner or clerk of any such officer, acts as a polling or counting agent in contravention of the provisions of this paragraph, he shall be guilty of a misdemeanour.

49. No person shall be appointed to act as an officer under this Part of this Schedule for the purposes of a poll who has been employed by or on behalf of any person in or about the poll.

50. A presiding officer may do, by the officers appointed to assist him, any act which he is required or authorised by this Part of this Schedule to do at a polling station except ordering the arrest, exclusion, or removal of any person from the polling station.

51. A person authorised by paragraph 13 or paragraph 28 of this Part of this Schedule to appoint a polling agent or a counting agent may himself do any act or thing which an agent of his, if appointed, would have been authorised or required to do, but before acting under this paragraph the person shall make the declaration of secrecy required to be made by agents.

52. Where in this Part of this Schedule any act or thing is required or authorised to be done in the presence of the polling agents or counting agents, the non-attendance of any agents or agent at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Prohibition of disclosure of vote.

53. No person who has voted at a poll shall, in any legal proceeding to question the poll, be required to state how or for whom he has voted.

ELECTIONS

Requirement of Secrecy.

54.—(1) Every returning officer, and every officer, polling agent or counting agent, authorised to attend at a polling station or at the counting of the votes, shall, before the opening of the poll, or in the case of an agent appointed after the opening of the poll, before acting as such agent, make a declaration of secrecy in the form set forth in Part IV of this Schedule, or in a form as near thereto as circumstances admit.

(2) In the case of a returning officer the declaration shall be made in the presence of a justice of the peace, and in the case of any other officer or of an agent, the declaration shall be made either in the presence of a justice of the peace or of the returning officer.

(3) Save as aforesaid, no such returning officer, officer or agent shall be required, as such, to make any declaration or to take any oath on the occasion of an election.

(4) Every returning officer, and every officer, polling agent or counting agent in attendance at a polling station or at the counting of the votes, shall maintain and aid in maintaining secrecy of the voting.

(5) No person, being a returning officer, or officer appointed under this Part of this Schedule, or polling agent or counting agent, shall—

(*a*) except for some purpose authorised by law, communicate before the poll is closed to any person any information as to—

(i) the name or number on the register of any elector who has or has not applied for a ballot paper or voted at a polling station; or

(ii) the official mark; or

(*b*) ascertain or attempt to ascertain at the counting of the votes, the number on the back of any ballot paper; or

(*c*) communicate any information obtained at the counting of the votes, as to the manner in which, or as to the candidate for whom, any vote is given on any particular ballot paper.

(6) No person, whether or not such an officer, polling agent or counting agent as aforesaid, shall—

(*a*) interfere with or attempt to interfere with an elector when recording his vote; or

(*b*) otherwise obtain or attempt to obtain in a polling station information as to the manner in which, or as to the candidate for whom, an elector in that station is about to vote or has voted; or

(*c*) communicate at any time to any person any information obtained in a polling station as to the manner in which, or as to the candidate for whom, an elector in that station is about to vote or has voted, or as to the number on the back of the ballot paper given to an elector at that station; or

(*d*) directly or indirectly induce an elector to display his ballot paper after he has marked it so as to make known to any person the manner in which, or the name of the candidate for or against whom, he has so marked his vote.

(7) No person having undertaken to assist a blind elector to vote shall communicate at any time to any person any information as to the manner in which, or as to the candidate for whom, that elector intends to vote or has voted, or as to the number on the back of the ballot paper given for the use of that elector.

(8) If any person acts in contravention of the provisions of this paragraph, he shall be liable on summary conviction to imprisonment for a term not exceeding six months (*a*).

55.—Any justice of the peace, any returning officer and any presiding officer may take any declaration authorised by this Part of this Schedule to be made before him.

Keeping of order in station.

56.—(1) It shall be the duty of the presiding officer to keep order at his polling station.

(2) If any person misconducts himself in a polling station, or fails to obey the lawful orders of the presiding officer, he may immediately, by order of the presiding officer, be removed from the polling station by a police officer in or near that station, or by any other person authorised in writing by the returning officer to remove him; and the person so removed shall not, without the permission of the presiding officer, again enter the polling station during the day.

(3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a police officer for an offence without a warrant.

(*a*) For form of declaration of secrecy, see Part IV, Form C, *post*, p. 2615.

(4) The powers conferred by this paragraph shall not be exercised so as to prevent an elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

PART IV.

FORMS FOR USE AT A POLL CONSEQUENT ON A PARISH MEETING.

Note.—The forms contained in this Part of this Schedule, or forms as nearly resembling the same as circumstances will admit, shall be used in all cases to which they refer and are applicable, and when so used shall be sufficient in law.

FORM A.

Form of Ballot Paper on a question other than a question of appointment to an office.

Form of Front of Ballot Paper.

POLL ON THE FOLLOWING QUESTIONS.

Counterfoil No.

Questions.	Answers. Yes.	Answers. No.
1. That the Parish Meeting consent to the Parish being grouped with the Parish of Blackacre under a common Parish Council.		
2. That the Lighting and Watching Act, 1833, be adopted for the Parish.		

NOTE: *The counterfoil is to have a number to correspond with that on the back of the Ballot Paper.*

Form of Back of Ballot Paper.

No.

Poll consequent on Parish Meeting for the Parish of .

Note.—The number on the ballot paper is to correspond with that on the counterfoil.

Directions as to printing ballot paper.

Nothing is to be printed on the ballot paper except in accordance with this Schedule.

FORM AA.

Form of Ballot Paper on a question of appointment to an office.

Form of Front of Ballot Paper.

Counterfoil No.

1	BROWN (John Brown, of 52, George Street, Bristol, merchant.)	
2	JONES (William David Jones, of High Elms, Wilts, Gentleman.)	
3	MERTON (Hon. George Travis, commonly called Viscount Merton, of Swanworth, Berks.)	
4	SMITH (Mary Smith, of 72, High Street, Bath, married woman.)	

NOTE: *The counterfoil is to have a number to correspond with that on the back of the Ballot Paper.*

Form of Back of Ballot Paper.

No.

Poll on appointment of [*insert name of office*] for the Parish of .

Note.—The number on the ballot paper is to correspond with that on the counterfoil.

Directions as to printing ballot paper.

Nothing is to be printed on the ballot paper except in accordance with this Schedule.

The surname of each candidate, and if there are two or more candidates of the same surname, also the other names of such candidates, shall be printed in large characters, as shown in the form, and the names, places of residence, and descriptions, and the number on the back of the paper, shall be printed in small characters.

If the poll is taken on questions of appointment to two or more offices, the form of ballot paper shall be adapted so as to show separately each such office and the candidates therefor.

Forms of directions for the guidance of the elector in voting, which shall be printed in conspicuous characters, and exhibited outside every polling station and in every compartment of every polling station.

FORM B.

Note.—This form is to be used when the Ballot Papers are in form A.

The elector will go into one of the compartments, and, with the pencil provided in the compartment, place a cross thus **X** in the column of the ballot paper headed "Yes," or in that headed "No," according as he wishes to vote in favour of or against the question opposite which he places the cross.

The elector may vote in the manner above described on each question referred to in the ballot paper where more than one question is there mentioned.

When the elector has voted, he will fold up the ballot paper so as to show the official mark on the back, and leaving the compartment will, without showing the front of the paper to any person, show the official mark on the back to the presiding officer, and then, in the presence of the presiding officer, put the paper into the ballot box and forthwith quit the polling station.

If the elector inadvertently spoils a ballot paper, he can return it to the officer, who will, if satisfied of such inadvertence, give him another paper.

If the elector places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the elector takes a ballot paper out of the polling station, or deposits in the ballot box any other paper than the one given him by the officer, he will be liable, on summary conviction, to imprisonment for a term not exceeding six months.

FORM BB.

Note.—This form is to be used when the Ballot Papers are in form AA.*

* If the poll is taken on questions of appointment to two or more offices, adapt form accordingly.

The elector may vote for candidate as [*insert name of office*].

The elector will go into one of the compartments, and, with the pencil provided in the compartment, place a cross on the right-hand side of the ballot paper, opposite the name of each candidate for whom he votes, thus **X**.

The elector will then fold up the ballot paper so as to show the official mark on the back, and leaving the compartment will, without showing the front of the paper to any person, show the official mark on the back to the presiding officer, and then, in the presence of the presiding officer, put the paper into the ballot box, and forthwith quit the polling station.

If the elector inadvertently spoils a ballot paper, he can return it to the officer, who will, if satisfied of such inadvertence, give him another paper.

If the elector votes for more than candidate , or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the elector fraudulently takes a ballot paper out of the polling station, or deposits in the ballot box any other paper than the one given him by the officer, he will be liable, on summary conviction, to imprisonment for a term not exceeding six months.

FORM C.

Form of declaration of secrecy.

I solemnly promise and declare, That I will not at this poll do anything forbidden by sub-paragraphs (4), (5), (6) and (8) of paragraph 54 of Part III of the Second Schedule to the Local Government Act, 1933, as adapted and altered by the Parish Meetings (Polls) Rules, which sub-paragraphs have been read by me.

FORM D.

Form of declaration of inability to read

I, A.B., of , being numbered on the register of local government electors for the parish of do hereby declare that I am unable to read.

A.B., his mark

day of 19 .

I, the undersigned, being the presiding officer for the polling station for the parish of , do hereby certify that the above declaration, having been first read to the above-named *A.B.*, was signed by him in my presence with his mark.

Signed, *C.D.*,

day of 19 .

FORM E.

Form of declaration to be made by the companion of a blind elector.

I, *A.B.*, of , having been requested to assist *C.D.*, who is numbered on the register of local government electors for the parish of , to record his vote at the poll now being held for [the said parish] [part of the said parish] do hereby declare that [I am entitled to vote at the said poll] [I am the (*state the relationship of the companion to the elector*) of the said elector and have attained the age of twenty-one years], and that I have not previously assisted any blind person [except *E.F.* of] to vote at the said poll.

Signed, *A.B.*

day of 19 .

I, the undersigned, being the presiding officer for the polling station for the parish of , do hereby certify that the above declaration, having been first read to the above-named declarant, was signed by the declarant in my presence.

Signed, *G.H.*,

day of 19 ,

at minutes past o'clock in the noon.

Note.—If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he will be guilty of an offence.

THIRD SCHEDULE.

FORM A.

Notice of Abandonment of Poll.

Parish of

Whereas at a Parish Meeting for the Parish of held on the day of , 19 , a demand was made for a Poll as to which of the following candidates should be appointed as [*insert name of office*] for the said Parish, and such demand was not withdrawn :—[*Insert names, place of abode, and description of each candidate.*]

And whereas the said [*insert name*] has since withdrawn his candidature and the number of the remaining candidates does not exceed the number of persons to be appointed to the said office, I hereby give notice that the Poll demanded will not take place, and I hereby declare that the said [*insert names*] are appointed to the said office.

Dated this day of , 19 .

.....

Returning Officer.

FORM B.

Notice of Poll.

Parish of

Whereas at a Parish Meeting for the Parish of , held on th day of , 19 , a Poll was demanded o the following question[s], viz. [*state the question or questions on which the poll is to be taken*

NOTICE IS HEREBY GIVEN THAT—

1. A Poll on the said question[s] will be taken on the day of , 19 , between the hours of and

*2. The number of persons to be appointed as [*insert name of office*] is

*3. The names, places of residence, and descriptions of the Candidates for electio and the names of their respective Proposers are as follows :—

Names of Candidate (Surname first).†	Place of Residence.	Description.	Names of Proposer (Surname first).

‡4. The Polling Stations are situated as follows :—

5. The description of the persons entitled to vote at the several Polling Stations is a follows :—

Dated this day of , 19 .

.....

Returning Officer.

[*State office for purpose of poll.*]

FORM C.

Declaration of Result of Poll on a Question other than a Question of Appointment to an Office.

Parish of .

Whereas a poll of the Local Government Electors of the Parish of wa taken on the day of , 19 , on the following question[s], viz. [*state the question or questions upon which the poll was taken*].

I, the undersigned, being the Returning Officer at the said poll, hereby give notice tha the number of votes given thereat is as follows :—

For the proposal . . . . . votes.

Against the proposal . . . . . votes.

Majority for [*or* against] . . . . . .

And I hereby declare that the said proposal was carried § [*or* lost].

Dated this day of , 19 .

.....

Returning Officer.

* If the Poll does not relate to a question of appointment to any office omit this paragraph. If it relates to questions of appointment to two or more offices adapt form accordingly.

† Insert particulars as to each Candidate with respect to whom the poll is to be taken, in the alphabetical order of the Candidates surnames.

‡ If there is only one Polling Station, adapt form accordingly.

§ If the proposal was one which required a particular majority, and this has not been obtained, modify the form accordingly.

FORM CC.

*Declaration of Result of Poll on a Question of Appointment to an Office.**

Parish of .

Whereas a poll of the Local Government Electors of the Parish of was taken on the day of , 19 , as to the person [*or* persons] to be appointed as [*insert name of office*] for the Parish.

I, the undersigned, being the Returning Officer at the said poll, hereby give notice that the number of votes given for each candidate at the poll is as follows :—

Names of Candidates.		Places of Residence.	Number of Votes given.
Surnames.	Other Names.		

And I hereby declare that the said are duly appointed to the said office.

Dated this day of , 19 .

.....
Returning Officer.

* If the poll has been taken on questions of appointment to two or more offices, adapt form accordingly.

S. R. & O., 1921, No. 959.

THE MINISTRY OF HEALTH (REGISTRATION AND ELECTIONS, TRANSFER OF POWERS) ORDER, 1921. DATED MAY 27TH, 1921.

Whereas by sub-sections (3) and (4) of section 3 of the Ministry of Health Act, 1919, it is provided that His Majesty may by Order in Council transfer from the Minister of Health to any other Government Department any of the powers and duties of the Minister which appear to His Majesty not to relate to matters affecting or incidental to the health of the people, and may by Order in Council make such incidental, consequential and supplemental provisions as may be necessary or expedient for the purposes of giving full effect to such transfer :

And whereas the Minister of Health as successor to the Local Government Board exercises and performs under divers statutes certain powers and duties relating to the registration of electors and the conduct of elections, which appear to His Majesty not to affect or be incidental to the health of the people, and it is expedient that the said powers and duties should be transferred to the Secretary of State :

Now, therefore, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, as follows :—

1.—(1) This Order may be cited as the Ministry of Health (Registration and Elections, Transfer of Powers) Order, 1921.

(2) The Interpretation Act, 1889, applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2.—(1) As from the date of this Order, the powers and duties of the Minister of Health, as successor to the Local Government Board, set out in the Schedule to this Order, shall be transferred to the Secretary of State, and the enactments specified

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in the first column of the said Schedule shall be read as though the Secretary of State were substituted for the Local Government Board in those enactments.

(2) For the purposes of paragraphs (*d*) and (*e*) of sub-section (1) of section 57 of the Local Government Act, 1888, of section 71 of the Local Government Act, 1894 (but only so far as regards Orders made by a county council relating to elections), and of sub-section (3) of section 31 of, and paragraph (27) of the First Schedule to the Representation of the People Act, 1918, the Secretary of State shall be substituted for the Local Government Board in those sections, sub-sections or paragraphs, as the case may be.

(3) References to the Secretary of State shall be substituted for references to the Local Government Board or to the Minister of Health, as the case may be, in the Representation of the People Order, as amended by any subsequent Order, and in any other Order, Regulations or Rules made by the Local Government Board or by the Minister of Health in pursuance of the Representation of the People Act, 1918, as amended by any subsequent Act, or of any of the powers or duties hereby transferred to the Secretary of State.

Sect. 57 of the L.G.A., 1888, and Sect. 71 of the L.G.A., 1894, are repealed by the L.G.A., 1933, see now ss. 37 (1) and 56 thereof, *ante*, pp. 771, 778. The Representation of the People Act, 1918, is printed in a later volume of this work.

3. Any duties heretofore assigned to the Registrar-General by the Minister of Health in relation to any of the powers and duties of the Minister hereby transferred to the Secretary of State shall, as from the date of this Order, be performed by the Registrar-General under the control and direction of the Secretary of State.

SCHEDULE.

Sections and sub-sections of Statute.	Power or duty to be transferred to the Secretary of State.
Local Government Act, 1888. Section 54 (1) (*e*).	To make Orders altering the boundary of any electoral divisions of a county or of the number of county councillors and electoral divisions in a county.
Local Government Act, 1894. Section 3 (6) and section 48 (2).	To frame rules for the election of parish councillors.
Section 20 (5) and section 48 (2).	To frame rules for the election of guardians.
Section 23 (5) and section 48 (2).	To frame rules for the election of urban district councillors.
Section 24 (4) and section 48 (2).	To frame rules for the election of rural district councillors.
Section 31 (1) as amended by section 2 (5) of the London Government Act, 1899.	To frame rules for the election of metropolitan borough councillors.
London Government Act, 1899. Section 26 (1) and (2).	To make Orders for the alteration of the number of wards for a metropolitan borough, or of the boundaries of any ward, or of the apportionment of the members of the ward.
Representation of the People Act, 1918. Section 12 (2).	To make Orders with regard to the registration officer in cases where the registration area is not co-terminous with or wholly contained in one administrative county or municipal borough.
Section 12 (3).	To approve deputy of registration officer.
Section 13 (1).	To give general or special directions with respect to arrangements made by registration officer for carrying out his duties as to registration.

Sections and sub-sections of Statute.	Power or duty to be transferred to the Secretary of State.
Representation of the People Act, 1918—*continued.*	
Section 15 (1).	To direct amount of contributions towards expenses of registration officer by the council of any county or borough other than the council whose clerk the registration officer is or by whom he is appointed.
Section 15 (2).	To determine any question arising whether certain expenses incurred by the registration officer have been properly incurred.
Section 18 (*d*).	To determine in certain cases questions relating to the compensation payable to existing officers.
Section 28 (4).	To designate the returning officer in certain cases.
Section 30.	To approve appointment of deputy for acting returning officer.
Section 31 (2).	To alter, or direct alteration of, division of constituency into polling districts and appointment of polling places.
Section 46 (3).	To make Orders for the removing of difficulties as to the preparation of the register or the holding of elections.
First Schedule, paragraph (18).	To render assistance required by Admiralty, Army Council, or Air Ministry, in conveying information to registration officer.
Sixth Schedule, paragraph (7).	To make adaptations in the provisions of any Act, etc., for the purpose of making those provisions conform with the provisions of the Representation of the People Act, 1918.
Ninth Schedule, paragraph (5).	To determine doubts as to the constituency in which any parish is intended by the Schedule to be included.

ELECTRIC LIGHTING AND POWER.

S. R. & O., 1922, No. 728.

THE ELECTRICITY COMMISSIONERS (COSTS AND EXPENSES) RULES, 1922, DATED JULY 4TH, 1922, MADE BY THE ELECTRICITY COMMISSIONERS UNDER SECTION 34 OF THE ELECTRICITY (SUPPLY) ACT, 1919.

1. All costs and expenses of the Electricity Commissioners of and incident to or arising out of any inquiry held or inspection made by them or on their behalf or any application or proceedings before them shall (if so directed) be borne and paid by the applicants and other parties concerned, or by such of them and in such proportions at such time and in such manner (including the giving of security for any such costs and expenses) as the Electricity Commissioners may direct.

2. These Rules may be cited as the Electricity Commissioners (Costs and Expenses) Rules, 1922, and shall come into operation as from the date hereof.

Given under the hand of the Secretary to the Electricity Commissioners, this fourth day of July, 1922.

R. T. G. FRENCH,
Secretary to the
Electricity Commissioners.

S. R. & O., 1922, No. 1165.

THE ELECTRICITY (MINISTRY OF TRANSPORT) COSTS AND EXPENSES RULES, 1922, DATED OCTOBER 11TH, 1922, MADE BY THE MINISTER OF TRANSPORT UNDER SECTION 34 OF THE ELECTRICITY (SUPPLY) ACT, 1919.

The following Rules are made by the Minister of Transport by virtue of the powers in that behalf conferred upon him by Section 34 of the Electricity (Supply) Act, 1919, and by the Ministry of Transport (Electricity Supply) Order, 1920, and any and every other power thereunto him enabling that is to say :—

1. All costs and expenses of the Minister of Transport of and incident to or arising out of any inquiry held or inspection made by him or on his behalf or any application or proceedings before him shall (if so directed) be borne and paid by the applicants and other parties concerned, or by such of them and in such proportions at such time and in such manner (including the giving of security for any such costs and expenses) as the Minister of Transport may direct.

2. These Rules may be cited as " The Electricity (Ministry of Transport) Costs and Expenses Rules, 1922," and shall come into operation as from the date hereof.

Given under the Seal of the Minister of Transport this Eleventh day of October, 1922.

(L.S.) J. R. BROOKE,
An Assistant Secretary.

NOTE.—The foregoing Statutory Rules supersede the Provisional Rules dated May 19th, 1922, relating to the same subject matter.

S. R. & O., 1922, No. 1166.

THE ELECTRICITY (CONFIRMATION OF ORDERS) RULES, 1922, DATED OCTOBER 14TH, 1922, MADE BY THE MINISTER OF TRANSPORT UNDER SECTION 34 OF THE ELECTRICITY (SUPPLY) ACT, 1919.

The following Rules are made by the Minister of Transport by virtue of the powers in that behalf conferred upon him by Section 34 of the Electricity (Supply) Act, 1919, and by the Ministry of Transport (Electricity Supply) Order, 1920, with respect to the confirmation of Orders under Section 7 of the Electricity (Supply) Act, 1919, that is to say :—

1. Before the Minister of Transport confirms an Order he will publish, in such manner as he may think best adapted for informing persons affected, notice of the proposal to confirm the Order, and of the place where copies of the Order may be obtained.

2. Any person desirous of objecting to the confirmation of an Order must do so by a memorial, addressed to the Minister of Transport, written on one side only of foolscap paper.

3. Any memorial objecting to the confirmation of an Order must be sent by registered post addressed to The Secretary, Ministry of Transport, 6, Whitehall Gardens, London, S.W.1, and posted not later than the date mentioned in that behalf in the notice, and a copy of the memorial must be sent in like manner to The Secretary, Electricity Commissioners, Gwydyr House, Whitehall, London, S.W.1.

4. Every such memorial must be sealed or signed by the person objecting or by some responsible and duly authorised person on his behalf, and must state :—

(*a*) the Order or portions of Order objected to ;
(*b*) the specific grounds of objection ; and
(*c*) the omissions, additions, or modifications asked for.

5. Not less than 10 clear days' previous notice in writing addressed to the persons objecting to the confirmation of the Order or their Agents, and to any other persons

(or their Agents) whom the Minister of Transport considers to be affected, will be given of the time and place of any inquiry which the Minister of Transport may direct to be held.

6. The costs of any such inquiry shall, unless otherwise so directed by the Minister of Transport, be paid by the parties appearing at the inquiry or by such of them and in such proportions at such time and in such manner as the person holding the inquiry may direct.

7. These Rules may be cited as "The Electricity (Confirmation of Orders) Rules, 1922," and shall come into operation as from the date hereof.

Given under the Seal of the Minister of Transport, this fourteenth day of October, 1922.

(L.S.)

J. R. BROOKE,
An Assistant Secretary.

NOTE.—The foregoing Statutory Rules supersede the Provisional Rules dated May 31st, 1922, relating to the same subject matter.

ELECTRICITY (SUPPLY) ACTS, 1882 TO 1926.

REGULATIONS PRESCRIBED BY THE ELECTRICITY COMMISSIONERS UNDER SECTION 4 OF THE ELECTRIC LIGHTING ACT, 1888.

DEFINITIONS.

In the following Regulations :—

The expression "Energy" means electrical energy, and for the purpose of the Electric Lighting Act, 1888 (*a*), and these Regulations, electrical energy shall be deemed to be an agency within the meaning of the word "electricity" as defined in the Electric Lighting Act, 1882 (*a*).

The expression "Owner" means any body or person owning or using or entitled to use any electric lines or works, upon whom notice has been served by the Electricity Commissioners requiring that such electric lines or works shall be continued and used only in accordance with these Regulations.

The expression "Consumer" means any body or person supplied with energy by the owner.

The expression "sub-station" means any premises in which energy is transformed or converted for the purpose of supply to consumers, and which are large enough to admit the entrance of a person after the transforming or converting apparatus is in position, provided that for the purpose of these Regulations any place within any such premises which is used solely for some purpose other than such transformation or conversion shall not be deemed to form part of a sub-station.

The expression "Overhead line" means any electric line which is placed above ground and in the open air.

The expression "Service line" means an electric line through which energy may be supplied or intended to be supplied by the owner to any premises other than the premises where the energy is generated.

The expression "Pressure" means the difference of electrical potential between any two conductors through which a supply of energy is given, or between any part of either conductor and the earth; and

(*a*) Where the conditions of the supply are such that the pressure at any pair of consumer's terminals does not exceed 250 volts, the supply shall be deemed a low pressure supply.

(*b*) Where the conditions of the supply are such that the pressure exceeds 250 volts but does not exceed 650 volts, the supply shall be deemed a medium pressure supply.

(*c*) Where the conditions of the supply are such that the pressure exceeds 650 volts but does not exceed 3,000 volts, the supply shall be deemed a high pressure supply; and

(*d*) Where the conditions of the supply are such that the pressure exceeds 3,000 volts, the supply shall be deemed an extra high pressure supply.

The expression "neutral point" means that point in a generating or transforming arrangement which is placed symmetrically with respect to the terminal points of the arrangement.

The expression "neutral wire" means a wire directly connected to a neutral point.

Other expressions to which meanings are assigned in the Electricity (Supply) Acts, 1882 to 1926 (*b*), have the same respective meanings in these Regulations.

I.—GENERAL.

Regulations not to imply Power to interfere with Streets.

1. Nothing in these Regulations shall be deemed to authorise the owner to break up or interfere with any street.

Pressure Exceeding 250 Volts.

2. Where the pressure of the supply exceeds 250 volts, all wires, switches, and metal work in connection with the supply shall be so enclosed or shall be fixed in such a manner that there shall be no risk of any shock being obtained by inadvertence or in the ordinary handling thereof.

Insulation Test.

3. The insulation of every electric circuit (whether connected with earth in accordance with these Regulations or not) including all machinery and apparatus forming part of or in connection with that circuit, shall be so maintained that the leakage current shall not exceed one-thousandth part of the maximum current; and suitable means shall be provided for the indication and localisation of leakage. Every leakage shall be remedied without delay. Every such circuit shall be periodically tested for insulation.

Precautions against Shock or Fire.

4. In the use or delivery of energy, the owner shall exercise all due precautions so as to avoid the risk of causing electric shock or fire, and shall be responsible for, all electric lines, fittings, and apparatus belonging to him, or under his control, being maintained in a safe condition.

Protection from Lightning.

5. Any electric line or any support therefor exposed to liability to injury from lightning, shall be efficiently protected against such liability.

Protection of Mains.

6. All mains below ground shall be so laid and protected as to avoid risk of damage by accumulation of gas or leakage of electric current.

Reports of Accidents.

7. Where any accident by explosion or fire, or any other accident of such kind as to have caused or to be likely to have caused loss of life or personal injury has occurred at any part of any electric line or other works, the owner shall give immediate notice thereof to the Electricity Commissioners.

(*a*) For the Electric Lighting Acts, 1882 and 1888, see Vol. IV, *post*.

(*b*) The Electricity (Supply) Acts, 1882 to 1936 (that is to say the Electric Lighting Acts, 1882, 1888 and 1909, and the Electricity (Supply) Acts, 1919, 1922, 1926, 1928, 1933, 1935 and 1936), are printed in the later volumes of this work.

Notice to Postmaster-General.

8.—(*a*) The owner, on receipt of a request in writing by the Postmaster-General, shall serve forthwith on the Postmaster-General, a notice describing every electric line used for the supply of energy, together with a plan showing the mode and position in which such electric line is laid.

(*b*) The owner in placing and using his electric lines shall employ every reasonable means to prevent injurious affection, whether by induction or otherwise, of any telegraphs of the Postmaster-General, or the communication through such telegraphs. The Postmaster-General may at any time serve upon the owner notice requiring such alteration in the position and mode of laying or mode of use of any electric line of the owner or compliance with such other conditions as the Postmaster-General may think necessary for the due protection of his electric lines or other works, and failure on the part of the owner to comply with any such notice shall be deemed to be a non-compliance with the requirements of the Electricity Commissioners' Notice to which these Regulations are annexed.

(*c*) Any notice required to be served upon the Postmaster-General under these Regulations may be served by being addressed to the General Post Office, London, E.C.1, or by being addressed to and left at or transmitted through the post to the office of the Sectional Engineer in whose area the works specified in the notice are situated, and any notice required to be served on the owner may be served by being addressed to him and left at or transmitted through the post to his office or last known place of address.

Sub-stations and Transformers.

9. Sub-stations shall be established in suitable places and shall be in the sole occupation and charge of the owner and subject to any requirements of the Home Office. Where transformers are used in any other premises (not being sub-stations as defined for the purposes of these Regulations) they shall be so guarded and protected as to avoid the risk of causing electric shock.

II.—EXTRA HIGH PRESSURE MAINS, ETC.

Testing of Insulation.

10. An extra high pressure main shall not be brought into use unless, after it has been placed in position and before it is used for the purposes of supply, the insulation of every part thereof has withstood the continuous application, during half an hour, of pressure exceeding the maximum pressure to which it is intended to be subjected in use, that is to say, in the case of every electric line to be used for a pressure not exceeding 10,000 volts twice the said maximum pressure, and in the case of a line to be used for a pressure exceeding 10,000 volts a pressure exceeding the said maximum pressure by 10,000 volts, and the owner shall record the results of the tests of each main or section of a main.

Protection by Fuses or Circuit Breakers.

11. Every extra high pressure main shall be protected by a suitable fuse or automatic circuit-breaker, but in the case of a concentric main that fuse or circuit-breaker shall not be inserted in any external conductor thereof which is connected with earth.

Prevention of Leakage in Transformers.

12. In every case where an extra high pressure supply is transformed or converted to a reduced pressure, some suitable automatic and quick-acting means shall be provided to protect the reduced pressure circuits from any accidental contact with or leakage from the extra high pressure system, either within or without the transforming or converting apparatus.

Electrical Continuity of Metal Conduits, etc.

13. All metal conduits, pipes, or casings, containing any extra high pressure electric line shall be efficiently connected with earth, and shall be so jointed and connected across all street boxes and other openings so as to make good electrical connection throughout their whole length.

Lines above Ground or in Subways.

14. Every portion of any extra high pressure electric line placed above the surface of the ground, otherwise than in a sub-station, or in any subway not in the sole occupation of the owner shall be completely enclosed either in a tube of highly insulated material embedded in brickwork, masonry, or cement concrete, or in strong metal casing efficiently connected with earth.

Prevention of Leakage.

15. Where extra high pressure mains for three-phase supply consist of insulated conductors laid together, provision shall be made to ensure that neither the ground nor any neighbouring electric line or conductor can become charged by leakage from any such main.

Where this provision is made by a copper strip under a lead sheath, that strip shall be not less than sixteen-thousandths of an inch in thickness, and where it is made by steel wires outside a lead sheath, each of those wires shall not be less than one-tenth of an inch in diameter.

Where the mains are enclosed in a lead sheath, that sheath shall not be less than one-tenth of an inch in thickness, and shall be permanently and efficiently connected with earth.

Mains for Single Phase Supply.

16. Extra high pressure mains for single phase supply and all cables connected therewith shall consist either of two concentric conductors or of separate conductors. Where concentric conductors are used the insulation shall be maintained efficiently throughout except that the outer conductor shall be connected with earth at one point, and where separate conductors are used, provision shall be made as in the case of mains for three phase supply to ensure that neither the ground nor any neighbouring electric line or conductor can become charged by leakage.

Completion and Control.

17. An extra high pressure electric line shall not be brought into use for the supply of energy before it has been completely laid, properly jointed, examined, and tested, or until it is in the sole charge of the owner and every such line shall during its use be in the sole charge of the owner.

Street Boxes.

18. Extra high pressure mains shall not pass through the same street box with other mains, unless they are enclosed in strong metal casing; and street boxes containing extra high pressure mains shall not contain pipes for water, gas, or other service, or electric mains belonging to any other body or person, provided that any such street box may contain telephone wires belonging to the owner.

Sub-stations.

19. Sub-stations supplied at extra high pressure shall be established in suitable places and shall be in the sole occupation of the owner.

Sub-station below Streets.

20. Sub-stations constructed below the surface of any street to which an extra high pressure supply is to be given shall not contain switches or other apparatus than transformers.

Transforming Apparatus in Sub-stations.

21. The transforming apparatus at any sub-station supplied at extra high pressure shall be so arranged that there shall be no danger of any mains connected therewith being charged to any pressure beyond the limits of pressure for which these mains are intended.

Fire Risks.

22. In delivering the energy to a sub-station at extra high pressure the owner shall exercise all due precautions so as to avoid risk of causing fire on the premises.

Insulation, etc., of Electric Lines and Apparatus in Sub-stations.

23. All extra high pressure electric lines and apparatus placed in a sub-station shall be highly insulated and thoroughly protected against injury to the insulation or access of moisture, and any metal forming part of the electric circuit shall not unless efficiently connected with earth be exposed so that it can be inadvertently touched. All such lines shall be so fixed and protected as to prevent the possibility of electrical discharge to any adjacent metallic substance.

III.—OVERHEAD LINES.

[*See the Overhead Lines Regulations*, 1928, *post*, *p.* 2669.]

Danger Notices.

42. Supports shall be numbered consecutively and each support shall have a danger notice of a permanent character securely fixed to it. Adequate provisions shall also be made to prevent unauthorised climbing.

IV.—CONNECTION OF CIRCUITS WITH EARTH.

Continuous Current Circuits.

43. Where the pressure of a supply between the adjacent conductors of a three-wire continuous current system of mains exceeds 125 volts, the intermediate conductor shall be connected with earth, in accordance with the following conditions:—

(*a*) The connection with earth of the intermediate conductor shall be made at one point only on each distinct circuit, namely, at the generating station or sub-station, and the insulation of the circuit shall be efficiently maintained at all other parts.

(*b*) The current from the intermediate conductor to earth shall be continuously recorded, and if it at any time exceeds one-thousandth part of the maximum supply current, steps shall be immediately taken to improve the insulation of the system.

Alternating Current Circuits.

44. Alternating current circuits may, with the approval of the Electricity Commissioners and with the concurrence of the Postmaster-General, be connected with earth in accordance with the following conditions, etc.:—

I.—GENERAL.

(*a*) The connection with earth shall be made only where energy is delivered to each circuit, that is to say, at a generating station, a sub-station or transformer, and shall, wherever practicable, be made at a neutral point in the circuit and in such a manner as will ensure at all times an immediate and safe discharge of energy.

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(*b*) The connection with earth shall be efficiently maintained, except when it is interrupted by means of a switch or link for the purpose of periodical tests for ascertaining whether any current is passing by means of the connection with earth.

(*c*) The insulation of the mains shall be efficiently maintained at all other parts.

(*d*) Tests shall be periodically made to ascertain whether any current is passing by means of the connection with earth, and if at any time the current so passing exceeds one-thousandth part of the maximum supply current of the circuit, steps shall be immediately taken to improve the insulation.

II.—SPECIAL.

Where separate or three- or four-core mains are used for alternating current and the pressure between any two conductors exceeds 125 volts, the connection with earth shall be made in the case of—

(*a*) A single phase supply, at the neutral point on the winding of the transformer;

(*b*) A two-phase three-wire supply, by means of the third wire;

(*c*) A two-phase four-wire supply, at the neutral point on the winding;

(*d*) A three-phase three-wire or four-wire supply, at the neutral point on the star winding.

Concentric Mains.

45. Concentric mains used either for continuous or for alternating current shall be connected with earth by means of the external conductor in accordance with the following conditions:—

(*a*) The connection with earth shall be made by means of the external conductor.

(*b*) The connection with earth shall be made only at the point or points where energy is given to each distinct circuit, namely, at a generating station, sub-station, or transformer.

(*c*) The insulation of the external conductor shall be efficiently maintained at all other parts.

(*d*) The external conductor shall form a complete metal sheathing round the inner conductor.

(*e*) The connection with earth shall be efficiently maintained except when it is interrupted by means of a switch or link for the purpose of periodical tests for ascertaining whether any current is passing by means of the connection with earth.

(*f*) Tests shall be periodically made to ascertain whether any current is passing by means of the connection with earth, and if at any time the current passing by means of the connection with earth exceeds one-thousandth part of the maximum supply current of the circuit, steps shall be immediately taken to improve the insulation.

Nothing in these Regulations shall be deemed to be in substitution for Regulations made under the Factory and Workshop Act, 1901; the Coal Mines Regulation Act, 1887; and the Metalliferous Mines Regulation Act, 1872.

N.B.—These Regulations are prescribed subject to the power of the Electricity Commissioners to prescribe such further or other Regulations as they may think expedient.

ELECTRICITY COMMISSION,
May 1st, 1925.

ELECTRICITY (SUPPLY) ACTS, 1882 TO 1922.

For the purposes of the Electricity (Supply) Acts, 1882 to 1922, and the Orders made and issued thereunder, and all special Acts relating to the supply of electricity, the Electricity Commissioners approve of the system of supply described hereunder,

subject to the Regulations made by the Electricity Commissioners for securing the safety of the public and for ensuring a proper and sufficient supply of energy.

System of Supply.

A three-phase alternating current supply at an extra high pressure of 6,600 volts (or 11,000 volts, or 33,000 volts, or 49,500 volts, or 66,000 volts, as the case may be).

(1) The supply will be given—

(*a*) for general supply at high pressure to transformers, converters or motors on the consumers' premises, or at medium or low pressure;

(*b*) for traction purposes at medium pressure.

(2) The extra high pressure and high pressure supply will be given by alternating current, and the medium pressure and low pressure supply will be given by alternating current or by direct current.

(3) All alternating current will be at a frequency not varying from 50 complete cycles per second by more than 2½ per cent. plus or minus.

Mains.

(4) The mains will consist of insulated conductors laid together and enclosed in a lead sheath, and either

(*a*) braided, compounded, and armoured, and laid direct in the ground, and covered with—

(i) wooden planks 2 inches thick, and (except for making up pieces and at bends) 10 feet long, and treated with preservative compound to prevent decay; or

(ii) reinforced concrete slabs, 3 feet long by 2 inches thick, and 6 inches wide, and suitably interlocked so as to prevent lateral displacement; or

(iii) concrete, made *in situ*, 3 inches thick, of a minimum width of 9 inches, and overlapping the breadth of the mains by at least 2 inches on each side; or

(*b*) drawn into pipes or ducts of approved design; or

(*c*) laid in troughs filled in with composition and covered with hard burned tiles or other approved protection held in position through contact with the filling in composition.

Any joint electricity authority or authorised undertakers within the meaning of the above-mentioned Acts adopting an extra high pressure system of supply in pursuance of this General Approval must notify the Electricity Commissioners in order that the Regulations as to extra high pressure for securing the safety of the public and for ensuring a proper and sufficient supply of electrical energy may be prescribed on such authority or undertakers where necessary.

Any extra high pressure system of supply other than that described above will require special approval by the Electricity Commissioners.

S. R. & O., 1926, No. 1081.

THE JOINT ELECTRICITY AUTHORITIES (BORROWING POWER) REGULATIONS, 1926, DATED AUGUST 30TH, 1926, MADE BY THE MINISTER OF TRANSPORT WITH THE APPROVAL OF THE TREASURY UNDER THE ELECTRICITY (SUPPLY) ACT, 1922.

Whereas by Sect. 1 of the Electricity (Supply) Act, 1922, it is enacted that, for the purposes therein mentioned, a joint electricity authority may, with the consent of the Electricity Commissioners, and subject to regulations to be made by the Minister of Transport with the approval of the Treasury, borrow money, in such manner and subject to such provisions as to the repayment thereof, and with such powers as to reborrowing for the purpose of paying off a loan previously raised, as

may be prescribed by the Regulations, and such Regulations may empower a joint electricity authority to borrow temporarily, to issue bonds and to make arrangements with bankers, and may apply with or without modifications any enactments relating to borrowing by local authorities, including provisions as to the enforcement of the security by the appointment of a receiver or otherwise, and further that any money borrowed as aforesaid, and the interest thereon, may be charged on the undertaking and all the revenues of the joint electricity authority, or on any specific property forming part of that undertaking, and shall be repaid within such period not exceeding sixty years as the Electricity Commissioners may determine.

Now, therefore, in exercise of the powers conferred upon him by the Electricity (Supply) Act, 1922 (hereinafter called "the Act"), and any and every other power thereunto him enabling the Minister of Transport with the approval of the Treasury hereby orders and prescribes that the exercise by joint electricity authorities of the powers of borrowing conferred by the Act shall be subject to the following Regulations (hereinafter called "the Regulations") that is to say:—

Preliminary.

1. The Regulations may be cited as "The Joint Electricity Authorities (Borrowing Power) Regulations, 1926."

2. In the Regulations the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them namely—

The expression "the Minister" means "the Minister of Transport."

The expression "the Commissioners" means the Electricity Commissioners.

The expression "the Joint Authority" means any joint electricity authority established by an order made under the Electricity (Supply) Acts, 1882 to 1922.

The expression "the Clerk" means the clerk or other principal officer of the joint authority.

The expression "statutory borrowing power" means any power of the joint authority under the Electricity (Supply) Acts, 1882 to 1922, or any Order made thereunder or any Act of Parliament or under the Regulations whether the power be or be not coupled with a duty of borrowing or reborrowing money.

The expression "statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by Sect. 34 of the Local Loans Act, 1875, or Sect. 4 of the Local Authorities Loans (Scotland) Act, 1891, as the case may be other than securities of the joint authority and annuities rent charges and securities transferable by delivery.

As to the Electricity (Supply) Acts, 1882–1922, see note (*b*), p. 2622, *ante*.
For the Local Loans Act, 1875, see Vol. IV, *post*.

3. The Interpretation Act, 1889, shall apply for the purpose of the interpretation of the Regulations in like manner as it applies for the purpose of the interpretation of an Act of Parliament.

4. Whenever the joint authority make application for the consent of the Commissioners to the borrowing of money they shall furnish to the Commissioners full particulars of the amount purpose nature and circumstances of the proposed borrowing.

Mode of raising Money.

5. Subject to the provisions of the Regulations the joint authority may raise all or any moneys which they are authorised to borrow under any statutory borrowing power by mortgage charged on the undertaking and all the revenues of the joint authority or any specific property forming part of that undertaking.

Provided that in respect of any mortgage issued by the joint authority for a period of less than ten years no extension of the term of such mortgage shall be

granted by such authority and in respect of any other mortgage issued by the joint authority no extension of the term of that mortgage shall be granted by such authority for a period of less than ten years.

Provided also that the provisions of the Articles of the Regulations whereof the marginal notes are " Form of Mortgage " " Ranking of Mortgages " " Appointment of Receiver " and " Powers of Receiver " shall not apply to or in respect of mortgages and other securities granted or issued by the joint authority and charged upon any specific property forming part of the undertaking of that authority.

6. Subject to the necessary authority of the Commissioners being obtained in that behalf under Sect. 3 of the Act the joint authority may raise by the issue of stock all or any moneys which they are authorised to borrow under the Act.

Subject to the provisions of the Act all such stock shall be issued transferred dealt with and redeemed according to regulations made by the Commissioners.

The provisions of the Regulations (other than this Article) shall not apply to such stock except in so far as such provisions are made applicable thereto by Regulations made by the Commissioners.

7. Subject to the provisions of the Regulations every mortgage granted by the joint authority shall be by deed duly stamped truly stating the consideration and the time and place of payment, and shall be sealed with the common seal of the joint authority and may be made in the form contained in the First Schedule to the Regulations or to the like effect.

8. Subject to the provisions of the Regulations all mortgages granted by the joint authority shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever and shall also rank equally with all other securities granted or issued by the joint authority.

9. For the purpose of raising any moneys which the joint authority are authorised to borrow or for the purpose of securing any advances to be made to the joint authority under the Article of the Regulations of which the marginal note is " Temporary borrowing by Joint Authority " the joint authority may instead of or in temporary substitution for any other method of raising money prescribed by the foregoing provisions of the Regulations issue and renew bonds subject to and in accordance with the provisions contained in the Second Schedule to the Regulations.

Bonds may be issued shortly before any other bonds fall due in order to pay off those bonds notwithstanding that the statutory borrowing power of the joint authority would thereby be temporarily exceeded.

10.—(1) The joint authority shall have power to borrow—

(*a*) for the purpose of paying off any moneys previously borrowed by them which are intended to be forthwith repaid ; or

(*b*) for the purpose of paying off loans or of redeeming a continuing liability taken over by the joint authority under the Electricity (Supply) Acts, 1882 to 1922 ; or

(*c*) in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the joint authority in repaying moneys previously borrowed in accordance with the Regulations and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this Article shall for the purpose of repayment be deemed to form part of the original loan, and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this Article.

Provided that the joint authority shall not have power to borrow (except temporarily as provided in the Regulations) for the purpose of making any payment to a sinking fund or of paying any annual or other instalment of principal which

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has or may become due in respect of borrowed moneys, or in order, to replace any moneys previously borrowed which have been repaid—

(*a*) by instalments or annual payment; or

(*b*) by means of a sinking fund; or

(*c*) out of moneys derived from the sale of land; or

(*d*) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Provided also that the power of reborrowing conferred by this Article shall not be exercised in respect of mortgages issued for a period of less than ten years and that mortgages shall not be issued for a period of less than ten years for roborrowing purposes.

11. The joint authority may from time to time subject to such conditions as the Commissioners may see fit to impose for the purpose of providing temporarily for any current expenses borrow by way of temporary loan or overdraft from any bank or otherwise such sums as they may from time to time require not exceeding in the aggregate at any time one-third of the approximate amount of the revenue of the joint authority for the year then current.

Any amount so borrowed together with the interest thereon shall be repaid out of the revenue of the joint authority received in respect of the financial year in which the expenses were incurred.

The joint authority may until provision can be made for borrowing money on mortgage or in any other manner provided by the Regulations borrow temporarily with the consent of the Commissioners for the purpose of any statutory borrowing power and for a period not exceeding six months [or such extended period not exceeding a further period of six months as the Commissioners may allow] any sum or sums from any bank or otherwise on such terms and conditions and in such form as may be agreed and any money so borrowed shall be repaid out of moneys duly borrowed on mortgage or in such other manner as aforesaid.

Except as provided by the Article of the Regulations whereof the marginal note is "Power to issue Bonds" the provisions of the Regulations as to borrowing and the repayment of moneys borrowed shall not apply to advances under this Article.

The words in square brackets were added by the Joint Electricity Authorities (Borrowing Power) Amendment Regulations, 1931, dated October 7th, S. R. & O., 1931, No. 905.

Application of Money borrowed.

12. All money borrowed by the joint authority shall be applied only to the purposes for which the statutory borrowing power is being exercised and (except in the case of money borrowed under the powers of the last preceding Article) to which capital is properly applicable provided that if after the raising of such money it is found that any part thereof is not required for the purposes to which it is applicable as aforesaid the joint authority shall carry the same to the sinking fund established under the Article of the Regulations of which the marginal note is "Sinking Fund" or apply it in the reduction of moneys already borrowed or in such other manner as the Commissioners may approve.

The joint authority may from time to time invest temporarily in statutory securities any sum raised by borrowing and not for the time being required for the purpose for which it was raised.

Repayment of Money borrowed and Sinking Fund.

13. The joint authority shall make provision for the repayment of all moneys borrowed by them in accordance with the Regulations within such period or periods not exceeding sixty years from the date or dates of the borrowing of the same as the Commissioners shall prescribe (hereinafter referred to as "the prescribed period").

Provided that in the case of money borrowed for the purpose of capital expenditure which will not become immediately remunerative the provision for repayment may with the sanction of the Commissioners be suspended for a period not exceeding five years from the commencement of the financial year next after that in which such expenditure commences to be incurred.

14. The joint authority shall either pay off the moneys borrowed in accordance with the provisions of the Regulations by equal yearly or half-yearly instalments of principal or of principal and interest combined, or they shall set apart as a sinking fund an equal annual sum sufficient without accumulations (hereinafter referred to as a non-accumulating sinking fund) to repay the moneys so borrowed within the prescribed period, or an equal annual sum which if accumulated at compound interest at such rate as may from time to time be approved by the Commissioners (hereinafter referred to as an accumulating sinking fund) would be sufficient to pay off the moneys so borrowed within such period. In the case of an accumulating sinking fund the yearly appropriation from the revenue of the undertaking of the joint authority shall comprise the equal annual sum aforementioned increased by a sum equivalent to interest on the amount from time to time standing to the credit of the fund at the rate per centum per annum on which the aforesaid equal annual sum is based.

Provided that the joint authority may if they think fit pay off the moneys borrowed partly by one of the above methods, and partly by another or others of them, and the payment of the first instalment or the first payment to the sinking fund shall subject to the proviso to the last preceding Article be made within twelve months or when the moneys are repaid by half-yearly instalments within six months from the commencement of the prescribed period.

15.—(1) Every sum paid to a sinking fund shall unless applied in accordance with the Article of the Regulations of which the marginal note is "Application of Sinking Fund" in repayment of the loan in respect of which the sinking fund is formed or in accordance with the Article of the Regulations of which the marginal note is "Use of Sinking Fund instead of borrowing" be immediately invested in statutory securities the joint authority being at liberty from time to time to vary and transpose such investments.

(2) The interest on the investments of the sinking fund shall form part of the revenue of the undertaking of the joint authority and may be applied by the joint authority towards the annual payments to the fund.

(3) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under the Regulations shall be paid by the joint authority in addition to the payments provided for by the Regulations.

(4) If it appear to the joint authority at any time that the amount in or the investments of the sinking fund with the future payments thereto in accordance with the provisions of the Regulations will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the joint authority to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose: Provided that if it appear to the Commissioners that any such increase is necessary the joint authority shall increase the payments to such extent as the Commissioners may direct.

(5) If the joint authority desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(6) If the amount in or the investments of any sinking fund with the future payments thereto in accordance with the provisions of the Regulations will in the opinion of the Commissioners be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the joint authority may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as the Commissioners shall approve.

(7) If the amount in or the investments of any sinking fund at any time will in the opinion of the Commissioners be sufficient to repay the loan in respect of which it is formed within the prescribed period the joint authority may with the consent of the Commissioners discontinue the annual payments to such sinking fund until the Commissioners shall otherwise direct.

(8) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the joint authority with the consent of the Commissioners may determine.

16. The joint authority may at any time apply the whole or any part of any sinking fund set apart under the Regulations in or towards the discharge of the moneys for the repayment of which the fund has been established.

Provided that in the case of an accumulating sinking fund they shall pay into the fund each year an additional sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied, if invested at the rate per centum per annum on which the equal annual payments to the sinking fund are based.

17. For the purpose of exercising any statutory borrowing power the joint authority may, with the consent of the Commissioners, instead of raising further moneys in accordance with the Regulations, employ any moneys for the time being standing to the credit of any sinking fund established under the Regulations and may realise and employ the proceeds of the realisation of any securities in which the moneys of any such fund are for the time being invested.

Provided that no such moneys shall be so employed unless provision is made in such manner as the Commissioners approve for replacing the same together with any loss of interest occasioned in any such fund by reason of so employing such moneys at or before the date (if any) at which loans repayable by means of such moneys are required to be repaid.

18.—(1) The clerk shall, if and when he is requested by the Commissioners so to do, transmit to the Commissioners a return showing the provision made for the repayment of money borrowed in accordance with the Regulations.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Commissioners may require, and shall, if so required by them, be verified by statutory declaration of the clerk or other the chief accounting officer of the joint authority, and shall be transmitted within one month after the making of the request; and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction, and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(3) If it appear to the Commissioners by such a return as aforesaid or otherwise that the joint authority have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by the Regulations or by the Commissioners in virtue thereof to be paid appropriated or set apart), or have applied any portion of any sinking fund to any purpose other than those authorised the Commissioners shall report the matter to the Minister who may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned, and the joint authority shall notify the Minister as soon as the order is complied with, and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

In the application of this Article to Scotland the words "which shall be recoverable by the Minister as a debt due to the Crown is recoverable" shall be substituted for the words "to be recovered by the Minister in a court of summary jurisdiction" in the second paragraph and the words "by decree of either Division of the Inner House of the Court of Session in Scotland pronounced in a summary application presented for the purpose" shall be substituted for the words "by writ of mandamus to be obtained by the Minister out of the High Court" in the second and third paragraphs.

Registration and Transfers.

19. There shall be kept at the principal office of the joint authority a register of mortgages granted by them and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof, and of the names and description of the parties thereto as stated in the mortgage deed. Every such register shall be open to inspection by any mortgagee or other person entitled to any mortgage at the said office, without fee or reward, on such

days (Saturdays excepted) as the office is open for public business, and in the event of such inspection being refused, the clerk shall be liable on summary conviction to a penalty not exceeding five pounds.

20. Any mortgagee or other person entitled to any mortgage granted by the joint authority may transfer his estate and interest therein to any other person by deed, duly stamped, truly stating its date and the consideration for the transfer and such transfer may be according to the form contained in the First Schedule to the Regulations or to the like effect.

21.—(1) There shall be kept at the principal office of the joint authority a register of transfers of mortgages granted by the joint authority and within thirty days after the date of every deed of transfer if executed within Great Britain and Northern Ireland, or within thirty days after its arrival in Great Britain and Northern Ireland if executed elsewhere, the same shall be produced to the clerk, who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of the date of such deed and of the names and description of the parties thereto as stated therein, and until such entry is made the joint authority shall not be in any manner responsible to the transferee.

(2) On the registration of any such transfer the transferee, his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby, and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except the last transferee so registered, his executors or administrators, shall be entitled to release or discharge any such mortgage or any moneys secured thereby.

(3) If the clerk wilfully neglects or refuses to make in the register any entry by this Article required to be made, he shall be liable on summary conviction to a penalty not exceeding twenty pounds.

22. If any such mortgage be transmitted by reason of the bankruptcy of the person entitled thereto there shall be produced to the joint authority official evidence of such bankruptcy and of the vesting of the bankrupt estate in the trustee official assignee or other person to whom such estate shall be transferred.

General.

23. The joint authority may subject to the provisions of the Regulations, and to the approval of the Commissioners, make any arrangement with any banker, firm of bankers or banking company brokers or financial agents with respect to the issue of mortgages, bonds or other securities which the joint authority are authorised to grant or issue the registration and transfer of such securities, the payment of interest on such securities, the keeping of books and other matters incidental to the issue, management, redemption and paying off of such securities. Any such arrangement may provide for the proper remuneration of the banker, firm of bankers or banking company, brokers or financial agents or for the payment of underwriting commission brokerage and other expenses incidental to the issue of such securities as aforesaid.

24. Any person lending money to the joint authority shall not be bound to inquire as to the observance by them of any provision of the Regulations or of the conditions attaching to statutory borrowing power under which the money is borrowed or be bound to see to the application or be answerable for any loss, misapplication or non-application of the money lent or of any part thereof.

25. The joint authority shall not be bound to see to the execution of any trust whether express or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the joint authority shall be a sufficient discharge to the joint authority in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the joint authority have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or such security or any part thereof or interest therein not entered in their register and the joint authority shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss, misapplication or non-application of any such money.

ELECTRIC LIGHTING AND POWER

26. Subject to the provisions of the Regulations if at the expiration of three months from the time when any principal money or interest has become due on any mortgage granted by the joint authority under the Regulations and after demand in writing, the same be not paid, the mortgagee or other person entitled thereto may without prejudice to any other mode of recovery, apply to the High Court for the appointment of a receiver and the court may appoint a receiver on such terms as the court may determine.

In the application of this Article to Scotland "judicial factor" shall be substituted for "receiver" and "Court of Session in Scotland" for "High Court."

27. Subject to the terms of any mortgage in respect of which the receiver is appointed any receiver appointed in pursuance of the Regulations shall have the like power of apportioning amongst the authorised undertakers within the district of the joint authority any deficiency in the revenue account of the joint authority in any financial year and of collecting receiving recovering and applying moneys as the joint authority would have in order to provide the moneys required for the payment of the principal money or interest so in arrear and such other powers and duties as the court thinks fit.

In the application of this Article to Scotland "judicial factor" shall be substituted for "receiver."

SCHEDULES.

FIRST SCHEDULE.

Form of Mortgage.

By virtue of the Electricity (Supply) Act, 1922, the Joint Electricity Authorities (Borrowing Power) Regulations, 1926, and of other their powers in that behalf them enabling the ( ) Joint Electricity Authority (hereinafter referred to as "the joint authority") in consideration of the sum of pounds (hereinafter referred to as "the principal sum") paid to the (treasurer) of the joint authority by (hereinafter referred to as "the mortgagee") do hereby grant and assign to the mortgagee (his) executors administrators and assigns such proportion of the undertaking and revenues of the joint authority as the principal sum doth or shall bear to the whole sum which is or shall be charged on the said undertaking and revenues. To hold unto the mortgagee (his) executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same subject as hereinafter provided) at the rate of per centum per annum from (the day of nineteen hundred and until payment of the principal sum such interest to be paid half-yearly on the day of and the day of in each year. And it is hereby agreed that the principal sum shall be repaid at the principal office of the joint authority on the day of nineteen hundred and .

*Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may by agreement between the joint authority and the mortgagee be extended for a period or periods of not less than ten years in each case and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed upon between the joint authority and the mortgagee and mentioned in an endorsement to be made hereon under the hand of the chairman or clerk of the joint authority for the time being and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the joint authority have caused their common seal to be hereunto affixed this day of nineteen hundred and .

Clerk to Joint Authority.

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* This proviso should be omitted from mortgages issued for a period of less than ten years.

The Endorsement within Referred to.

The within-named consenting the within-mentioned time for repayment of the within-mentioned principal sum of , is hereby extended to the day of , nineteen hundred and (and the interest to be paid thereon on and from the day of nineteen hundred and , is hereby declared to be at the rate of per centum per annum).

Dated this day of , nineteen hundred and .

Form of Transfer of Mortgage.

I (the within-named), of in consideration of the sum of pounds paid to me by of (hereinafter referred to as "the transferee") do hereby transfer to the transferee (his) executors administrators and assigns (the within-written security) (the mortgage number of the ( ) of the ( ) Joint Electricity Authority bearing date the day of) and all my right and interest under the same subject to the several conditions on which I hold the same at the time of the execution hereof and I the transferee for myself my executors administrators and assigns do hereby agree to take the said mortgage security subject to the same conditions.

Dated this day of , nineteen hundred and .

SECOND SCHEDULE.

Regulations as to Issue and Renewal of Bonds.

1. These Regulations may be cited as "the Joint Electricity Authorities (Bonds) Regulations, 1926."

2. In these Regulations unless the context otherwise requires the term "holder" means registered holder.

3.—(1) Bonds issued by a joint authority shall be called Electricity District Bonds (hereinafter referred to as "bonds") and shall be duly stamped.

(2) Bonds shall be issued at par and interest thereon shall be paid half-yearly on the dates to be specified in the bonds.

(3) Applications for bonds shall be for amounts of twenty, fifty, or one hundred pounds or multiples of one hundred pounds.

(4) The principal money secured by a bond other than a bond issued for the purpose of securing any advances made to the joint authority under the Article of the Regulations of which the marginal note is "Temporary borrowing by Joint Authority" shall subject to the provisions of this Schedule be repayable at par at such date as may be specified in the bond being not less than five and not more than ten years from the date of the bond.

(5) The first payment of interest on any bond shall be adjusted in accordance with the date of issue of the bond and any sum paid by way of repayment or redemption shall include interest accrued to the date of repayment or redemption.

(6) Nothing in this Article shall be construed as prohibiting the joint authority from redeeming a bond at any time by agreement with the holder of the bond if they shall think fit to do so.

(7) A bond repaid or redeemed by a joint authority shall be cancelled.

Registration and Certificates.

4. A joint authority issuing bonds, shall appoint a registrar for the purposes of these Regulations, and may direct him to act on their behalf for the purposes of all or any of the things which they are authorised or required to do under these Regulations.

5.—(1) The joint authority shall keep a register (hereinafter called the "Bonds Register") of all persons who are holders for the time being of bonds.

(2) The bonds register shall contain the following particulars:—

(*a*) the name, address, and description of each holder, a statement of the denomination of the bonds held by him and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided;

(*b*) the date of registration of each holder and the date on which he ceased to be so registered.

(3) The bonds registered shall be *primâ facie* evidence of any matter entered therein in accordance with these Regulations and of the title of the persons entered therein as holders of bonds.

(4) Where two or more persons are registered as holders of a bond they shall be deemed to be joint holders with right of survivorship between them.

6.—(1) The joint authority shall issue to each holder of a bond a certificate in respect thereof, duly numbered and dated, and specifying the denomination of the bond and the period for which it is issued.

(2) The certificate shall be *primâ facie* evidence of the title of the person therein named, his executors, administrators or assigns, to the bond therein specified, but the want of a certificate, if accounted for to the satisfaction of the joint authority, shall not prevent the holder of a bond from disposing of and transferring the bond.

(3) If a certificate is worn out or damaged, the joint authority, on the production thereof, may cancel it and issue a new certificate in lieu thereof.

(4) If a certificate is lost or destroyed, the joint authority on proof thereof to their satisfaction, and, if they so require, on receiving an indemnity against any claims in respect thereof, may give a new certificate in lieu of the certificate lost or destroyed.

(5) An entry of the issue of a substituted certificate shall be made in the bonds register.

(6) A certificate shall be in the form set out in the annex to this Schedule or in a form substantially to the like effect.

Transfer of Bonds.

7.—(1) The transfer of a bond shall be by deed and may be in the form set out in the annex to this Schedule or in a form substantially to the like effect.

(2) A bond may be transferred in whole or in part, so, however, that any part transferred shall not be for an amount other than an amount for which a bond may be issued by a joint authority.

(3) Unless the joint authority have compounded for stamp duty, every deed of transfer shall be duly stamped and the consideration shall be truly stated therein.

(4) The deed of transfer shall be delivered to and retained by the joint authority and the joint authority shall enter a note thereof in a book to be called the "Register of Transfers of Bonds" and shall endorse on the deed of transfer a notice of that entry.

(5) The joint authority shall, upon receipt of the deed of transfer duly executed together with the certificate issued in respect of the bond and upon payment of a sum not exceeding five shillings, enter the name of the transferee in the bonds register and shall issue a new certificate or certificates to the transferee, or to the transferor and transferee, as the case may require.

(6) Until such entry has been made as aforesaid, the joint authority shall not be affected by the transfer, and the transferee shall not be entitled to receive any payment of interest on the bond.

(7) The joint authority before registering a transfer of a bond may, if they think fit, require evidence by statutory declaration or otherwise of the title of any person claiming to make the transfer.

Closing of Bonds Register.

8. The joint authority may close the bonds register for a period not exceeding thirty days immediately before any interest date and notwithstanding the receipt by the joint authority during such period of any deed of transfer, the half-yearly payment of interest falling due at the expiration of such period may be made to the persons registered as holders of bonds on the date of the closing of the register.

Transmission of Bonds.

9.—(1) Any person becoming entitled to a bond by reason of the death or bankruptcy of a holder or by any lawful means other than a transfer may, by the production of such evidence of title as the joint authority may require, either be registered as holder of the bond, or, instead of being himself registered, may make such transfer of the bond as the holder could have made, and the joint authority shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been furnished to the joint authority, the joint authority shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

Interest on Bonds.

10.—(1) Unless the holder of a bond otherwise requests, the joint authority may pay the interest thereon by posting a warrant to the holder at his address as shown in the bonds register.

(2) The posting by the joint authority of a letter containing an interest warrant addressed to a holder as aforesaid shall, as respects the liability of the joint authority, be equivalent to the delivery of the warrant to the holder himself.

11. The joint authority shall not be required to pay any executors or administrators any interest on bonds held by their testator or intestate until the probate of the will or the letters of administration or confirmation has or have been left with the joint authority for registration.

12. The joint authority before paying any interest on any bonds may, if they think fit, require evidence by statutory declaration or otherwise of the title of any person claiming a right to receive the interest.

13. Where more persons than one are registered as joint holders of a bond, any one of them may give an effectual receipt for any interest thereon, unless notice to the contrary has been given to the joint authority by any other of them.

General.

14. No notice of any trust shall be entered in the bonds register or in any other book kept by the joint authority or be receivable by the joint authority.

15.—(1) If at any time any interest due on any bonds remains unpaid for three months after demand in writing, the persons entitled thereto may apply to the High Court for a receiver and the Court may, if it thinks fit, appoint a receiver on such terms as it thinks fit.

(2) The receiver shall have the like power of apportioning amongst the authorised undertakers within the district of the joint authority any deficiency in the revenue account of the joint authority in any financial year and of collecting, receiving, recovering, and applying moneys as the joint authority would have, and such other powers and duties as the Court thinks fit, and shall apply all moneys so collected and received, after paying all such costs as the Court may direct, for the purposes of these Regulations.

(3) The provisions of this Article shall not apply to or in respect of bonds issued by the joint authority and charged upon any specific property forming part of the undertaking of that authority.

In the application of this Regulation to Scotland " judicial factor " shall be substituted for " receiver " and " Court of Session " for " High Court."

16. A person taking or holding bonds shall not be concerned to inquire or to take notice whether the issue thereof was or was not in accordance with these Regulations, or whether or not the joint authority or any meeting thereof was properly constituted or convened, or whether or not the proceedings at a meeting of the joint authority were legal or regular, or to see to the application of any money raised by the issue of bonds or be answerable for any loss or misapplication thereof.

17. If at any time any interest on any bonds is unclaimed at the time for payment thereof the amount shall, nevertheless, on demand at any subsequent time, be paid to the person showing his right thereto, but without interest in the meantime.

18. Where the joint authority sell, lease, or otherwise dispose of any land or property charged as security for any bonds, the land or property shall in the hands of the purchaser or lessee be absolutely free from any charge for that purpose and he shall not be bound to inquire into the application of the money arising from such sale, lease, or disposal or be in any way responsible for the misapplication or non-application thereof.

19. A joint authority may pay such expenses in connection with the issue of bonds (including commission) as the Commissioners may approve.

ANNEX TO SECOND SCHEDULE.

Form of Certificate of Registration.

Certificate of Registration of an Electricity District Bond.

Electricity District. No.

per cent. Bond for £ issued by

REPAYABLE 19 , at the office of the Joint Authority (*see* back).

THIS is to certify that of is the registered holder of an Electricity District bond for pounds (£) issued by the above-named Joint Electricity Authority under the Electricity (Supply) Act, 1922, and the Joint Electricity Authorities (Borrowing Power) Regulations, 1926.

Signed

Registrar.

Date

No deed transferring the whole or any part of the Registered Bonds represented by this certificate will be registered until the certificate has been delivered to the Registrar of the Authority.

Change of address must be notified to the Registrar.

ELECTRIC LIGHTING AND POWER

Form of Deed of Transfer.

I, of in consideration of the sum of paid by of (hereinafter referred to as "the Transferee") do hereby assign and transfe to the Transferee:—

To hold unto the Transferee, (his) Executors, Administrators and Assigns subject to th several conditions on which I held the same immediately before the execution hereof and the Transferee does hereby agree to accept and take the said subject to th conditions aforesaid.

As Witness our Hands and Seals, this day of in the year of our Lor Nineteen Hundred and

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S. R. & O., 1927, No. 433.

THE JOINT ELECTRICITY AUTHORITIES' STOCK REGULATIONS, 1927, DATED MAY 18, 1927, MADE BY THE ELECTRICITY COMMISSIONERS UNDER SECTION 3 OF THE ELECTRICITY (SUPPLY) ACT, 1922.

Whereas by Section 1 of the Electricity (Supply) Act, 1922 (*a*), it is enacted that a joint electricity authority may, with the consent of the Electricity Commissioners, and subject to regulations to be made by the Minister of Transport with the approval of the Treasury, borrow money for the purposes in the said Section mentioned.

And whereas by Section 3 of the Electricity (Supply) Act, 1922, it is enacted as follows:—

"(1) The Electricity Commissioners may, for the purpose of enabling a joint electricity authority to raise money which they are authorised to borrow under this Act, authorise the authority to issue stock bearing interest at such rate as the authority with the consent of the Electricity Commissioners may determine.

"(2) All such stock, and interest thereon, shall be charged on the undertaking and all the revenues of the joint electricity authority.

"(3) Subject to the provisions of this Act, any stock created by a joint electricity authority under the powers of this Act shall be issued, transferred, dealt with, and redeemed according to regulations made by the Electricity Commissioners and any such regulations may apply for the purpose of this Section, with or without modifications, any provisions of the Local Loans Act, 1875, the Public Health Acts Amendment Act, 1890, and the Acts amending those Acts, and of any Act relating to stock issued by any local authority."

Now therefore in exercise of the powers conferred upon them by the Electricity (Supply) Act, 1922 (hereinafter called "the Act") and any and every other power thereunto them enabling the Electricity Commissioners Hereby Order and Prescribe that all stock created by a joint electricity authority under the powers of the Act shall be issued, transferred, dealt with, and redeemed in accordance with the following Regulations (hereinafter called "the Regulations"), that is to say:—

PRELIMINARY.

Article 1.—The Regulations may be cited as "The Joint Electricity Authorities Stock Regulations, 1927".

Article 2.—In the Regulations the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely:—

The expression "the Commissioners" means the Electricity Commissioners.

The expression "the Joint Authority" means any joint electricity authority established by an Order made under the Electricity (Supply) Acts, 1882 to 1926.

The expression "the Clerk" means the Clerk or other Principal Officer of the Joint Authority.

(*a*) The Electricity (Supply) Act, 1922, is printed in a later volume.

The expression "statutory borrowing power" means any power of the Joint Authority under the Electricity (Supply) Acts, 1882 to 1926 (*a*), or any Order made thereunder or the Joint Electricity Authorities (Borrowing Power) Regulations, 1926 (*b*), whether the power be or be not coupled with a duty of borrowing or re-borrowing money.

The expression "statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by Section 34 of the Local Loans Act, 1875, or Section 4 of the Local Authorities Loans (Scotland) Act 1891, as amended by Section 5 of the Local Authorities Loans (Scotland) Act, 1891, Amendment Act, 1893, as the case may be, other than securities of the Joint Authority and annuities rent charges and securities transferable by delivery.

The expression "stock" means stock created by the Joint Authority under the Act, whether issued as registered stock or inscribed stock, and the expression "holder of stock" has a corresponding meaning.

The expression "registered stock" means stock transferable by an instrument in writing.

The expression "inscribed stock" means stock transferable only by an entry in transfer books kept for the purpose.

The expression "the Electricity Fund" means the fund established by the Joint Authority in pursuance of Section 28 of the Electricity (Supply) Act, 1919.

The expression "prescribed period" means, in relation to an amount of stock created and issued for the purpose of exercising a statutory borrowing power, the period or periods within which provision is required by the Joint Electricity Authorities (Borrowing Power) Regulations, 1926, to be made for the repayment of moneys borrowed in the exercise of the statutory borrowing power.

Article 3.—The Interpretation Act, 1889, shall apply for the purpose of the interpretation of the Regulations in like manner as it applies for the purpose of the interpretation of an Act of Parliament.

ISSUE OF STOCK.

Article 4.—(1) All stock which the Joint Authority may be authorised to issue under the powers conferred by Section 3 of the Act in exercise of any statutory borrowing power shall be issued as redeemable stock, but no such stock shall be created by the Joint Authority unless in pursuance of a resolution passed by that Authority.

(2) Every resolution for the creation of stock shall specify the amount of statutory borrowing power in respect of which the stock is created and a copy of every such resolution shall be forwarded to the Commissioners as soon as conveniently may be after the passing of the resolution.

(3) The Joint Authority may issue such class or classes of stock as they may determine but each class of stock shall have a distinctive title and shall be created and issued on the terms and subject to the conditions that all stock at any time belonging to that class shall bear one and the same rate of interest, shall be transferable in the same manner, shall become redeemable at the same time, and shall in all other respects be of the same character.

(4) Subject to the provisions of the Act and the Regulations stock may be issued for such an amount at such price and at such rate of interest as the Joint Authority with the consent of the Commissioners may determine.

Article 5.—Whenever the Joint Authority propose to borrow by the issue of stock they shall furnish to the Commissioners such particulars of the purpose, nature and circumstances of the borrowing as the Commissioners may require.

Article 6.—(1) Stock shall be redeemed at par at the expiration of such period as the Joint Authority may determine and the Commissioners approve not exceeding

(*a*) As to the Electricity (Supply) Acts, 1882 to 1926, see note (*b*), p. 2622 *ante*.
(*b*) S. R. & O., 1926, No. 1081, *ante*, p. 2627.

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sixty years from the date of the first creation of stock of the particular class and may be redeemed at the option of the Joint Authority at any time after the expiration of such lesser period as the Joint Authority may determine and the Commissioners approve. The periods so determined shall be specified in every resolution for the creation of stock of the particular class to which the resolution relates.

(2) No stock shall be liable to be redeemed before the expiration of the first mentioned period unless at least six months' notice of intention to redeem the same shall have been given.

Article 7.—The Joint Authority in the exercise of a statutory borrowing power may create and issue stock for the purpose of defraying the expenses of the creation and issue of any stock, and shall provide for the redemption of any stock created and issued in pursuance of this Article within the period expiring on the earliest date on which the stock in respect of which the said expenses are incurred may be redeemed.

Article 8.—All stock from time to time created by the Joint Authority in pursuance of the Regulations, and the interest thereon, shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power, or in the date of creation of any class of stock or of any portion of stock, or in the date of issue of any portion of stock, or on any other ground whatsoever and shall also rank equally with all other securities of the Joint Authority granted or issued in pursuance of any statutory borrowing power other than mortgages and other securities charged upon any specific property forming part of the undertaking of that Authority and granted or issued by the Joint Authority before the date of the first resolution of that Authority creating stock.

Article 9.—(1) When the Joint Authority in the exercise of a statutory borrowing power create stock for the purpose of borrowing money, or re-borrowing money, or of redeeming stock or any other security, the Joint Authority may create stock of such total amount and may from time to time issue such nominal amounts of stock within the limits of the total amounts so created as will, according to the price actually realised in respect of each issue, produce the actual amount, or some portion of the actual amount of money which in the exercise of the statutory borrowing power the Joint Authority may borrow or re-borrow or may require for redeeming any stock or any other security.

(2) When the Joint Authority in the exercise of a statutory borrowing power create stock for the purpose of issuing stock to any body or person to whom the Joint Authority is or may be empowered to issue stock or of substituting stock for any mortgage or other security granted or issued by or capital liability taken over by the Joint Authority, the amount of stock to be so created and to be thereafter issued shall be such amount as, in pursuance of the Act or of the Regulations, the Joint Authority are authorised to issue or to substitute as aforesaid.

(3) Where under sub-division (1) of this Article stock is issued at a price lower than one hundred pounds stock for one hundred pounds sterling or where under sub-division (2) of this Article stock is issued to a nominal amount greater than the substituted mortgage or other security or greater than the capital liability taken over, the difference shall for the purposes of the Regulations be treated as a loan authorised by a statutory borrowing power repayable within the period expiring on the earliest date on which the said stock may be redeemed.

INTEREST FUND.

Article 10.—(1) For the payment of interest on the several classes of stock there shall in each year be carried to an account of the Electricity Fund entitled the Stock (Interest) Fund Account a sum or sums equal to the aggregate amount of all interest payable during the year.

(2) The Joint Authority shall from time to time pay the interest on stock and charge the same to the Stock (Interest) Fund Account.

REDEMPTION OF STOCK.

Article 11.—(1) In each year there shall for redemption and extinction, or purchase and extinction of the several classes of stock, be carried to an account of the Electricity Fund entitled the Stock (Redemption) Fund Account (hereinafter called the Redemption Fund Account) a sum or sums equal to the aggregate amount of all sums payable in the year for redemption and extinction, or purchase and extinction, of stock.

(2) Subject to the provisions of Article 13 of the Joint Electricity Authorities (Borrowing Power) Regulations, 1926, the sums to be carried to the Redemption Fund Account in each year in respect of any stock shall be determined by reference to the provisions of paragraph (*a*) or paragraph (*b*) of this sub-division (that is to say) :—

(*a*) such equal annual sums as will without accumulations of interest at the end of the prescribed period together make up a sum equal to the nominal amount of the stock in respect of which the said sums are carried to the said Account, or

(*b*) (i) Such equal annual sums as, being accumulated at compound interest at a rate not exceeding three and one half pounds per centum per annum, or at such other rate as the Joint Authority with the consent of the Commissioners may from time to time determine, would after payment of all expenses make up at the end of the prescribed period a sum equal to the nominal amount of the stock in respect of which the said sums are carried to the said Account ; and

(ii) Accumulations of the said equal annual sums at compound interest at the rate per centum per annum on which the said equal annual sums are respectively calculated.

(3) The Redemption Fund Account shall show in total the amounts carried thereto and the amount standing to the credit of the fund in respect of each class of stock for the time being created and issued.

Article 12.—(1) If it appears to the Commissioners at any time that the amount standing to the credit of the Redemption Fund Account in respect of any stock together with the future annual sums to be carried to the Account under the Regulations will probably not be sufficient within the prescribed period to make up a sum equal to the nominal amount of the stock, the sums to be carried to the Account shall be increased annually or otherwise to such extent as the Commissioners may require.

(2) If it appears to the Commissioners, at any time that the amount standing to the credit of the Redemption Fund Account in respect of any stock, together with the future annual sums to be carried to the Account under the Regulations will probably be more than sufficient within the prescribed period to make up a sum equal to the nominal amount of the stock, the sums to be carried to the Account may be reduced either temporarily or permanently to such extent as the Commissioners may allow.

(3) If at any time the total amount carried to the credit of the Redemption Fund Account in respect of any stock is such that, in the opinion of the Commissioners, it will probably be sufficient together with the accumulations thereof within the prescribed period to make up the nominal amount of the stock, the Joint Authority may, for so long as the Commissioners may allow, cease to carry any further sums to the Account in respect of that stock.

Article 13.—(1) In any year where moneys which have been carried to the Redemption Fund Account are applied in the redemption or purchase and extinction of stock at a rate exceeding one hundred pounds sterling for one hundred pounds stock, the Joint Authority shall carry to the Redemption Fund Account during the year in which the redemption is effected or the purchase is made an additional sum or sums equal in amount to the sum or sums paid in excess of the said rate for the redemption or purchase of stock in that year.

(2) When the Joint Authority redeem or purchase and extinguish stock by the application of moneys which have been carried to the Redemption Fund Account,

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the stock so redeemed or purchased and extinguished shall be deemed to be stock issued in respect of such one or more of the statutory borrowing powers exercised by the creation and issue of stock, and, if in respect of more than one, in such proportions as the Joint Authority with the approval of the Commissioners determine: Provided that no larger amount of stock shall be deemed to be redeemed or purchased and extinguished in respect of any statutory borrowing power than the amount which, according to the actual price of redemption or purchase, could be redeemed or purchased with the moneys carried to the Redemption Fund Account in respect of that borrowing power.

Article 14.—(1) The Joint Authority may from time to time apply the sums standing to the credit of the Redemption Fund Account in redeeming stock according to the terms of issue or in purchasing stock for extinction or for both purposes, but the annual sums to be carried to the Redemption Fund Account shall not be affected by the said applications, and pending or in default of any such application of the said sums or of their application in the manner authorised by sub-division (2) of this Article, the Joint Authority shall invest the said sums in statutory securities and the interest or annual proceeds arising from every such investment shall be carried to the general revenue account of the Electricity Fund.

(2) Where the Joint Authority have any statutory borrowing power exercisable for the purpose of raising money by the creation and issue of stock, the Joint Authority, instead of exercising the statutory borrowing power by the creation and issue of additional stock, may, notwithstanding anything in sub-division (1) of this Article, with the approval of the Commissioners and subject as is hereinafter provided, exercise the statutory borrowing power either wholly or partially by employing for the purpose any moneys for the time being standing to the credit of the Redemption Fund Account: Provided that no such moneys shall be so employed unless provision is made in such manner as the Commissioners approve for replacing the same together with any loss of interest occasioned by reason of so employing such moneys at or before the date at which stock redeemable by means of such moneys is required to be redeemed and within a period not exceeding that within which provision would have had to be made for its repayment if the money had been borrowed on mortgage.

Article 15.—The Joint Authority on redeeming or purchasing any stock shall forthwith pass a resolution directing the stock so redeemed or purchased to be cancelled by the Registrar as hereinafter defined, and on such cancellation the same and all interest thereon which has not already become payable shall be and the same are by virtue of the Regulations extinguished.

Article 16.—(1) When the Joint Authority in exercise of a statutory borrowing power create and issue stock for the purpose of reborrowing of money or of redeeming stock or any other security or of substituting stock for any mortgage or other security granted or issued or any capital liability taken over by the Joint Authority (including in each case the amount of any compensation payable in respect of the transaction) the Joint Authority shall forthwith transfer to the Redemption Fund Account the whole or a proportionate part (as the case may require) of any money and securities forming part of any sinking fund applicable to the discharge of the security, and also such further sum, if any, as may be necessary to make the money and securities so transferred equivalent to the amount which should have been in that sinking fund or should have been paid off in respect of the security for the redemption of which or in substitution for which the stock is created and issued; and where the security consists of stock created and issued by the Joint Authority the Joint Authority shall make such adjustments as are necessary in the Redemption Fund Account.

(2) Where the holder of the security is one of the persons described in Section 7 of the Lands Clauses Consolidation Act, 1845, and is by that Act enabled to sell land thereunder, he may, notwithstanding that he is not expressly or impliedly authorised so to do by any provisions of the said Act which relate to the powers of any such holder or of any trustee, consent to payment off or redemption of the security and accept money for giving that consent as if he were the absolute owner of that security, and he is hereby indemnified for giving such consent, and his receipt shall be a good discharge.

(3) Money received by the holder of any security as authorised by sub-division (2) of this Article and stock issued to him in redemption of or in substitution for any security, and the interest on any such stock, shall be subject to the same trusts, rights, powers, testamentary and other dispositions, provisions, charges, liabilities, and process as affected or applied or had effect with respect to the money secured or represented by the security and any interest or dividend thereon immediately before the redemption or substitution as aforesaid, and every deed, and every other instrument or document and every testamentary or other disposition, and every other matter or thing hereinbefore mentioned shall have effect with reference to the whole or a proportionate part of the money or stock received or of any interest on the said stock as the case may be.

In the application of this Article to Scotland the Lands Clauses Consolidation (Scotland) Act, 1845, shall be substituted for the Lands Clauses Consolidation Act, 1845.

APPLICATION OF MONEY RAISED.

Article 17.—Money raised by stock shall be applied for purposes for which money raisable under the statutory borrowing power in exercise whereof the stock is issued ought by law to be applied, and not otherwise:

Provided that if, after the raising of any money by stock under the Regulations, it is found that any part of that money is not required for the purposes for which it was raised the Joint Authority shall carry the same to the Redemption Fund Account and to the part of that account in respect of the class of stock issued.

Article 18.—The Joint Authority may and if required by the Commissioners shall from time to time invest temporarily on statutory securities any sum raised by stock and not for the time being required for the purpose for which it was raised.

REGISTRATION AND CERTIFICATES.

Article 19.—(1) The Joint Authority shall, on such terms and subject to such conditions and instructions not inconsistent with the Regulations as they think expedient, appoint and keep appointed an officer of the Joint Authority or any other person or the Bank of England or any banking or other Company as Registrar (hereinafter referred to as "the Registrar") for all or any of the purposes of the Regulations. The general practice of the Bank of England shall apply to all stock issued under the Regulations of which they are the Registrar.

(2) The Joint Authority in relation to the Regulations and the Registrar (except where the Bank of England are the Registrar) shall respectively be deemed a banker within the Bankers' Books Evidence Act, 1879.

Article 20.—(1) The Registrar shall in relation to each class of stock keep books (hereinafter referred to as "the stock register") in which shall be entered the names and addresses of holders from time to time of stock of that class and the amounts held by them.

(2) The stock register shall be *prima facie* evidence of any matter entered therein in accordance with the Regulations and of the title of the persons entered therein as holders of stock.

Article 21.—(1) On the registration of stock, the Registrar shall issue to the holder of the stock a certificate of the proprietorship thereof which shall be *primâ facie* evidence of the title of the person named therein. No entry of any trust, expressed, implied or constructive, shall be made on the certificate and no notice of any such trust shall be receivable by the Registrar in respect of such certificate.

(2) If any such certificate is worn or defaced, the Registrar shall on surrender of the certificate and payment of a fee of 2*s*. 6*d*. issue a new certificate to the person entitled to the surrendered certificate.

(3) If it is shown to the satisfaction of the Registrar that any such certificate has been lost or destroyed, the Registrar shall, on receiving indemnity to his satisfaction against all claims in respect of the lost or destroyed certificate and on payment of a fee of 2*s*. 6*d*., issue a new certificate to the person entitled to the lost or destroyed certificate.

(4) Any entry of the issue of a certificate or of a substituted certificate, as the case may be, shall be made in the stock register.

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TRANSFER AND TRANSMISSION OF STOCK.

Article 22.—Subject to the provisions of the Regulations and to any direction o approval of the Joint Authority in pursuance of the Regulations the holder of stocl may transfer all or any part of his holding.

Article 23.—(1) The interest of a deceased holder of stock shall be transferabl by his executors or administrators notwithstanding any specific bequest thereof.

(2) Where two or more persons are registered as holders of any stock those person shall be deemed to be joint holders with right of survivorship between them.

(3) The Joint Authority or the Registrar shall not be required to allow any executors or administrators to transfer any stock until the probate of the will or the letters of administration to the estate of the deceased has or have been left with the Registrar for registration and may require all the executors who have proved the will to join in the transfer.

In the application of this Article to Scotland " the probate of the will or the letters of administration " shall be construed as meaning " the confirmation as executor."

Article 24.—(1) If the interest in any stock has become transmitted by any lawful means other than a transfer in books or by deed, or than the death of a stockholder, satisfactory evidence of the transmission shall be furnished to the Registrar by a statutory declaration of one or more competent persons or in such other manner as the Registrar, with the approval of the Joint Authority, may require.

(2) The name of the person entitled under the transmission shall be entered in the stock register.

(3) Until evidence has been furnished in accordance with sub-division (1) of this Article, the Joint Authority or the Registrar shall not be affected by the transmission, and no person claiming by virtue thereof shall be entitled to receive any dividend on the stock.

(4) In this Article the expression " transmission " includes any case of apparent transmission in consequence of the change of name of the stockholder, although the actual ownership of the stock may remain unaltered.

Article 25.—The Joint Authority shall be at liberty to adopt with regard to the stock or any class or description thereof the provisions of the Forged Transfers Acts, 1891 and 1892, in such manner as they shall think fit.

Registered Stock.

Article 26.—(1) The instrument of transfer of any registered stock shall be executed both by the transferor and by the transferee, and the transferor shall be deemed to remain the holder of the registered stock purporting to be transferred until the name of the transferee is entered on the stock register.

(2) Registered stock shall be transferred in the following form or in any usual or common form which the Registrar under the direction of the Joint Authority shall approve, that is to say:—

I A.B. of in consideration of the sum of £ paid to me by C.D. of (hereinafter called the said transferee) do hereby transfer to the said transferee £ Stock of the Authority to hold unto the said transferee, his executors, administrators, and assigns, subject to the several conditions on which I held the same at the time of the execution hereof:

And I, the said transferee, do hereby agree to take the said stock subject to the conditions aforesaid. As witness our hands the day of Witness to the signatures of, &c.

(3) The execution of the transfer, both by the transferor and transferee, shall be duly witnessed and the transfer shall unless the Joint Authority have compounded for stamp duty be properly stamped. The original transfer shall be retained by the Registrar on behalf of the Joint Authority and the Registrar shall enter a memorial thereof in a book to be called the register of transfers of stock and shall endorse on the instrument of transfer a notice of that entry.

(4) Not more than one class of registered stock shall be included in any transfer and the instrument of transfer shall relate only to the transfer and shall not contain any recital trust power or proviso whatever.

(5) The Registrar may refuse to register any transfer unless the fee hereinafter mentioned is paid in respect thereof, and also unless the instrument of transfer is accompanied by the certificate of stock to which it relates and such other evidence as the Registrar may reasonably require to show the right of the transferor to make the transfer.

Article 27.—The Registrar, with the approval of the Joint Authority may close the stock register of transfers of any class of registered stock on such day as may be fixed not being earlier than one month immediately preceding the date for the payment of interest.

Article 28.—The Registrar shall be entitled to charge a fee of 2*s.* 6*d.* or such less sum as the Joint Authority shall from time to time approve in respect of the registration of each one of the following matters, that is to say (*a*) any transfer (*b*) probate of will or letters of administration or confirmation (*c*) change of name (*d*) power of attorney (*e*) notice of distringas (*f*) Order of Court or (*g*) any other document affecting the registration of the stock. If any such registration affects more than one class of stock a separate fee may be charged in respect of each class.

Inscribed Stock.

Article 29.—(1) The Registrar shall keep books (hereinafter referred to as the stock transfer books) wherein transfers of inscribed stock shall be entered.

(2) Every such entry shall be conceived in proper words for the purpose of transfer and shall be signed by the person or persons making the transfer or by his or their agent lawfully authorised in writing under power of attorney in a form prepared by the Registrar.

(3) Where the Bank of England are the Registrar they may if they think fit require that the agent be so authorised by power of attorney under the hand and seal of the person making the transfer attested by two or more credible witnesses.

(4) The person to whom a transfer is made may, if he thinks fit, underwrite his acceptance thereof.

(5) Except as otherwise provided by Act of Parliament or by any regulations to be hereafter made by the Commissioners, no mode of transferring inscribed stock other than that prescribed in this Article shall be good in law.

Article 30.—(1) The Registrar, with the approval of the Joint Authority, may close the stock transfer books of any class of inscribed stock on such day as may be fixed not being earlier than one month immediately preceding the date for the payment of interest.

(2) The persons who on the day of closing in accordance with sub-division (1) of this Article are inscribed as holders of stock shall as between them and their transferees of stock be entitled to the interest next payable thereon.

Article 31.—The provisions as to registration fees of the Article of the Regulations whereof the marginal note is "Registration fees" shall apply *mutatis mutandis* to inscribed stock, but so nevertheless that if by the terms of issue of any inscribed stock such stock is to be transferable without charge or held on any other special terms as regard fees, effect shall be given to such terms of issue.

INTEREST.

Article 32.—Interest on stock shall be paid at such half-yearly or other intervals and on such days as on the issue thereof the Joint Authority shall prescribe.

Article 33.—The Joint Authority or the Registrar shall not be required to pay any executors or administrators any interest on stock held by their testator or intestate until the probate of the will or the letters of administration has or have been left with the Registrar for registration.

In the application of this Article to Scotland "the probate of the will or the letters of administration" shall be construed as meaning "the confirmation as executor."

Article 34.—The Registrar before paying any interest on any stock may if the circumstances of the case appear to him to make it expedient require evidence of the title of any person claiming a right to receive the interest and that evidence shall be a statutory declaration of competent persons or of such other nature as the Registrar with the approval of the Joint Authority may require.

Article 35.—Where two or more persons are registered as joint holders of any stock any interest may be well paid to any one of them.

Article 36. (1).—Except so far as may be otherwise directed by any holder of stock interest shall be paid by means of warrants sent through the post. Such warrants when sent by post shall subject as hereinafter provided be sent to the registered address of such holders or in the case of joint registered holders (except where otherwise directed by all such holders) to the registered address of that one of them whose name stands first on the stock register in respect of the stock in question: Provided that

(*a*) where the registered address of any such holder is outside the British Islands (including the Irish Free State) such holders shall furnish to the registrar an address within the British Islands to which the warrants are from time to time to be sent; and

(*b*) the registered holder may by writing under his hand direct that the interest on his stock shall be sent to some other address within the British Islands and thereupon the warrant shall be sent accordingly.

(2) The posting by the Registrar or other officer of the Joint Authority of a warrant for interest in a pre-paid letter directed to such an address as heretofore mentioned shall be a good discharge to the Joint Authority for such interest.

(3) Every warrant so sent by post shall be deemed to be a cheque and the Joint Authority and the Registrar shall in relation thereto be deemed to be bankers within the Bills of Exchange Act, 1882.

(4) Where two or more joint registered holders of stock have given a direction as to the payment of interest thereon, and one of them becomes of unsound mind, such direction shall not thereby become void.

Article 37.—Unpaid interest on stock shall not in any circumstances bear interest against the Joint Authority.

GENERAL.

Article 38.—(1) Stock is personal property.

(2) Stock is not liable to foreign attachment by the custom of London or otherwise.

(3) No notice of any trust, express, implied, or constructive in respect of any stock shall be entered in the stock register, or in any other book kept by the Joint Authority or the Registrar, or except so far as may be necessary under any Regulations for the time being in force made by the Commissioners in pursuance of the Act be receivable by the Joint Authority or the Registrar or affect the Registrar or the Joint Authority through the Registrar or otherwise.

Article 39.—(1) If at any time the Joint Authority shall have made default for a period of three months in the payment of interest on stock of any class or classes, then and in such case or cases the holder of stock of the class or classes in question may apply to the High Court for the appointment of a receiver and the Court may, if it thinks fit, appoint a receiver on such terms as it thinks fit.

(2) The receiver shall have the like power as the Joint Authority would have for the purpose of raising any sum required to meet a deficiency in the Electricity Fund so far as it may be necessary to meet that deficiency in order to provide the moneys which ought to be carried under the Regulations to the Redemption Fund Account or the Stock (Interest) Fund Account.

(3) The receiver shall also have such other powers and such duties not exceeding those of the Joint Authority as the Court think fit, and shall apply all moneys raised by him, after payment of expenses and costs as the Court directs, for purposes of the Regulations.

(4) The Court may at any time discharge the receiver and shall have full jurisdiction over him and all persons interested in his acts.

In the application of this Article to Scotland "judicial factor" shall be substituted for "receiver" and "Court of Session" for "High Court."

Article 40.—A person taking or holding stock shall not be concerned to inquire or to take notice whether the creation or issue thereof was or was not within any statutory borrowing power of the Joint Authority or otherwise in accordance with the Regulations, or whether or not the Joint Authority, or any meeting thereof was properly constituted or convened, or whether or not the proceedings at any meeting of the Joint Authority were legal or regular, or to see to the application of any money raised by stock, or be answerable for any loss or misapplication thereof.

Article 41.—(1) Once in every year at a time appointed by the Commissioners, the Clerk shall send to the Commissioners an abstract of the accounts of the Joint Authority relating to stock and the Redemption Fund Account in a form prescribed by the Commissioners.

The abstract shall be verified by a statutory declaration of the Clerk if and as may be required by the Commissioners and shall be made up to such date in each year as the Commissioners determine.

(2) In case of wilful default by the Clerk in respect of any matter mentioned in sub-division (1) of this Article or in respect of any requirement of the Commissioners in relation to any such matter the Clerk shall on each occasion be liable on summary conviction to a fine not exceeding twenty pounds. As respects England and Wales every fine under this sub-division shall be recoverable on the prosecution of the Commissioners.

(3) If by any such abstract or otherwise it appears to the Commissioners that the Joint Authority have failed to comply with any requirement of the Regulations or of the Commissioners thereunder in relation to any payment, application, or investment, or otherwise in relation to stock or the Redemption Fund Account, the Commissioners may by order require the Joint Authority to make good the default within a time therein limited; and if the default be in respect of any sum to be carried to the Redemption Fund Account, or the misapplication of any part of the moneys carried to that Account, the Commissioners may by order direct that the sum in that order mentioned, not exceeding double the amount in respect of which default has been made, shall be carried to the Redemption Fund Account and be invested and applied in like manner as required by the Regulations in regard to other sums carried to that Account.

Article 42.—(1) If at any time any interest on any stock is unclaimed at the time for payment thereof the same shall, nevertheless, on demand at any subsequent time whatsoever be paid to the person showing his right thereto, but without interest in the meantime.

(2) Where any interest remains unclaimed for three years from the time for payment thereof the Joint Authority shall cause notice thereof to be sent by post in a registered letter addressed to the holder of stock named in the stock register by the description and at the address therein appearing and so at the expiration of a further period of three years if the same still remains unclaimed.

(3) When any interest on stock has been unclaimed for six years and upwards the Joint Authority may transfer the amount then accrued due and all interest subsequently accruing due in respect of that stock from the Stock (Interest) Fund Account at which it stands to the credit of their revenue account or of any other account that the Joint Authority may think fit, or may otherwise deal with and apply the same for the purposes of the Joint Authority and that whether with or without making any provision for the payment of the said interest if and when claimed: Provided always that any such transfer dealing or application shall be without prejudice to the rights of any person entitled to such interest to recover the same from the Joint Authority.

Article 43.—(1) If at the end of a period of ten years after the date (hereinafter referred to as the date of redemption) at which the Joint Authority decide to redeem stock, the Joint Authority by reason of the holder of any such stock not being forthcoming, or by reason of any doubt as to the ownership of any such stock, shall not

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have been able to redeem the stock, the Joint Authority shall invest in statutory securities a sum equal to the nominal value of all such stock as cannot be redeemed by reason as aforesaid, and thereupon the stock shall be deemed to have been extinguished.

(2) Any investments by the Joint Authority as aforesaid shall, unless realised for the purpose of satisfying any claim in respect of the stock represented by the same, be kept invested in statutory securities for a further period of ten years after which time the Joint Authority may appropriate the said sums and any accumulations thereof for such purposes as the Commissioners approve, without prejudice nevertheless to the rights of any persons to the said sums or any part thereof. No interest shall accrue or be payable by the Joint Authority on unclaimed stock in respect of any period subsequent to the date of redemption of such stock.

Article 44.—The Joint Authority may be resolution revoke at any time, in whole or in part, any resolution for creation of stock theretofore passed by the Joint Authority if and so far as the same has not been acted on by the issue of stock thereunder, and notice of any such revocation shall forthwith be given to the Commissioners.

Article 45.—Except as in the Regulations expressly provided nothing in the Regulations shall relieve the Joint Authority from any obligation which may be imposed on them in relation to any statutory borrowing power or under any Act of Parliament under or by which that power for the time being exists or is regulated.

Article 46.—Stock shall be deemed capital stock of a company or society within the meaning of the Forgery Act, 1913, or of the Forgery Act, 1861, as amended and extended to Scotland by the Forgery Act, 1870.

Article 47.—Any order of the Commissioners in pursuance of the Regulations may contain such provisions as the Commissioners think necessary or proper for giving effect thereto, and shall, where the nature and terms of the order and the circumstances of the case so require, be enforceable by writ of mandamus to be obtained by the Commissioners out of the High Court and any such order may be from time to time cancelled or varied by the Commissioners as the circumstances of the case require.

In the application of this Article to Scotland the words " under and in accordance with Section ninety-one of the Court of Session Act, 1868," shall be substituted for the words " by writ of mandamus to be obtained by the Commissioners out of the High Court."

Article 48.—In addition to the fees prescribed by the Articles of the Regulations whereof the marginal notes are " Certificates of proprietorship of registered stock," " Registration fees " and " Registration fees to apply to inscribed stock " such other fees (if any) as may from time to time be affixed by regulations made by the Commissioners on the application of the Joint Authority may be taken by or on behalf of the Joint Authority in respect of such matters as may be specified in the said regulations.

Article 49.—Expenses of book-keeping and management and other current expenses from time to time incurred by the Joint Authority in the execution of the Regulations, including expenses connected with the formation, maintenance, investment, application or management of or otherwise relating to any redemption fund shall be defrayed out of the Electricity Fund.

Article 50.—The Commissioners may from time to time prescribe other regulations in addition to, in substitution for or in variation of the Regulations, but not so as thereby to prejudice or affect any existing interest or right of any holder of stock.

Dated this 18th day of May, 1927.

R. T. G. FRENCH,
Secretary to the
Electricity Commissioners.

Electricity Commission,
Savoy Court,
Strand, London, W.C.2.

S. R. & O., 1927, No. 1144.

THE ELECTRIC LIGHTING (CLAUSES) ACT, 1899 (APPLICATION TO CENTRAL ELECTRICITY BOARD) REGULATIONS, 1927, DATED 1ST JUNE, 1927, MADE BY THE ELECTRICITY COMMISSIONERS UNDER THE ELECTRICITY (SUPPLY) ACT, 1926.

Whereas in pursuance of section 1 of the Electricity (Supply) Act, 1926, the Central Electricity Board (hereinafter referred to as the Board) has been duly established for the purposes defined in the said Act:

And whereas by section 20 of the said Act it is enacted, *inter alia*, as follows:—

20.—(1) Subject to the provisions of this section, the Board shall be deemed to be undertakers and authorised undertakers within the meaning of the Electricity (Supply) Acts, 1882 to 1922 (*a*), and this Act in relation to the Board shall be deemed to be a Special Act for the purposes of those Acts, and for the purposes of this section there shall be incorporated with this Act the provisions of the Schedule to the Electric Lighting (Clauses) Act, 1899, subject to such exceptions and modifications as may be prescribed by Regulations made by the Electricity Commissioners:

Provided that section 13 of the Electric Lighting Act, 1882 (which relates to the breaking up of private streets, railways, and tramways), and sections 2 and 3 of the Electric Lighting Act, 1888 (*a*) (which relate to the purchase of undertakings by local authorities), shall not apply to the undertaking of the Board, and that section 20 of the Schedule to the Electric Lighting (Clauses) Act, 1899 (*b*), in its application to the Board shall have effect as if after the words "electric signalling communication" wherever they occur there were inserted the words "or electrical control of railways":

(2) Before any such Regulations come into force they shall be laid before each House of Parliament for a period of not less than thirty days on which that House has sat and if either House of Parliament before the expiration of that period presents an address to His Majesty no further proceedings shall be taken thereon.

Now, therefore, in the exercise of the power as aforesaid conferred upon them by the Electricity (Supply) Act, 1926, and any and every other power thereunto them enabling, the Electricity Commissioners hereby make the following Regulations, that is to say:—

REGULATIONS.

1. These Regulations may be cited as "The Electric Lighting (Clauses) Act, 1899 (Application to Central Electricity Board) Regulations, 1927."

2. Sections 2 to 7 (both inclusive), 12, 21 to 34 (both inclusive), 37, 39 to 53 (both inclusive), 55, 56, 58, 60, 63 to 68 (both inclusive), 70, 71, 74, 75, 78, 81 and 84 of the Schedule to the Electric Lighting (Clauses) Act, 1899, shall be and are hereby excepted from incorporation with the Electricity (Supply) Act, 1926, for the purposes of section 20 thereof.

3. Sections 1, 8 to 11 (both inclusive), 13 to 20 (both inclusive), 35, 36, 38, 54, 57, 59, 61, 62, 69, 72, 73, 76, 79, 80, 82 and 83 of the Schedule to the Electric Lighting (Clauses) Act, 1899, shall be and are hereby modified as set out in the Schedule hereto for incorporation with the Electricity (Supply) Act, 1926, for the purposes of section 20 thereof.

4. Section 77 of the Schedule to the Electric Lighting (Clauses) Act, 1899, shall be incorporated without modification with the Electricity (Supply) Act, 1926, for the purposes of section 20 thereof.

5. These Regulations shall commence and come into force as soon as they have lain before each House of Parliament for a period of thirty days on which that House has sat if neither of those Houses before the expiration of that period presents an Address to His Majesty against the Regulations or any part thereof.

(*a*) As to the Electricity (Supply) Acts, 1882 to 1922, and the Electric Lighting Act, 1888, see notes (*a*) and (*b*), p. 2622, *ante*.

(*b*) For the Electric Lighting (Clauses) Act, 1899, see Vol. IV, *post*.

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SCHEDULE.

EXCEPTED, MODIFIED AND UNMODIFIED SECTIONS OF THE SCHEDULE TO THE ELECTRIC LIGHTING (CLAUSES) ACT, 1899.

Section 1. (Interpretation.)
Modified for incorporation as follows:—

1. The provisions of this schedule are to be read and construed subject in all respects to the provisions of the Electricity (Supply) Acts, 1882 to 1926, and of any other Acts or parts of Acts incorporated therewith, and those Acts and parts of Acts are in this schedule collectively referred to as "the principal Acts"; and the several words, terms, and expressions to which by the principal Acts meanings are assigned shall have in this schedule the same respective meanings, provided that in this schedule—

The expression "the Special Act" means the Electricity (Supply) Act, 1926, with which the modified provisions of this schedule are incorporated and includes those provisions as so incorporated:

The expression "the Undertakers" means the Central Electricity Board named in the Special Act:

The expression "energy" means electrical energy, and for the purposes of applying the provisions of the principal Acts to the Special Act electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act, 1882:

The expression "service line" means any electric line through which energy may be supplied or intended to be supplied by the Undertakers to a consumer either from any main or directly from the premises of the Undertakers:

The expression "county council" means the county council by whom any street or public bridge (not within a county borough) is repairable:

The expression "consumer" means any body or person supplied or entitled to be supplied with energy by the Undertakers:

The expression "consumer's terminals" means the ends of the electric lines situate upon any consumer's premises and belonging to him, at which the supply of energy is delivered from the service lines:

The expression "telegraphic line," when used with respect to any telegraphic line of the Postmaster-General, has the same meaning as in the Telegraph Act, 1878, and any such telegraphic line shall be deemed to be injuriously affected where telegraphic communication by means of that line is, whether through induction or otherwise, in any manner affected:

The expression "railway" includes any tramroad, that is to say, any tramway other than a tramway as hereinafter defined:

The expression "tramway" means any tramway laid along any street:

The expression "daily penalty" means a penalty for each day on which any offence is continued after conviction therefor:

The expression "regulations of the Electricity Commissioners" means any regulations or conditions affecting the undertaking made by the Electricity Commissioners under the principal Acts or the Special Act for securing the safety of the public or for insuring a proper and sufficient supply of energy:

The expression "plan" means a plan drawn to a horizontal scale of at least one inch to eighty-eight feet, and where possible a section drawn to the same horizontal scale as the plan and to a vertical scale of at least one inch to eleven feet, or to such other scale as the Electricity Commissioners may approve of for both plan and section, together with such detail, plan, and sections as may be necessary.

Section 2. (Description of Undertakers.)
Excepted from incorporation.

Section 3. (Undertakers not to purchase other undertakings.)
Excepted from incorporation.

Section 4. (Area of supply and prohibition of supply beyond area.)
Excepted from incorporation.

Section 5. (Security for execution of works.)
Excepted from incorporation.

Section 6. (Audit of undertakers' accounts.)
Excepted from incorporation.

Section 7. (Application of money received by local authority as undertakers.)
Excepted from incorporation.

Section 8. (Purchase and use of lands by local authority.)
Modified for incorporation as follows:—

8. Subject to the provisions of the Special Act and the principal Acts the Undertakers may dispose of or lease any lands acquired by them by agreement which may not for the time being be required for the purposes of the Special Act.

Section 9. (Incorporation of 38 & 39 Vict. c. 55, s. 265.)
Modified for incorporation as follows:—

9. No matter or thing done and no contract entered into by the Undertakers, and no matter or thing done by any member of the Undertakers or by any officer of the Undertakers or other person whomsoever acting under the direction of the Undertakers shall, if the matter or thing were done or the contract were entered into *bonâ fide* for the purpose of executing the Special Act, subject them or any of them personally to any action, liability, claim, or demand whatsoever; and any expense incurred by the Undertakers, member, officer, or other person acting as last aforesaid shall be borne and repaid out of the fund applicable by the Undertakers to the general purposes of the Special Act.

Section 10. (Systems and mode of supply.)
Modified for incorporation as follows:—

10. Subject to the provisions of the Special Act and the principal Acts—

(*a*) Energy shall be supplied by the Undertakers only by means of some system approved in writing by the Electricity Commissioners, and subject to the regulations of the Electricity Commissioners; and

(*b*) The Undertakers shall not without the express consent of the Minister of Transport place any electric line above ground except within premises in the sole occupation or control of the Undertakers and except so much of any service line as is necessarily so placed for the purpose of supply; and

(*c*) The Undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the provisions of the regulations of the Electricity Commissioners, unless the connection is for the time being approved by the Electricity Commissioners, with the concurrence of the Postmaster-General, and is made in accordance with the conditions, if any, of that approval.

Section 11. (Additional provisions as to works.)
Modified for incorporation as follows:—

11. The provisions of the Special Act as to works shall be in addition but subject to those of the principal Acts, and in particular those of the Gasworks Clauses Act, 1847, with respect to breaking up streets incorporated in the principal Acts.

Section 12. (Powers for execution of works.)
Excepted from incorporation.

Section 13. (Street Boxes.)
Modified for incorporation as follows:—

13.—(1) Subject to the provisions of the principal Acts and the Special Act and the regulations of the Electricity Commissioners, the Undertakers may construct in any street such boxes as may be necessary for purposes in connection with the supply of energy, including apparatus for the proper ventilation of the boxes: Provided that no such box or apparatus shall be placed above ground except with the consent of the authority, body, or person by whom the street is repairable.

(2) Every such box shall be for the exclusive use of the Undertakers and under their sole control, except so far as the Electricity Commissioners otherwise order, and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors, or for examining, testing, regulating, measuring, directing, or controlling the supply of energy, or for examining or testing the condition of the mains or other portions of the works, or for other like purposes connected with the undertaking, and the Undertakers may place therein meters, switches, and any other suitable and proper apparatus for any of the above purposes.

(3) Every such box, including the upper surface or covering thereof, shall be constructed of such materials and shall be constructed and maintained by the Undertakers in such manner as not to be a source of danger, whether by reason of inequality of surface or otherwise.

(4) The local authority may, with the approval of the Electricity Commissioners, prescribe the hours during which the Undertakers are to have access to the boxes, and if the Undertakers during any hours not so prescribed remove or displace or keep removed or displaced the upper surface or covering of any box without the consent of the local authority they shall be liable for each offence to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds: Provided

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that the Undertakers shall not be subject to any such penalties as aforesaid if the court are of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Section 14. (Notice of works, with plan, to be served on Postmaster-General and local authority.)

Modified for incorporation as follows :—

14.—(1) Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of boxes) will involve the placing of any works in, under, along, or across any street or public bridge, the following provisions shall have effect :—

(*a*) One month or in the case of service lines seven days before commencing the execution of the works (not being repairs, renewals, or amendments of existing works of which the character and position are not altered), the Undertakers shall serve a notice upon the Postmaster-General and the local authority describing the proposed works, together with a plan of the works showing the mode and position in which the works are intended to be executed, and the manner in which it is intended that the street or bridge, or any sewer, drain, or tunnel therein or thereunder is to be interfered with, and shall, upon being required to do so by the Postmaster-General or the local authority, give him or them any such further information in relation thereto as he or they desire.

(*b*) The Postmaster-General or the local authority may, in his or their discretion, approve any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove them, and may give notice of that approval or disapproval to the Undertakers.

(*c*) Where the Postmaster-General or the local authority approve any such works or plan subject to any amendments or conditions with which the Undertakers are dissatisfied, or disapprove any such works or plan, the Undertakers may appeal to the Minister of Transport, and the Minister of Transport may inquire into the matter and allow or disallow the appeal, and may approve any such works or plan subject to such amendments or conditions as seem fit, or may disapprove them.

(*d*) If the Postmaster-General or the local authority fail to give any such notice of approval or disapproval to the Undertakers within one month or in the case of service lines seven days after the service of the notice upon them, he or they shall be deemed to have approved the works and plan.

(*e*) Notwithstanding anything in the Special Act or the principal Acts, the Undertakers shall not be entitled to execute any such works as above specified except so far as they may be of a description and in accordance with a plan which has been approved, or is to be deemed to have been approved, by the Postmaster-General and the local authority, or by the Minister of Transport as above mentioned; but where any such works, description, and plan are so approved, or to be deemed to be approved, the Undertakers may cause those works to be executed in accordance with the description and plan, subject in all respects to the provisions of the Special Act and the principal Acts.

(*f*) If the Undertakers make default in complying with any of the requirements or restrictions of this section, they shall (in addition to any other compensation which they may be liable to make under the provisions of the Special Act or the principal Acts) make full compensation to the Postmaster-General and the local authority for any loss or damage which he or they may incur by reason thereof, and in addition thereto they shall be liable for each default to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalty as aforesaid if the court are of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

(2) In the application of this section to a street or public bridge (not within a county borough) which is repairable by the county council, a reference to the county council shall be substituted for a reference to the local authority.

(3) Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under the Special Act or otherwise by law in the event of any telegraphic line of the Postmaster-General being at any time injuriously affected by the Undertakers' works or their supply of energy.

Section 15. (As to streets not repairable by local authority, railways, tramways, and canals.)

Modified for incorporation as follows:—

15. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works in, under, along, or across any street or part of a street not repairable by the local authority (including the county council) or over or under any railway, tramway, or canal, the following provisions shall have effect unless otherwise agreed between the parties interested:—

(*a*) One month before commencing the execution of the works (not being repairs, renewals, or amendments of existing works of which the character and position are not altered) the Undertakers shall, in addition to any other notices which they may be required to give under the Special Act or the principal Acts, serve a notice upon the body or person (if any) liable to repair the street or part of a street, or the body or person for the time being entitled to work the railway or tramway, or the owners of the canal (as the case may be), in this section referred to as the "owners," describing the proposed works, together with a plan of the works showing the mode and position in which the works are intended to be executed and placed, and shall, upon being required to do so by any such owners, give them any such further information in relation thereto as they desire.

(*b*) Every such notice shall contain a reference to this section and direct the attention of the owners to whom it is given to the provisions thereof.

(*c*) Within three weeks after the service of any such notice and plan upon any owners, those owners may, if they think fit, serve a requisition upon the Undertakers requiring that any question in relation to the works, or to compensation in respect thereof, and any other question arising upon the notice or plan, shall be settled by arbitration; and thereupon that question, unless settled by agreement, shall be determined by arbitration accordingly.

(*d*) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of the street, railway, tramway, or canal, and may, if he thinks fit, require the Undertakers to execute any temporary or other works so as to avoid any interference with any traffic so far as may be possible.

(*e*) Where no such requisition as in this section mentioned is served upon the Undertakers, or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled, the Undertakers may cause to be executed the works specified in such notice and plan as aforesaid, and may repair, renew, and amend them (provided that their character and position are not altered), but subject in all respects to the provisions of the Special Act and the principal Acts and only in accordance with the notice and plan so served by them as aforesaid, or such modifications thereof respectively as may have been determined by arbitration as hereinbefore mentioned or as may be agreed upon between the parties.

(*f*) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners, and those owners shall have the right to be present during the execution of the works.

(*g*) Where the repair, renewal, or amendment of any existing works of which the character or position is not altered will involve any interference with any railway or with any tramway over or under which those works have been placed, the Undertakers shall, unless it is otherwise agreed between the parties or in case of emergency, give to the owners not less than twenty-four hours' notice before commencing to effect the repair, renewal, or amendment, and the owners shall be entitled by their officer to superintend the works, and the Undertakers shall conform to such reasonable requirements as may be made by the owners or that officer. The notice shall be in addition to any other notices which the Undertakers may be required to give under the Special Act or the principal Acts.

(*h*) If the Undertakers make default in complying wi h any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of the Special Act or the principal Acts) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof, and in addition thereto they shall be liable for each default to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalty as aforesaid if the court are of opinion that the case was one of

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emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Section 16. (Street authority, etc., may give notice of desire to break up streets, etc., on behalf of Undertakers.)

Modified for incorporation as follows:—

16. Any body or person for the time being liable to repair any street or part of a street, or entitled to work any railway or tramway which the Undertakers are empowered to break up for the purposes of the Special Act, may, if they think fit, serve a notice upon the Undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein specified in relation to the breaking up, filling in, reinstating, or making good any streets, bridges, sewers, drains, tunnels, or other works vested in or under the control or management of that body or person, and may amend or revoke any such notice by another notice similarly served.

Where any such body or person (in this section referred to as the "givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Undertakers, then so long as that notice remains in force the following provisions shall have effect unless it is otherwise agreed between the parties interested:—

(*a*) The Undertakers shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid except where they have required the givers of the notice to exercise or discharge those powers or duties and the givers of the notice have refused or neglected to comply with that requisition, as hereinafter provided, or in cases of emergency.

(*b*) In addition to any other notices which they are required to give under the provisions of the Special Act or the principal Acts, the Undertakers shall, not more than four days and not less than two days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced, serve a requisition upon the givers of the notice stating the time when that exercise or discharge is required to be commenced and the manner in which any such powers or duties are required to be exercised or discharged.

(*c*) Upon receipt of any such requisition as last aforesaid, the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers subject to the like restrictions and conditions, so far as they are applicable, as the Undertakers would themselves be subject to in that exercise or discharge.

(*d*) If the givers of the notice decline or for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced neglect to comply with the requisition, the Undertakers may themselves proceed to exercise or discharge the powers or duties therein specified in like manner as they might have done if such notice as aforesaid had not been given to them by the givers of the notice.

(*e*) In any case of emergency the Undertakers may themselves proceed at once to exercise or discharge so much of any such specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition on the givers of the notice; but in that case the Undertakers shall, within twelve hours after they begin to exercise or discharge such powers or duties as aforesaid, give information thereof in writing to the givers of the notice.

(*f*) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section, they shall be liable for each offence to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court are of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

(*g*) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers under this section shall be repaid to them by the Undertakers and may be recovered summarily.

Provided that nothing in this section shall in any way affect the rights of the Undertakers to exercise or discharge any powers or duties conferred or imposed upon them by the Special Act or the principal Acts in relation to the execution of any

works beyond the actual breaking up, filling in, reinstating, or making good any such street or part of a street, or any such bridges, sewers, drains, tunnels, or other works, or railway or tramway as in this section mentioned.

Section 17. (As to alteration of pipes, wires, etc., under streets.)
Modified for incorporation as follows:—

17. The Undertakers may alter the position of any pipes (except any pipe forming part of any sewer of the local authority) or any wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under the principal Acts or the Special Act; and any body or person may in like manner alter the position of any electric lines or works of the Undertakers being under any such street or place as aforesaid which may interfere with the lawful exercise of any powers vested in that body or person in relation to that street or place, subject to the following provisions unless it is otherwise agreed between the parties interested:—

(*a*) One month before commencing any such alterations the Undertakers or the body or person (as the case may be), in this section referred to as the "operators," shall serve a notice upon the body or person for the time being entitled to the pipes, wires, electric lines, or works (as the case may be), in this section referred to as the "owners," describing the proposed alterations, together with a plan showing the manner in which it is intended that the alterations shall be made, and shall, upon being required to do so by any such owners, give them any such further information in relation thereto as they may desire.

(*b*) Within three weeks after the service of any such notice and plan upon any owners those owners may, if they think fit, serve a requisition upon the operators requiring that any question in relation to the works or to compensation in respect thereof or any other question arising upon such notice or plan as aforesaid shall be settled by arbitration; and thereupon that question unless settled by agreement shall be determined by arbitration accordingly.

(*c*) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of the pipes, wires, electric lines, or works, and may, if he thinks fit, require the operators to execute any temporary or other works so as to avoid interference with any purpose for which the pipes, wires, electric lines, or works are used so far as possible.

(*d*) Where no such requisition as in this section mentioned is served upon the operators, the owners shall be held to have agreed to the notice of plan served on them as aforesaid, and in that case, or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled, the operators may cause the alterations specified in such notice and plan as aforesaid to be made, but subject in all respects to the provisions of the principal Acts and the Special Act, and only in accordance with the notice and plan so served by them as aforesaid, or such modifications thereof respectively as may have been determined by arbitration as hereinbefore mentioned or as may be agreed upon between the parties.

(*e*) At any time before any operators are entitled to commence any such alterations as aforesaid, the owners may serve a statement upon the operators stating that they desire to execute the alterations themselves, and where any such statement has been served upon the operators they shall not be entitled to proceed themselves to execute the alterations except where they have notified to the owners that they require them to execute the alterations and the owners have refused or neglected to comply with the notification as hereinafter provided.

(*f*) Where any such statement as last aforesaid has been served upon the operators, they shall, not more than forty-eight hours and not less than twenty-four hours before the execution of the alterations is required to be commenced, serve a notification upon the owners stating the time when the alterations are required to be commenced and the manner in which the alterations are required to be made.

(*g*) Upon receipt of any such notification as last aforesaid, the owners may proceed to execute the alterations as required by the operators subject to the like restrictions and conditions, so far as they are applicable, as the operators would themselves be subject to in executing the alterations.

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(*h*) If the owners decline or for twenty-four hours after the time when any such alterations are required to be commenced neglect to comply with the notification, the operators may themselves proceed to execute the alterations in like manner as they might have done if no such statement as aforesaid had been served upon them.

(*i*) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by the operators and may be recovered summarily.

(*j*) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of the Special Act or the principal Acts) make full compensation to the owners affected thereby for any loss, damage, or penalty which they may incur by reason thereof, and in addition thereto they shall be liable for each default to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalty as aforesaid if the court are of opinion that the case was one of emergency and that the operators complied with the requirements of this section so far as was reasonable under the circumstances.

Section 18. (Laying of electric lines, etc., near sewers, etc., or gas or water pipes, or other electric lines.)

Modified for incorporation as follows:—

18.—(1) Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any sewer, drain, watercourse, defence, or work under the jurisdiction or control of the local authority, or any main, pipe, syphon, electric line or other work belonging to any gas, electric supply or water company has been lawfully placed, or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the Undertakers have been lawfully placed, the Undertakers or the gas or water company (as the case may be), in this section referred to as the "operators," shall, unless it is otherwise agreed between the parties interested or in case of sudden emergency, give to the local authority or to the gas, electric supply or water company, or to the Undertakers (as the case may be), in this section referred to as the "owners," not less than three days' notice before commencing to dig or sink such trench as aforesaid, and those owners shall be entitled by their officer to superintend the work and the operators shall conform with such reasonable requirements as may be made by the owners or the officer for protecting from injury every such sewer, drain, watercourse, defence, main, pipe, syphon, electric line, or work and for securing access thereto, and they shall also, if required by the owners thereof, repair any damage that may be done thereto.

(2) Where the operators find it necessary to undermine but not alter the position of any pipe, electric line, or work, they shall temporarily support it in position during the execution of their works, and before completion provide a suitable and proper foundation for it where so undermined.

(3) Where the operators (being the Undertakers) lay any electric lines crossing or liable to touch any mains, pipes, lines, or services belonging to any gas, electric supply or water company, the conducting portion of the electric line shall be effectively insulated in a manner approved by the Electricity Commissioners; and the Undertakers shall not, except with the consent of the gas, electric supply, or water company (as the case may be) and of the Electricity Commissioners, lay their electric lines so as to come into contact with any such mains, pipes, lines, or services, or, except with the like consent, employ any such mains, pipes, lines, or services as conductors for the purposes of their supply of energy.

(4) Any question or difference which may arise under this section shall be determined by arbitration.

(5) If the operators make default in complying with any of the requirements of this section they shall make full compensation to all owners affected thereby for any loss, damage, penalty, or costs which they may incur by reason thereof; and in addition thereto they shall be liable for each default to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalty if the court are of opinion that the case was one of emergency and that the operators complied with the requirements of this section so far as was reasonable under the circumstances, or that the default in question was due to the fact that the operators were ignorant of the position of the sewer, drain, watercourse, defence, main, pipe, syphon, electric line,

or work affected thereby and that that ignorance was not owing to any negligence on the part of the operators.

(6) For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas; the expression "water company" shall mean any body or person lawfully supplying water or water power; and the expression "electric supply company" shall mean any body or person other than the Undertakers supplying energy in pursuance of the principal Acts.

Section 19. (For protection of railway and canal companies.)
Modified for incorporation as follows:—

19. In the exercise of any of the powers of the Special Act relating to the execution of works, the Undertakers shall not in any way injure the railways, tunnels, arches, works, or conveniences belonging to any railway or canal company nor obstruct or interfere with the working of the traffic passing along any railway or canal.

Section 20. (For protection of telegraphic and telephonic wires.)
Modified for incorporation as follows:—

20.—(1) The Undertakers shall take all reasonable precautions in constructing, laying down, and placing their electric lines and other works of all descriptions and in working their undertaking so as not injuriously to affect, whether by induction or otherwise, the working of any wire or line used for the purpose of telegraphic, telephonic, or electric signalling communication or electrical control of railways, or the currents in that wire or line, whether that wire or line be or be not in existence at the time of the laying down or placing of the electric lines or other works.

If any question arises between the Undertakers and the owner of any such wire or line as to whether the Undertakers have constructed, laid down or placed their electric lines or other works or worked their undertaking in contravention of this sub-section and as to whether the working of that wire or line or the current therein is or is not injuriously affected thereby, that question shall be determined by arbitration; and the arbitrator (unless he is of opinion that the wire or line not having been so in existence at such time as aforesaid has been placed in unreasonable proximity to the electric lines or works of the Undertakers) may direct the Undertakers to make any alterations in, or additions to their system so as to comply with the provisions of this section, and the Undertakers shall make those alterations or additions accordingly.

(2) Seven days before commencing to lay down or place any electric line or to use any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication or electrical control of railways through any wire or line lawfully laid down or placed in any position may be injuriously affected, the Undertakers shall, unless otherwise agreed between the parties interested give to the owner of the wire or line notice in writing specifying the course, nature, and gauge of the electric line and the manner in which the electric line is intended to be used, and the amount and nature of the currents intended to be transmitted thereby, and the extent to and manner in which (if at all) earth returns are proposed to be used; and any owner entitled to receive that notice may serve a requisition on the Undertakers requiring them to adopt such precautions as may be therein specified in regard to the laying, placing or user of the electric line for the purpose of preventing the injurious affection; and the Undertakers shall conform with such reasonable requirements as may be made by the owner for the purpose of preventing the communication through the wire or line from being injuriously affected as aforesaid.

If any difference arises between any such owner and the Undertakers with respect to the reasonableness of any requirement so made, that difference shall be determined by arbitration.

Provided that nothing in this sub-section shall apply to repairs or renewals of any electric line so long as the course, nature, and gauge of the electric line and the amount and nature of the current transmitted thereby are not altered.

(3) If in any case the Undertakers make default in complying with the requirements of this section, they shall make full compensation to every such owner as aforesaid for any loss or damage which he may incur by reason thereof, and in addition thereto they shall be liable for each default to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. Provided that the Undertakers shall not be subject to any such penalty as aforesaid if the court are of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances, or that the default was due to the fact that the Undertakers were ignorant of the position of the wire or line affected thereby and that that ignorance was not owing to any negligence on the part of the Undertakers.

ELECTRIC LIGHTING AND POWER

(4) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the Undertakers by indictment, action, or otherwise in relation to any of the matters aforesaid.

Section 21. (Mains, etc., to be laid down in streets specified in Special Order and in remainder of area of supply.)
Excepted from incorporation.

Section 22. (As to laying of electric line under special agreement.)
Excepted from incorporation.

Section 23. (If Undertakers fail to lay down mains, etc., Order may be revoked.)
Excepted from incorporation.

Section 24. (Manner in which requisition is to be made.)
Excepted from incorporation.

Section 25. (Provisions on requisition by owners or occupiers.)
Excepted from incorporation.

Section 26. (Provisions on requisition by local authority.)
Excepted from incorporation.

Section 27. (Undertakers to furnish sufficient supply of energy to owners and occupiers within the area of supply.)
Excepted from incorporation.

Section 28. (Maximum power.)
Excepted from incorporation.

Section 29. (Supply of energy to public lamps.)
Excepted from incorporation.

Section 30. (Penalty for failure to supply.)
Excepted from incorporation.

Section 31. (Methods of charging.)
Excepted from incorporation.

Section 32. (Maximum prices.)
Excepted from incorporation.

Section 33. (Other charges by agreement.)
Excepted from incorporation.

Section 34. (Price to public lamps.)
Excepted from incorporation.

Section 35. (Appointment of electric inspectors.)
Modified for incorporation as follows :—

35. The Electricity Commissioners on the application of any consumer or of the Undertakers may appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors under the Special Act.

Section 36. (Duties of electric inspectors.)
Modified for incorporation as follows :—

36.—(1) The duties of an electric inspector under the Special Act shall be as follows :—

(*a*) The inspection and testing of the Undertakers' electric lines and works and the supply of energy given by them ;

(*b*) The certifying and examination of meters ; and

(*c*) Such other duties in relation to the undertaking as may be required of him under the provisions of the Special Act or of the regulations of the Electricity Commissioners.

(2) The Electricity Commissioners may prescribe the manner in which and the times at which any such duties are to be performed by an electric inspector, and also the fees to be taken by him, and those fees shall be accounted for and applied as may be directed by the Electricity Commissioners.

Section 37. (Remuneration of electric inspectors.)
Excepted from incorporation.

Section 38. (Notice of accidents and inquiries by Board of Trade.)
Modified for incorporation as follows :—

38.—(1) The Undertakers shall send to the Electricity Commissioners notice of any accident by explosion or fire, and also of any other accident of such kind as to have caused or to be likely to have caused loss of life or personal injury which has occurred in any part of the Undertakers' works or their circuits or in connection

with those works or circuits, and also notice of any loss of life or personal injury occasioned by any such accident. The notice shall be sent by the earliest practicable post after the accident occurs, or, as the case may be, after the loss of life or personal injury becomes known to the Undertakers.

If the Undertakers fail to comply with the provisions of this sub-section they shall be liable for each default to a penalty not exceeding twenty pounds.

(2) The Electricity Commissioners may also, if they deem it necessary, appoint any electric inspector or other fit person to inquire and report as to the cause of any accident affecting the safety of the public which may have been occasioned by or in connection with the Undertakers' works, whether notice of the accident has or has not been received from the Undertakers, or as to the manner and extent in and to which the provisions of the Special Act and the principal Acts and of the regulations of the Electricity Commissioners so far as those provisions affect the safety of the public have been complied with by the Undertakers; and any person appointed under this section, not being an electric inspector, shall for the purposes of his appointment have all the powers of an electric inspector under the Special Act.

Section 39. (Testing of mains.)
Excepted from incorporation.

Section 40. (Testing of works and supply on consumer's premises.)
Excepted from incorporation.

Section 41. (Undertakers, not being local authority, to establish testing stations.)
Excepted from incorporation.

Section 42. (Undertakers to keep instruments on their premises.)
Excepted from incorporation.

Section 43. (Readings of instruments to be taken.)
Excepted from incorporation.

Section 44. (Electric inspector may test Undertakers' instruments.)
Excepted from incorporation.

Section 45. (Representation of Undertakers at testings.)
Excepted from incorporation.

Section 46. (Undertakers to give facilities for testing.)
Excepted from incorporation.

Section 47. (Report of results of testing.)
Excepted from incorporation.

Section 48. (Expenses of electric inspector.)
Excepted from incorporation.

Section 49. (Meters to be used except by agreement.)
Excepted from incorporation.

Section 50. (Meter to be certified.)
Excepted from incorporation.

Section 51. (Inspector to certify meter.)
Excepted from incorporation.

Section 52. (Undertakers to supply meters if required to do so.)
Excepted from incorporation.

Section 53. (Meters not to be connected or disconnected without notice.)
Excepted from incorporation.

Section 54. (Consumer to keep his meter in proper order.)
Modified for incorporation as follows:—

54.—(1) Every consumer shall at all times at his own expense keep all meters belonging to him whereby the value of the supply is to be ascertained in proper order for correctly registering that value, and in default of his so doing the Undertakers may cease to supply energy through the meter.

(2) The Undertakers shall have access to and be at liberty to take off, remove, test, inspect, and replace any such meter at all reasonable times: Provided that all reasonable expenses of and incident to any such taking off, removing, testing, inspecting, and replacing shall if the meter is found to be not in proper order be paid by the consumer, but if it is found to be in proper order all expenses connected therewith shall be paid by the Undertakers.

Section 55. (Power to the Undertaker to let meter.)
Excepted from incorporation.

Section 56. (Undertakers to keep meters let for hire in repair.)
Excepted from incorporation.

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Section 57. (Differences as to correctness of meter to be settled by inspector.)
Modified for incorporation as follows:—

57. If any difference arises between any consumer and the Undertakers as to whether any meter whereby the value of the supply is ascertained (whether belonging to the consumer or to the Undertakers) is or is not in proper order for correctly registering that value, or as to whether that value has been correctly registered in any case by any meter, that difference shall be determined upon the application of either party by an electric inspector to be appointed by the Electricity Commissioners, and that inspector shall also order by which of the parties the costs of and incidental to the proceedings before him shall be paid and the decision of the inspector shall be final and binding on all parties.

Subject as aforesaid, the register of the meter shall be conclusive evidence in the absence of fraud of the value of the supply.

Section 58. (Undertakers to pay expenses of providing new meters where method of charge altered.)
Excepted from incorporation.

Section 59. (Undertakers may place meters to measure supply or to check measurement.)
Modified for incorporation as follows:—

59. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply, the Undertakers may place upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy supplied to the consumer or the number of hours during which the supply is given or the maximum power taken by the consumer or any other quantity or time connected with the supply: Provided that the meter or apparatus shall be of some construction and pattern and shall be fixed and connected with the service lines in some manner approved by the Electricity Commissioners, and shall be supplied and maintained entirely at the cost of the Undertakers, and shall not except by agreement be placed otherwise than between the mains of the Undertakers and the consumer's terminals.

Section 60. (Map of area of supply to be made.)
Excepted from incorporation.

Section 61. (Notices, etc., may be printed or written.)
Modified for incorporation as follows:—

61. Notices, orders, and other documents under the Special Act may be in writing or in print or partly in writing and partly in print, and where any notice, order, or document requires authentication by the local authority, the signature thereof by the clerk or surveyor to the local authority shall be sufficient authentication.

Section 62. (Service of notices, etc.)
Modified for incorporation as follows:—

62.—(1) Any notice, order, or document required or authorised to be served upon any body or person under the Special Act or the principal Acts may be served by being addressed to that body or person and being left at or transmitted through the post to the following addresses respectively:—

(*a*) in the case of the Minister of Transport, the office of the Ministry of Transport;

(*b*) in the case of the Electricity Commissioners, the office of the Electricity Commissioners;

(*c*) in the case of the Postmaster-General, the General Post Office;

(*d*) in the case of any county council, the office of that council;

(*e*) in the case of any local authority, the office of that local authority;

(*f*) in the case of the Undertakers, the principal office of the Undertakers;

(*g*) in the case of a company having a registered office, at that registered office, and in the case of a company having an office or offices but no registered office, the principal office of that company;

(*h*) in the case of any other person, the usual or last-known place of abode of that person.

(2) A notice, order, or document by this schedule required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description.

(3) A notice, order, or document by the Special Act required or authorised to be served on the owner or occupier of premises may be served by delivering it or a true copy thereof to some person on the premises, or, if there is no person on the

premises to whom the same can with reasonable diligence be delivered, by fixing it on some conspicuous part of the premises.

(4) Subject to the provisions of the Special Act as to cases of emergency, where the interval of time between the service of any notice or document under the provisions of the Special Act and the execution of any works or the performance of any duty or act is less than seven days, the following days shall not be reckoned in the computation of that time; that is to say, Sunday, Christmas Day, Good Friday, any bank holiday under and within the meaning of the Bank Holiday Act, 1871, and any Act amending that Act, and any day appointed for public fast, humiliation, or thanksgiving.

Section 63. (Revocation of Order where Undertakers are insolvent.)
Excepted from incorporation.

Section 64. (Revocation of Order where undertaking cannot be carried on with profit.)
Excepted from incorporation.

Section 65. (Revocation where local authority are Undertakers and works are not executed.)
Excepted from incorporation.

Section 66. (Revocation of Order with consent.)
Excepted from incorporation.

Section 67. (Provisions where Order revoked.)
Excepted from incorporation.

Section 68. (Provisions where local authority are Undertakers and Order is revoked.)
Excepted from incorporation.

Section 69. (Remedying of system and works.)
Modified for incorporation as follows:—

69.—(1) If at any time it is established to the satisfaction of the Electricity Commissioners:—

(*a*) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Electricity Commissioners or (except in accordance with the provisions of the Special Act) have permitted any part of their circuits to be connected with earth or placed any electric line above ground; or

(*b*) that any electric lines or works of the Undertakers are defective so as not to be in accordance with the provisions of the Special Act or the regulations of the Electricity Commissioners; or

(*c*) that any work of the Undertakers or their supply of energy is attended with danger to the public safety, or injuriously affects any telegraphic line of the Postmaster-General,

the Electricity Commissioners may by order specify the matter complained of and require the Undertakers to abate or discontinue it within such period as is therein limited in that behalf, and if the Undertakers make default in complying with the order they shall be liable to a penalty not exceeding twenty pounds for every day during which the default continues.

(2) The Electricity Commissioners may also if they think fit by the same or any other order forbid the use of any electric line or work as from such date as may be specified in that behalf until the order is complied with, or for such time as may be so specified, and if the Undertakers make use of any such electric line or work while the use thereof is so forbidden they shall be liable to a penalty not exceeding one hundred pounds for every day during which the user continues.

Section 70. (Publication of Regulations.)
Excepted from incorporation.

Section 71. (Nature and amount of security.)
Excepted from incorporation.

Section 72. (Proceedings of Board of Trade.)
Modified for incorporation as follows:—

72.—(1) All things required or authorised under the Special Act to be done by, to, or before the Minister of Transport may be done by, to, or before the Minister of Transport or a secretary or assistant secretary of the Minister of Transport.

(2) All documents purporting to be orders made by the Minister of Transport and to be sealed with the seal of the Ministry of Transport, or to be signed by a secretary or assistant secretary of the Minister of Transport, or by any person authorised in that behalf by the Minister of Transport, shall be received in evidence and shall be deemed to be those orders without further proof unless the contrary is shown.

Section 73. (Approval or consent of Board of Trade.)
Modified for incorporation as follows:—

73.—(1) Where the Special Act provides for any consent or approval of the Minister of Transport or the Electricity Commissioners, the Minister of Transport or the Electricity Commissioners (as the case may be) may give that consent or approval subject to terms or conditions or may withhold their consent or approval as in his or their discretion he or they may think fit.

(2) All costs and expenses of or incident to any approval, consent, certificate, or order of the Minister of Transport or the Electricity Commissioners or of any inspector or person appointed thereby, including the cost of any inquiry or tests for the purpose of determining whether the same should be given or made, to such an amount as is certified by the Minister of Transport or the Electricity Commissioners (as the case may be) to be due, shall be borne and paid by the applicant therefor:

Provided that where any approval is given to any plan, pattern, or specification, the Minister of Transport or the Electricity Commissioners (as the case may be) may require such copies of the plan, pattern, or specification as he or they may think fit to be prepared and deposited at his or their office at the expense of the applicant, and may revoke any approval so given, or permit the approval to be continued subject to such modifications as he or they may think necessary.

Section 74. (Notice of approval of Board of Trade, etc., to be given by advertisement.)
Excepted from incorporation.

Section 75. (Notice of application for extension of time, etc., to be given to local authority.)
Excepted from incorporation.

Section 76. (Recovery and application of penalties.)
Modified for incorporation as follows:—

76. All penalties, fees, expenses, and other moneys recoverable under the Special Act, or under the regulations of the Electricity Commissioners, the recovery of which is not otherwise specially provided for may be recovered summarily in manner provided by the Summary Jurisdiction Acts.

Section 77. (Undertakers to be responsible for all damages.)
Incorporated without modification.

77. The Undertakers shall be answerable for all accidents, damages and injuries happening through the act or default of the Undertakers or of any person in their employment by reason of or in consequence of any of the Undertakers' works, and shall save harmless all authorities, bodies, and persons by whom any street is repairable, and all other authorities, companies, and bodies collectively and individually, and their officers and servants, from all damages and costs in respect of those accidents, damages, and injuries.

Section 78. (As to mortgages.)
Excepted from incorporation.

Section 79. (Saving for Postmaster-General.)
Modified for incorporation as follows:—

79. Nothing in the Special Act shall affect any right or remedy of the Postmaster-General under the principal Acts or the Telegraph Acts, 1863 to 1926, and all provisions contained in the Special Act in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the provisions of those Acts.

Section 80. (Saving rights of the Crown in the foreshore.)
Modified for incorporation as follows:—

80. Nothing in the Special Act shall authorise the Undertakers to take, use, or in any manner interfere with any portion of any shore, bed of the sea, river, channel, creek, bay, or estuary, or any right in respect thereof belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of His Majesty (which consent the Board of Trade may give), neither shall anything in the Special Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the King's Majesty.

Section 81. (Undertakers not exempted from proceedings for nuisance.)
Excepted from incorporation.

Section 82. (Provision as to general Acts.)
Modified for incorporation as follows:—

82. Nothing in the Special Act shall exempt the Undertakers or their undertaking from the provisions of or deprive the Undertakers of the benefits of any general Act relating to electricity or to the supply of or price to be charged for energy which may be passed after the passing of the Special Act.

Section 83. (Application to Scotland.)
Modified for incorporation as follows:—

83. In the application of the provisions of this schedule to Scotland the following modifications shall be made:—

(1) The expression "arbiter" shall be substituted for the expression "arbitrator."

(2) "The sheriff of the county or any of his substitutes" shall be substituted for "a court of summary jurisdiction."

(3) References to recovery summarily as a civil debt shall be construed as references to recovery summarily.

(4) The expression "complainer" shall be substituted for the expression "complainant," and the expression "defender" for the expression "defendant."

(5) A reference to the Edinburgh Gazette shall be substituted for a reference to the London Gazette.

Section 84. (Application to Ireland.)
Excepted from incorporation.

ELECTRICITY (SUPPLY) ACTS, 1882 TO 1922 (*a*).

MEMORANDUM OF PROCEDURE IN RESPECT OF APPLICATIONS BY UNDERTAKERS FOR APPROVAL OF THE ELECTRICITY COMMISSIONERS TO AN ARRANGEMENT FOR MUTUAL ASSISTANCE UNDER SECTION 19 OF THE ELECTRICITY (SUPPLY) ACT, 1919.

1. The application must contain:—

(*a*) A description of the parties to the arrangement:

(*b*) Particulars of the arrangement proposed to be entered into:

(*c*) A statement of the terms and conditions agreed between the parties:

(*d*) A description of any roads, railways, and tramways which it is necessary to break up for the purpose of carrying the arrangement into effect:

2. Where the arrangement is one for the giving and taking of a supply of electricity the application must be accompanied by a map on the scale of one inch to the mile, showing the areas of supply of the parties, the districts (if any) of any local authorities intervening between such areas, and the route along which any electric lines are to be placed for the purpose.

3. Should the Electricity Commissioners decide to proceed with the application, they will require the applicants to give notice of the application (*a*) to all undertakers authorised to supply electricity in bulk in the area to which the application relates; (*b*) to the local authority for any such district; and (*c*) to the local authority for any intervening district through which electric lines are to be placed for the purposes of the supply.

The notice should set out the nature of the application and should state that any objections to the application may be made by letter addressed to the Secretary, Electricity Commission, Savoy Court, Strand, London, W.C.2, within 30 days from the date of the notice, and that a copy of the objection should be sent to the applicants.

4. Where the arrangement involves the breaking up of any road, railway or tramway which neither of the parties to the arrangement is empowered to break up under their respective Orders or Special Acts, the applicants must give notice of the application, by advertisement or otherwise as the Electricity Commissioners may direct, to the authority, company or person by whom that road, railway or tramway is

(*a*) Printed in later volumes of the work.

repairable. The notice in such a case should be as nearly as may be in accordance with the Form set out in the Appendix hereto.

5. Proof that the above requirements relating to notices have been complied with must be made by the applicants forwarding to the Electricity Commissioners:—

(*a*) A copy of the newspaper containing the advertisement (if any);

(*b*) A copy of the notice given to undertakers authorised to supply electricity in bulk in any district to which the application relates, and a copy of the notice (if any) given to any local authority;

(*c*) An affidavit or stamped statutory declaration to the effect that all notices required to be served, as above, have been so served, with a list of the bodies on whom they were served as an exhibit.

NOTE.—Any cost or expenses which may be incurred by the Electricity Commissioners in connection with any application must be paid by the applicants if so required by the Commissioners.

Where in this memorandum provision is made for notice being given to a local authority, the London County Council shall in respect of any application relating to the County of London be deemed to be a local authority.

Electricity Commission,
Savoy Court,
Strand, W.C.2.
March, 1924.

APPENDIX.

ELECTRICITY (SUPPLY) ACT, 1919.

(Title of Order or Special Act.)

NOTICE IS HEREBY GIVEN that an application has been made to the Electricity Commissioners by the (insert name of applicants) for the approval of the Commissioners under Section 19 of the Electricity (Supply) Act, 1919, to the (insert names of the parties to the arrangement) entering into and carrying into effect an arrangement for mutual assistance under the said Section and for that purpose to authorise the breaking up of the under-mentioned roads (railways, tramways) which neither of the parties to the arrangement is empowered to break up under their respective Orders or Special Acts (set out description of roads, railways or tramways, and the districts in which they are situate).

Any body or person affected and wishing to state objections to the application may do so by registered letter addressed to the Secretary, Electricity Commissioners, Savoy Court, Strand, London, W.C.2, within thirty days of the date hereof, and a copy of the objection must be addressed to me.

(To be signed on behalf of Applicants.)

(Address of Applicants and date.)

MEMORANDUM OF PROCEDURE IN RESPECT OF APPLICATIONS BY UNDERTAKERS FOR CONSENT OF THE ELECTRICITY COMMISSIONERS UNDER SECTION 13 OF THE ELECTRIC LIGHTING ACT, 1882 (*a*), TO BREAK UP ANY STREET NOT REPAIRABLE BY THE LOCAL AUTHORITY, OR ANY RAILWAY OR TRAMWAY WHICH THE UNDERTAKERS ARE NOT EMPOWERED TO BREAK UP UNDER THEIR ORDER OR SPECIAL ACT.

1. The applicants must give notice of the application, by advertisement or otherwise as the Electricity Commissioners may direct, to the authority, company, or person by whom the street, railway or tramway is repairable.

The notice should be as nearly as may be in accordance with the Form set out in the Appendix hereto.

2. The application must contain an accurate description of the street, railway or tramway to which it relates, and must be accompanied by a map or plan on a scale

(*a*) See Vol. IV, *post*.

of 6 inches to the mile (or such other scale as may be approved by the Electricity Commissioners) showing the said street, railway or tramway.

3. Proof that these requirements have been complied with must be made by the applicants forwarding to the Electricity Commissioners

(*a*) A copy of the newspaper containing the advertisement (if any) and a copy of the notice served on the authority, company or person by whom the street, railway or tramway is repairable; and

(*b*) An affidavit or stamped statutory declaration to the effect that all authorities, companies or persons by whom the street, railway or tramway is repairable have been served with the notice referred to, with a list of such authorities, companies or persons as an exhibit.

NOTE.—Any costs or expenses which may be incurred by the Electricity Commissioners in connection with any application must be paid by the applicants if so required by the Commissioners.

Electricity Commission,
Savoy Court,
Strand, London, W.C.2.
March, 1924.

APPENDIX.

ELECTRIC LIGHTING ACT, 1882.

(Title of Order or Special Act.)

NOTICE IS HEREBY GIVEN that an application has been made by the (insert name of undertakers) to the Electricity Commissioners for their consent under Section 13 of the Electric Lighting Act, 1882, to the said (insert name of undertakers) breaking up for the purposes of the (insert title of Order or Special Act) the under-mentioned streets not repairable by the Local Authority (railway, tramway), viz., (set out description of streets, railway or tramway).

Any person affected and wishing to state objections to the application may do so by registered letter addressed to the Secretary, Electricity Commission, Savoy Court, Strand, London, W.C.2, within thirty days from the date hereof, and a copy of the objection must be addressed to me.

(To be signed on behalf of the Undertakers.)

(Address of Undertakers and date.)

MEMORANDUM OF PROCEDURE IN RESPECT OF APPLICATIONS FOR AN ORDER OF THE ELECTRICITY COMMISSIONERS UNDER SECTION 4 (3) OF THE ELECTRIC LIGHTING ACT, 1909 (*a*), PERMITTING A SUPPLY OF ELECTRICITY IN BULK TO BE GIVEN TO OTHER UNDERTAKERS, WHERE THE SUPPLY CAN BE GIVEN WITHOUT BREAKING UP ANY STREETS EXCEPT SUCH, AS THE UNDERTAKERS GIVING OR THE UNDERTAKERS RECEIVING THE SUPPLY ARE AUTHORISED TO BREAK UP.

1. The application must contain—

(*a*) A description of the undertakers proposed to be supplied in bulk:

(*b*) A description of the streets (if any) proposed to be broken up for the purpose of giving the supply; and

(*c*) A statement of the terms and conditions on which the supply is proposed to be given.

2. The application must be accompanied by a map on a scale of 6 inches to the mile (or such other scale as may be approved by the Electricity Commissioners) showing the point at which the supply is to be given, the route along which any electric lines are to be placed for the purpose of giving the supply and the boundary between the area of supply of the applicants and that of the undertakers proposed to be supplied.

(*a*) See Vol. IV, *post*.

ELECTRIC LIGHTING AND POWER

3. The applicants must give notice in writing to the Joint Electricity Authority, Electricity Advisory Board, or other body established for the Electricity District (if any) to which the application relates, giving the particulars specified in paragraphs 1 and 2.

4. Should the Electricity Commissioners decide to proceed with the application, they will require the applicants to give notice, by advertisement or otherwise, of the application and of the intention of the Commissioners to make the Order, and also notice in writing to all undertakers authorised to supply electricity in bulk in the area to which the application relates.

Where the undertakers in any district in the area to which the application relates are not the local authority, the Commissioners will also require the applicants to give notice of the application to the local authority for that district.

The notice should be as nearly as may be in accordance with the Form set out in the Appendix hereto.

5. Proof that the above requirements relating to notices have been complied with must be made by the applicants forwarding to the Commissioners—

(*a*) A copy of the newspaper containing the advertisement (if any).

(*b*) A copy of the notice given to undertakers authorised to supply electricity in bulk in the area to which the application relates, and a copy of the notice (if any) given to the local authority.

(*c*) An affidavit or stamped statutory declaration to the effect that all notices required to be served, as above, have been so served, with a list of the bodies on whom they were served as an exhibit.

NOTE.—Any costs or expenses which may be incurred by the Commissioners in connection with the application must be paid by the applicants if so required by the Commissioners.

Where in this Memorandum provision is made for notice being given to a local authority, the London County Council shall, in respect of any application relating to the County of London, be deemed to be a local authority.

Electricity Commission,
Savoy Court,
Strand, London, W.C.2.
March, 1924.

APPENDIX.

FORM OF NOTICE.

ELECTRIC LIGHTING ACT, 1909.

(Title of Order or Special Act.)

NOTICE IS HEREBY GIVEN that an application has been made to the Electricity Commissioners by the (insert name of applicants) the undertakers under the (insert title of Order or Special Act) for an Order under Section 4 (3) of the Electric Lighting Act, 1909, permitting the said undertakers to supply electricity in bulk to the (insert name or names of undertakers to whom supply in bulk is to be given), and it is the intention of the Electricity Commissioners to make the Order.

Any person affected and wishing to state objections to the application may do so by registered letter addressed to the Secretary, Electricity Commissioners, Savoy Court, Strand, London, W.C.2, within thirty days from the date hereof, and a copy of the objection must be addressed to me.

(To be signed on behalf of the Applicants.)

(Address of Applicants and date.)

MEMORANDUM OF PROCEDURE IN RESPECT OF APPLICATIONS FOR CONSENT OF THE ELECTRICITY COMMISSIONERS UNDER SECTION 11 OF THE ELECTRICITY (SUPPLY) ACT, 1919 (*a*).

A. Applications relating to the establishment of new generating stations:—

(1) The applicants must give notice of the application by advertisement or otherwise as the Electricity Commissioners may direct, to

(*a*) The Joint Electricity Authority, Electricity Advisory Board, or other body established for the Electricity District (if any) in which the site of the proposed station is situated.

(*b*) The local authority for the district in which the said site is situated.

(*c*) H.M. Office of Works, etc., Westminster, S.W.1, and

(*d*) Owners and lessees of land situated within 300 yards of the land on which the generating station is to be constructed.

The notices should be as nearly as possible in accordance with Forms A and B respectively set out in the Appendix hereto:

Provided that in any case where the applicants have already obtained an Order or Act authorising the acquisition or use of the said land for the purposes of a generating station, the notices required by paragraphs 1 (*c*) and (*d*) above need not be given.

(2) The application must contain an accurate description of the land on which the station is to be established and must be accompanied by a plan showing the site in some distinctive colour and having the 300 yards radius marked thereon, together with a plan and an elevation drawing of the generating station; a description of the machinery proposed to be installed therein and a statement of the time within which the station is proposed to be established.

The application must be accompanied by an estimate of the capital outlay involved and particulars of the financial position of the undertaking.

(3) A copy of the said plans, elevation drawing and description of the machinery must be deposited for public inspection at the offices of the authorities or bodies referred to in paragraphs (1) (*a*) and (*b*) above or at such other office as the Electricity Commissioners may direct.

(4) Proof that these requirements have been complied with must be made by the applicants forwarding to the Secretary, Electricity Commission, Savoy Court, Strand, W.C.2.

(*a*) A copy of the newspaper containing the advertisement (if any) and copies of the notices served on the aforesaid authorities or bodies and on owners and lessees.

(*b*) An affidavit or stamped statutory declaration to the effect that the notices referred to have been served on the authorities, bodies and persons mentioned in paragraphs (1) (*a*) to (*d*), with a list of owners and lessees as an exhibit (where necessary), and that a plan showing the land, together with a plan and elevation drawing of the generating station and a description of the machinery proposed to be installed therein has been deposited for public inspection at the offices of the authorities referred to in paragraphs (1) (*a*) and (*b*) or at such other office as the Electricity Commissioners may have directed.

B. Applications relating to the extension of existing generating stations.

(1) The applicants must give notice of the application in writing to the Joint Electricity Authority, Electricity Advisory Board or other body established for the Electricity District (if any) in which the existing generating station is situate.

(2) The application must be accompanied by the following particulars:—

(*a*) The reasons necessitating the extension.

(*b*) The size and type of plant to be installed and other material details.

(*c*) The estimated cost of the proposed extension.

(*d*) A plan or plans showing any proposed extension of the station buildings and the proposed new plant marked in some distinctive colour to distinguish it from the existing plant.

(*a*) See Vol. IV, *post*.

(3) A copy of the said particulars must be furnished to the authority or body referred to in paragraph B (1) above.

(4) The applicants must forward to the Secretary, Electricity Commission, Savoy Court, Strand, W.C.2, a certificate to the effect that the requirements of paragraphs B (1), and (3) have been complied with.

C. Applications relating to the establishment of new or the extension of existing main transmission lines.

(1) The applicants must give notice of the application in writing to the Joint Electricity Authority, Electricity Advisory Board, or other body established for the Electricity District (if any) in which the proposed main transmission line will be situate.

(2) The application must be accompanied by the following particulars :—

(*a*) A map on a scale of not less than 1 inch to the mile showing the route of the line.

(*b*) In the case of an underground main, a description of the cables and of the proposed method of laying.

(*c*) In the case of an overhead line, a description of the line and of the constructional features proposed to be adopted.

(*d*) The pressure at which electricity is to be transmitted.

(*e*) The estimated cost of the proposed main transmission line.

(3) A copy of the said particulars must be furnished to the authority or body referred to in paragraph C (1) above.

(4) The applicants must forward to the Secretary, Electricity Commission, Savoy Court, Strand, W.C.2, a certificate to the effect that the requirements of paragraphs C (1) and (3) have been complied with.

NOTE.—Any costs or expenses which may be incurred by the Electricity Commissioners in connection with any application must be paid by the applicants if so required by the Commissioners.

Where in this memorandum provision is made for notice being given to a local authority, the London County Council shall in respect of any application relating to the County of London be deemed to be a local authority.

Electricity Commission,
Savoy Court,
Strand, London, W.C.2.
December, 1926.

APPENDIX.

1. FORM A.

FORM OF NOTICE, BY ADVERTISEMENT AND TO THE JOINT ELECTRICITY AUTHORITY, ELECTRICITY ADVISORY BOARD, OR OTHER BODY ESTABLISHED FOR THE ELECTRICITY DISTRICT (IF ANY), THE LOCAL AUTHORITY, AND TO H.M. OFFICE OF WORKS, &C.

ELECTRICITY (SUPPLY) ACT, 1919.

(Title of Order or Special Act.)

NOTICE IS HEREBY GIVEN that an application has been made to the Electricity Commissioners by the (insert name of applicants) for the consent of the Commissioners under Section 11 of the Electricity (Supply) Act, 1919, to establish a generating station for the purposes of the (insert title of Order or Special Act) on (insert description of site).

A plan showing the land in question together with a plan and an elevation drawing of the generating station and a description of the machinery proposed to be installed therein, has been deposited for public inspection at (insert address of office of the Joint Electricity Authority, Electricity Advisory Board, or the body established for the Electricity District (if any), the Local Authority, or such other office as may have been directed by the Electricity Commissioners).

If the Joint Electricity Authority, Electricity Advisory Board, or other body established for the Electricity District, the Local Authority, or any owner or lessee of property situate

within three hundred yards of the proposed site wish to state objections to the application, they must do so by registered letter addressed to the Secretary, Electricity Commission, Savoy Court, Strand, W.C.2, within thirty days from the date hereof, and a copy of the objection must be addressed to me.

(To be signed on behalf of the Applicants.)

(Address of Applicants and date.)

2. FORM B.

FORM OF NOTICE TO OWNERS AND LESSEES.

(Address of Applicants and date.)

ELECTRICITY (SUPPLY) ACT, 1919.

(Title of Order or Special Act.)

SIR,

I beg to inform you that an application has been made to the Electricity Commissioners by the (insert name of applicants) for the consent of the Commissioners under Section 11 of the Electricity (Supply) Act, 1919, to establish a generating station for the purposes of the (insert title of Order or Special Act) on (insert description of site). Certain land of which I understand you are the owner or lessee is situate within three hundred yards of the site above described.

A plan showing the site together with a plan and an elevation drawing of the generating station, and a description of the machinery proposed to be installed therein has been deposited for public inspection at (insert address of office of the Joint Electricity Authority, Electricity Advisory Board, or other body established for the Electricity District (if any), Local Authority, or such other office as may have been directed by the Electricity Commissioners).

Any objection you may have to the said application must be sent by registered letter addressed to the Secretary, Electricity Commission, Savoy Court, Strand, W.C.2, within thirty days of the date hereof, and a copy of the objection must be addressed to me.

I am, &c.,

(To be signed on behalf of the Applicants.)

OVERHEAD LINE REGULATIONS FOR SECURING THE SAFETY OF THE PUBLIC MADE BY THE ELECTRICITY COMMISSIONERS UNDER THE ELECTRICITY (SUPPLY) ACTS, 1882 TO 1928 (*a*).

[*Note.—These Regulations differ only from those made by the Electricity Commissioners in* 1928 *in respect of Regulations* 5 *and* 18.]

DEFINITION.

In the following Regulations the expression "line conductors" means conductors used for transmitting a supply of electrical energy, including so much of any service line as may be under the control of the undertakers.

I.—GENERAL.

Material of Line Conductors.

1. Line conductors shall be of copper, aluminium, or such other materials as may be approved by the Electricity Commissioners.

Strength of Line Conductors.

2. All line conductors at the time of erection shall comply, as regards elongation, breaking load and elasticity, with the specification of the British Engineering Standards Association then in force.

(*a*) See note (*b*) to p. 2622, *ante*.

ELECTRIC LIGHTING AND POWER

Minimum Size of Line Conductor.

3. The minimum permissible size for copper and other line conductors (other than service lines) shall be such as to have an actual breaking load of not less than 1,237 pounds, the equivalent minimum cross-sectional area and weight per mile for copper being as follows:—

Conductor.	*Cross-sectional area. sq. ins.*	*Weight per Mile. Lbs.*
No. 8 S.W.G.	0.0201	409

The minimum permissible size of service line shall be such as to have an actual breaking load of not less than 816 pounds, the equivalent minimum cross sectional area and weight per mile for copper being as follows:—

Conductor.	*Cross-sectional area. sq. ins.*	*Weight per Mile. Lbs.*
No. 10 S.W.G.	0.0129	262

Line Conductors to be inaccessible.

4. Line conductors shall be rendered inaccessible to any person from any building or other place without the use of a ladder or other special appliance.

Regard shall be had to the normal use by the occupier of any premises or land and where necessary (*a*) the height of the line conductors shall be increased to provide sufficient clearance for safety in accordance with such use, and (*b*) provision as hereinafter prescribed in Regulations 14 or 17 shall be made to prevent danger.

Line Conductors Crossing other Lines.

5. Where a line conductor crosses over or under, or is in proximity to any other overhead wire, precautions shall be taken by the Undertakers to prevent contact, due to breakage or otherwise, between the line conductor and the other overhead wire, or between the other wire and the line conductor.

Provided that where a line conductor crosses over any overhead wire other than a telegraph or telephone line of the Postmaster-General, the precautionary means to be adopted shall be as hereinafter prescribed in paragraph (3) of Regulation 18.

Provided further that this Regulation shall not be deemed to require the Undertakers to take precautions against contact between a broken line conductor and other auxiliary conductors and earth wires carried on the same support and forming part of the same overhead line.

Supports.

6. Line conductors shall be attached to suitable insulators carried on supports of wood, iron, steel or reinforced concrete. All wooden supports other than oak or hard wood cross-arms shall unless otherwise approved by the Electricity Commissioners be of red fir impregnated with creosote. Special precautions shall be taken to prevent the corrosion of all metal work at or below the surface of the ground.

Factor of Safety of Supports.

7. The supports, in conjunction with stays or struts if provided, shall withstand the longitudinal, transverse and vertical loads due to the ice loadings and wind pressure hereinafter specified without damage and without movement in the ground. In no case shall the strength of a support in the direction of the overhead line be less than *one-quarter* the required strength in a direction transverse to the line.

The following factors of safety shall apply to each support.

Material.	*Factory of Safety.*
Iron or Steel	2·5
Wood	3·5
Reinforced Concrete	3·5

These factors of safety shall be calculated on the assumption that all line conductors cables and wires carried by the supports are at a temperature of 22° F., and have a covering of ice to the radial thickness specified in Regulation 12 (or Regulation 15 according to the voltage) and that together with the supports they are subjected to a wind of 50 miles per hour at right angles to the line, this wind to be taken as exerting a pressure equivalent to 8 pounds per square foot calculated on the whole of the projected area.

The wind pressure on the lee side members of lattice steel or other compound structures, including A and H Poles, shall be taken as one-half of the wind pressure on the windward side members. The factor of safety shall be calculated on the crippling load of struts and upon the elastic limit of tension members.

Service Lines.

8. Service lines shall be connected to line conductors at a point of support only and shall be fixed to insulators on consumers' premises. Every part of a service line (other than a neutral conductor connected with earth) which is accessible from a building with the use of a ladder or other special appliance shall be efficiently protected either by insulating material or by other means approved by the Electricity Commissioners.

Erection of line conductors at different voltages on same supports.

9. Where line conductors forming parts of systems at different voltages are erected on the same poles or supports adequate provision shall be made to guard against danger to linesmen and from the lower voltage system being charged above its normal voltage by leakage from or contact with the higher voltage system ; and the type of construction shall be subject to the prior approval of the Electricity Commissioners.

Inspection and Maintenance of Lines.

10. Every overhead line, including its supports and structural parts, and electrical appliances and devices belonging to or connected therewith, shall be regularly inspected and efficiently maintained.

Materials used.

11. All materials used shall at the time of erection conform to the specifications of the British Engineering Standards Association and to the Post Office Technical Instructions for the Construction of Aerial Lines for the time being in force, so far as the same are applicable and are not inconsistent with these Regulations.

II.—SPECIFIC REGULATIONS.

[*Applicable according to the voltage between line conductors where no part of the system is connected with earth, or according to the voltage to earth where part of the system is connected with earth.*]

A. For voltages not exceeding 650 volts direct current and 325 volts alternating current.

Factor of Safety of Line Conductors.

12. The factor of safety of line conductors shall be 2. The factor of safety shall be based on the breaking load and shall be calculated on the assumption that the line conductors are at a temperature of 22° F. and have a covering of ice to a radial thickness of *three-sixteenths of an inch*, and that they are simultaneously subjected to a wind of 50 miles per hour at right angles to the line, this wind to be taken as exerting a pressure eqivalent to 8 pounds per square foot calculated on the whole of the projected area of the ice-covered lines.

The weight of ice is to be taken as 57 pounds per cubic foot.

The elasticity of the metal may be allowed for in calculating the sag for line conductors.

ELECTRIC LIGHTING AND POWER

Minimum Height of Conductors.

13. The height from the ground of any line conductor (other than a service line), earth wire, or auxiliary conductor at any point of the span at a temperature of 122° F. shall not, except with the consent of the Electricity Commissioners, be less than 19 feet across a public road or 17 feet in other positions. A height of 15 feet may be adopted in situations inaccessible to vehicular traffic.

Where a service line is carried across or along a carriage-way, the height of the line from the ground at any part of the carriage-way shall not, except with the consent of the Electricity Commissioners, be less than 19 feet and 17 feet respectively.

Provision to Prevent Danger.

14. Where the voltage to earth exceeds 250 volts direct current or 125 volts alternating current, precautions should be taken to prevent danger—

(1) from a broken line conductor by the provision of—

(*a*) a neutral or earthed conductor carried continuously from pole to pole, and so arranged in relation to the other conductors that in the event of breakage of any one of them the line conductor shall make contact with the earthed wire; or

(*b*) other means approved by the Electricity Commissioners.

(2) from leakage by the provision—

(*a*) in cases where metal poles are used, of

(i) an earthed wire, running from pole to pole and connected to the poles; or

(ii) a suitable metal framework to support the insulators carrying the line conductors, the framework being insulated from the pole but connected to the neutral conductor; or

(iii) other means approved by the Electricity Commissioners

(*b*) in cases where wooden poles are used, of

(i) a bonding wire connected to the supporting metal-work of all insulators, the bonding wire terminating at the lowest part of the supporting metal-work; or

(ii) other means approved by the Electricity Commissioners.

Where lightning conductors are used or other uninsulated conductors are run down wooden poles to within 10 feet from the ground, the precautions for the prevention of danger from leakage shall be as for metal poles.

All stay wires other than those which are connected with earth by means of a continuous earth wire shall be insulated to prevent danger from leakage. For this purpose an insulator shall be placed in each stay wire at a height of not less than 10 feet from the ground.

B. For voltages exceeding 650 volts direct current and 325 volts alternating current.

Factor of Safety of Line Conductors.

15. The factor of safety of line conductors shall be 2. The factor of safety shall be based on the breaking load and shall be calculated on the assumption that the line conductors are at a temperature of 22° F., and have a covering of ice to a radial thickness of *three-eighths of an inch*, and that they are simultaneously subjected to a wind of 50 miles per hour at right angles to the line, this wind to be taken as exerting a pressure equivalent to 8 pounds per square foot calculated on the whole of the projected area of the ice-covered lines.

The weight of ice is to be taken as 57 pounds per cubic foot.

The elasticity of the metal may be allowed for in calculating the sag for line conductors.

Minimum Height of Conductors.

16. The height from the ground of any line conductor at any point on the span at a temperature of 122° F. shall not, except with the consent of the Electricity Commissioners, be less than the height hereunder stated:—

Voltages not exceeding 66,000 volts.	20 feet.
Voltages exceeding 66,000 volts and not exceeding 110,000 volts.	21 feet.
Voltages exceeding 110,000 volts and not exceeding 165,000 volts.	22 feet.
Voltages exceeding 165,000 volts.	23 feet.

The height from the ground of an earth wire or auxiliary conductor shall not be less than the minimum heights prescribed in Regulation 13.

Provision to Prevent Danger.

17. Adequate means shall be provided to render any line conductor dead in the event of it falling due to breakage or otherwise.

All metal work other than conductors shall be permanently and efficiently connected with earth. For this purpose a continuous earth wire shall be provided and connected with earth at four points in every mile, the spacing between the points being as nearly equidistant as possible, or, alternatively, the metal work shall be connected to an effective earthing device at each individual support. The design and construction of the system of earth connections shall be such that when contact is made between a line conductor and metal connected with earth the resulting leakage current shall not be less than twice the leakage current required to operate the devices which make the line dead.

Road Crossings, &c.

18. Where an overhead line is erected along or across a public road or canal or across a railway or crosses over any other overhead wire, all wires forming part of the overhead line including earth wires and auxiliary conductors shall be placed at the appropriate height from the ground specified in Regulation 16 for line conductors, and the following additional precautions shall be taken to prevent danger:—

(1) In the case of a line erected *along* a public road or canal (or within 50 feet thereof) there shall be provided—

(*a*) duplicate insulators supporting the conductors; or

(*b*) a device to ensure that in the event of a line conductor falling it shall be put to earth; or

(*c*) other means approved by the Electricity Commissioners.

(2) In the case of a line erected *across* a public road, canal or railway there shall be provided—

(*a*) duplicate insulators for supporting the line conductor and a device to ensure that in the event of a line conductor falling it shall be put to earth; or

(*b*) duplicate insulators supporting duplicate conductors tied at intervals not exceeding five feet; or

(*c*) other means approved by the Electricity Commissioners.

(3) In the case of a line crossing *over* any other overhead wire there shall be provided—

(*a*) duplicate insulators for supporting the line conductor and a device to ensure that in the event of a line conductor falling it shall be put to earth; or

(*b*) duplicate insulators supporting duplicate conductors tied at intervals not exceeding five feet;

the provision prescribed in (*a*) or (*b*) hereof being supplemented in the case of line conductors at voltages exceeding 650 volts by the provision of arcing horns or rings; or

(*c*) other means approved by the Electricity Commissioners.

ELECTRIC LIGHTING AND POWER

Danger Notices.

19. Supports shall be numbered consecutively and each support shall have a danger notice of a permanent character securely fixed to it. Adequate provision shall also be made to prevent unauthorised climbing.

These Regulations are made subject to the power of the Electricity Commissioners to make such further or other Regulations as they may think expedient and shall apply to any overhead lines erected by authorised undertakers:

Provided that these Regulations shall not apply to any overhead lines in existence at the date hereof and constructed and maintained by authorised undertakers under and in accordance with the provisions of any prior Regulations for overhead lines made by the Board of Trade or the Electricity Commissioners.

Signed by order of the Electricity Commissioners this 22nd day of May, 1931.

R. T. G. FRENCH,
Secretary to the
Electricity Commissioners.

EXPLANATORY MEMORANDUM ON THE REVISED CODE OF OVERHEAD LINE REGULATIONS (*a*) MADE BY THE ELECTRICITY COMMISSIONERS AND ON MATTERS RELEVANT THERETO.

The Electricity Commissioners have recently reviewed the Code of Overhead Line Regulations adopted by them in the latter part of 1923, with the object of determining whether relaxations consistent with the maintenance of a reasonable degree of safety to the public could be made for the purpose more particularly of facilitating the development of overhead distribution at the lower voltages in rural areas.

Due regard has been given to various representations on this matter which have been made to the Commissioners from time to time on behalf of the Electricity Supply Industry, and the technical aspects have formed the subject of conferences between the Commissioners and Electrical Engineers who have had considerable experience in the erection of overhead lines in rural districts and elsewhere. The Commissioners have also conferred with the Postmaster-General on the question of the relaxation of his requirements as to protection between telegraph or telephone lines and electric supply lines.

As a result, the Commissioners have adopted a revised Code of Overhead Line Regulations with effect as from April 16th, 1928 (*b*), and the following explanatory notes dealing with the various relaxations and with other relevant questions have been prepared for the information of the Electricity Supply Industry.

Regulation 1 (*Materials for Line Conductors*).

This Regulation remains unaltered, but it may be noted that the "other mater ials" for line conductors which have already been approved by the Electricity Commissioners in certain cases include steel-cored aluminium, steel, cadmium copper and other appropriate alloys of high tensile strength.

Regulation 3 (*Minimum size of Line Conductor*).

In view of the relaxation which has been made in the assumed ice loading on line conductors (Regulations 12 and 15) and in guarding requirements (Regulation 14), the minimum size of copper conductor (other than service lines) is in future to be No. 8 S.W.G. or the nearest equivalent section of stranded conductor (being not less

(*a*) *Ante*, p. 2669.
(*b*) These are printed *ante*, p. 2669, as revised in 1931.

than No. 8 S.W.G.). The minimum size of lines in general (other than service lines) is to be such that the actual breaking load shall be not less than 1,237 lbs.

Regulation 6 (*Supports*).

Under this Regulation, as amended, the Commissioners will be prepared in special cases to consent to the use of wooden poles other than of red fir, provided that suitable precautions are taken in the felling, selection and treatment of the timber.

Regulation 7 (*Factor of Safety of Supports*).

After consultation with the Air Ministry, the National Physical Laboratory and the British Electrical and Allied Industries Research Association on the questions of climatic conditions, wind velocities and wind pressures, the Commissioners have decided to retain the same wind pressure and the same factors of safety as are prescribed by the existing Code in respect of supports and also of line conductors The wind pressure on the supports alone has been shown to vary with different types of support, but is usually only a small proportion of the total load on the supports.

The Commissioners have concluded, however, that the relaxed conditions with regard to the assumed ice loading on line conductors (Regulations 12 and 15) will enable supports of suitable size and strength, but of less expensive construction than hitherto, to be adopted consistently with securing the safety of the public. An enquiry is being continued into the factor of safety of reinforced concrete supports.

With regard to the foundation of supports, the Regulation now requires that the supports shall withstand the specified ice loadings and wind pressure without movement in the ground. As the working load under the Revised Code will constitute a greater proportion of the ultimate strength of the supports than under the prior Code, it will be more particularly necessary to pay attention to the foundations of wooden poles, which will require the addition of cross members or " kicking blocks " (excepting in the case of poles of small sizes) in order that the foundation may be as strong as the pole itself.

Regulation 8 (*Service Lines*).

The requirement for the protection of persons working on the outside of buildings may be generally assumed to involve the covering of all live conductors with durable insulating material for so much of their length as lies within 6 feet of the building.

Regulation 9 (*Erection of line conductors at different voltages on same supports*).

Although the construction of lines at different voltages on the same supports was not precluded under the prior Code, the Commissioners have considered it desirable to include a new Regulation dealing specifically with this matter. The Commissioners will be prepared to approve of types of construction under this Regulation which make adequate provision for avoiding danger to linesmen working on the lines and for preventing contact between the higher and lower voltage systems.

Regulation 12 (*Factor of Safety of Line Conductors*).

The Commissioners have made a relaxation in the assumed ice loading on lower voltage lines from one quarter of an inch to *three-sixteenths* of an inch, but, as previously indicated, have retained the provisions of the prior Code as to wind pressure and factor of safety. The assumed ice loading and unaltered factor of safety will permit of line conductors being strung to a tension which is at least as high as may profitably be used and is consistent with the tension when the line without the assumed ice loading is subjected to a wind of gale force equivalent to a pressure of 20 lbs. per sq. foot.

Regulation 13 (*Minimum Height of Conductors*).

The minimum height from the ground of lower voltage line conductors has been reduced from 20 feet to 19 feet across public roads ; to 17 feet along public roads and in other positions ; and to 15 feet in situations inaccessible to vehicular traffic.

The minimum height of service lines has been reduced from 20 feet to 19 feet across carriage ways and to 17 feet along carriageways.

Regulation 14 (*Provision to Prevent Danger*).

Provided that one of the conductors is properly connected to earth at the point of supply and that the lines are so arranged that the earthed conductor is placed below the other conductors, no other guarding on lower voltage lines will be required.

If the conductors are arranged in a vertical plane with the earthed conductor placed lowermost, the protection afforded is adequate. If the conductors are not so arranged, then the earthed conductor, which must still be erected in the lowermost position, should be staggered from right to left of each succeeding support so as to afford a reasonable certainty that a broken conductor will make contact with the earthed conductor.

With the reduction in the minimum height from the ground afforded by Regulation 13, many lower voltage lines will be able to pass *beneath* other lines such as telegraph or telephone wires. The Commissioners are in a position to state that in such cases the requirements of the Postmaster-General for guard wires will be satisfied if a single earthed wire is run above the power wires for the length of the span.

The Postmaster-General has further agreed to a relaxation in the Post Office Memorandum T.E. 80 (protection of telegraphs from contact with low and medium pressure power circuits) by modifying his present requirement of 4 feet clearance between low and medium pressure power wires and telegraph lines to the extent of allowing a minimum of 2 feet if the power line supports are placed in such a position with respect to Post Office wires that there shall be no danger to men working on the Post Office poles and that there shall be no appreciable difference in sag under the worst conditions of ice loading.

The requirement of a bonding wire connected to the supporting metalwork of all insulators used with wooden poles appears to be necessary in the interest of Authorised Undertakers; and a suitable earthing of metal poles is likewise necessary. These features are therefore retained in the new Regulations.

Where lightning conductors are used with wooden poles, it is desirable that to a height of 10 feet from the ground they should either be insulated or connected to a continuous earth wire having an efficient earth connection. The Commissioners have also concluded that where stay wires are used in conjunction with wooden poles, it is necessary that insulators should be interposed in the stay wire. Such insulators would not be necessary in stay wires fixed to metal poles which are protected from leakage in accordance with Regulation 14 (2).

Regulation 15 (*Factor of Safety of Line Conductors*).

The Commissioners have made a reduction in the assumed ice loading on higher voltage lines from one half of an inch to *three-eighths* of an inch, but, as previously indicated, have retained the provisions of the prior Code as to wind pressure and factor of safety. The relaxation affords a reasonable measure of relief from the original requirement.

Regulation 16 (*Minimum Height of Conductors*).

In the case of higher voltage line conductors, the Commissioners have decided to retain the provisions of the prior Code as to minimum height above ground. The Regulation has been amplified, however, to deal with the minimum height of associated earth wires or auxiliary conductors.

GENERAL OBSERVATIONS.

The combined effect of the preceding relaxations in the case of lower voltage lines will be found to be such as to enable supports of reduced *diameter* as well as of reduced *length* to be employed. For example, making due allowance for the reduction in the height of a lower voltage line above the ground from 20 feet to 17 feet (Regulation 13), a wooden pole having a diameter of only 7¼ inches at a distance of 5 feet from the butt will hereafter be needed where previously a diameter of 8¼ inches would have been required under the prior Code.

As a further means of facilitating the extension of overhead distribution in rural areas, the Commissioners are prepared, under their Regulations for securing the safety of the public and for ensuring a proper and sufficient supply of electrical energy, to

give consent in special cases to a voltage variation within the limits of plus 4 and minus 8 per cent. of the declared voltage on rural lines for a provisional period pending the completion of the distribution system and its full measure of interconnection. After such provisional period, the variation can reasonably be limited to the normal requirement of plus or minus 4 per cent.

PROCEDURE.

The Commissioners suggest that Authorised Undertakers should take a reasonably long view of the probable development of low voltage overhead distribution in their area and should, where practicable, make application to the Minister of Transport for a consent to more comprehensive proposals than hitherto instead of making repeated applications for individual lines, thus saving time and expense.

With the view of expediting the consideration of applications, the procedure formerly adopted by the Board of Trade and continued by the Commissioners on behalf of the Minister of Transport, of referring all overhead line applications to the Postmaster-General for his observations will, by agreement between the Departments, be abandoned as from the issue of the Revised Regulations. The Commissioners suggest, however, that in all cases where it is intended to run high voltage or extra high voltage overhead lines for an appreciable distance parallel with Post Office overhead routes, the Authorised Undertakers concerned should adopt the general practice of conferring with the Post Office Engineers in their district prior to applying for consent to such overhead lines, so that the possibility of inductive interference may be considered before the route is actually fixed. It will, of course, still be necessary for the Undertakers to give statutory notice to the Postmaster-General in compliance with Section 14 of the Schedule to the Electric Lighting (Clauses) Act, 1899.

With the concurrence of the Minister of Transport, the existing Memorandum of particulars required in connection with proposals to erect overhead lines (Form El. C. 34) has been modified with the view of simplifying procedure. The main alterations in the Revised Memorandum (El. C. 53B) are as follows:—

(*a*) Legible tracings or prints taken from 6-inch Ordnance maps may now be submitted in lieu of the maps themselves; and in cases relating to overhead lines at extra high voltage, duplicate maps will not in future be required.

(*b*) Where an undertaker has submitted full technical details with one application and consent is subsequently sought to the construction of further overhead lines to the same specification, it will not be necessary to resubmit full technical details, but only to furnish certain limited particulars.

(*c*) A form of communication which the Undertakers should send to the Local Authority or County Council when proposing to apply to the Minister for consent to erect overhead lines has been drawn up and is included in the Revised Memorandum.

Electricity Commission,
Savoy Court,
Strand, W.C.2.

April, 1928.

S. R. & O., 1928, No. 466.

THE CENTRAL ELECTRICITY BOARD BORROWING REGULATIONS, 1928, DATED MAY 24, 1928, MADE BY THE MINISTER OF TRANSPORT WITH THE APPROVAL OF THE TREASURY UNDER THE ELECTRICITY (SUPPLY) ACT, 1926.

Whereas by virtue and for the purposes of the Electricity (Supply) Act, 1926 (*a*), there has been established a body called the Central Electricity Board (in that Act and hereinafter referred to as "the Board").

And whereas by Sections 27, 28 and 29 of the said Act it is enacted as follows:—

27.—(1) For the purposes hereinafter mentioned the Board may with the consent of the Electricity Commissioners and subject to regulations to be made

(*a*) Printed in a later volume of this work.

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by the Minister of Transport with the approval of the Treasury, borrow money, in such manner and subject to such provisions as to the repayment thereof, and with such powers as to re-borrowing for the purpose of paying off a loan previously raised, as may be prescribed by the regulations, and the regulations may empower the Board to borrow temporarily by the issue of bonds or otherwise and to make arrangements with bankers, and may apply with or without modifications any enactments relating to borrowing by local authorities, including provisions as to the enforcement of the security by the appointment of a receiver or otherwise.

(2) Such powers of borrowing as aforesaid may be exercised for all or any of the following purposes:—

(*a*) the construction or acquisition of such main transmission lines, generating stations, and other works as the Board are authorised by this Act to construct or acquire;

(*b*) any other payment or any permanent work or other thing which the Board are authorised to execute or do, the cost of which ought, in the opinion of the Electricity Commissioners, to be spread over a term of years (including the payment of interest on money borrowed for capital expenditure for such period as may be determined by the Electricity Commissioners after consultation with the Treasury to be the period during which the expenditure remains unremunerative);

(*c*) the provision of working capital;

(*d*) any other purpose for which the Board are under this Act authorised to borrow.

(3) Any money borrowed under this section, and the interest thereon, may be charged on the undertaking and all the revenues of the Board, or on any specific property forming part of that undertaking, and shall be repaid within such period not exceeding sixty years as the Electricity Commissioners may determine.

(4) The maximum amount which may be borrowed by the Board under this section shall be thirty-three and a half million pounds, and the Board shall not have power to borrow any sums in excess of that amount, otherwise than for the purpose of paying off loans previously raised, unless authorised to do so by a special order under section twenty-six of the Electricity (Supply) Act, 1919 (*a*).

(5) It shall be lawful for any annual provision required to be made by the Board for the repayment of money borrowed for any of the purposes of this Act, to be suspended whilst the expenditure out of such moneys remains unremunerative, for such period and subject to such conditions as the Electricity Commissioners after consultation with the Treasury may determine.

Provided that such suspension shall not be for a longer period than five years from the commencement of the financial year next after that in which such expenditure is incurred.

28.—(1) The Board may, for the purpose of raising money which they are authorised to borrow under this Act, issue stock (to be called Central Electricity Stock).

(2) All such stock, and interest thereon, shall be charged on the undertaking and on all the revenues of the Board.

(3) Subject to the provisions of this Act, any stock created by the Board under the powers of this Act shall be issued, transferred, dealt with and redeemed, according to regulations made by the Minister of Transport, with the approval of the Treasury, and any such regulations may apply for the purpose of this section, with or without modifications, any provisions of the Local Loans Act, 1875, the Public Health Acts Amendment Act, 1890, and the Acts amending those Acts, and of any Act relating to stock issued by any local authority.

29.—(1) Subject to the provisions of this section, the Treasury may guarantee in such manner as they think fit, the payment of the interest and principal of

(*a*) See Vol. IV, *post*.

any loan proposed to be raised by the Board, or of either the interest or the principal:

Provided that the aggregate amount of the loans, the principal or interest of which may be so guaranteed, shall not exceed thirty-three and a half million pounds.

(2) Such sums as may from time to time be required by the Treasury for fulfilling any guarantees given under this section shall be charged on and issued out of the Consolidated Fund of the United Kingdom or the growing produce thereof.

(3) The repayment to the Treasury of any sums so issued out of the Consolidated Fund, together with interest thereon at such rate as the Treasury may fix, shall be a charge on the undertaking and all the revenues of the Board next after the principal and interest of the guaranteed loan, and any sinking fund payments for the repayment of the principal thereof, and in priority to any other charges not existing at the date on which the loan is raised.

(4) All sums paid from time to time in or towards the repayment of any sum issued out of the Consolidated Fund under this section shall be paid into the Exchequer.

(5) The Treasury shall so long as any such guarantees are in force, lay before both Houses of Parliament in every year within one month after the thirty-first day of March a statement of the guarantees (if any) given during the year ended on that date, and an account up to that date of the total sums (if any) which have been either issued out of the Consolidated Fund under this section or paid in or towards repayment of any money so issued.

Now therefore, in exercise of the powers conferred upon him by the Electricity (Supply) Act, 1926 (hereinafter called "the Act") and any and every other power thereunto him enabling the Minister of Transport with the approval of the Treasury hereby makes the following Regulations (hereinafter referred to as "the Regulations") and does hereby order and prescribe that the Regulations shall apply to the exercise by the Board of the powers of borrowing conferred by the Act and to the issue, transfer, dealing with and redemption of Central Electricity Stock.

PART I.—PRELIMINARY.

ARTICLE 1.—The Regulations may be cited as "The Central Electricity Board Borrowing Regulations, 1928."

ARTICLE 2.—The Regulations are divided into Parts as follows:—

Part I.—Preliminary.
Part II.—Borrowing of Money.
Part III.—Stock.
Part IV.—Mortgages and Bonds.
Part V.—Interest.
Part VI.—Repayment of Borrowed Money and Redemption of Securities.
Part VII.—Registrars, Transfer of Securities, &c.
Part VIII.—Miscellaneous.

ARTICLE 3.—In the Regulations the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely:—

The expression "the Minister" means "the Minister of Transport."

The expression "the Commissioners" means the Electricity Commissioners.

The expression "statutory borrowing power" means any power of the Board of borrowing or re-borrowing money.

The expression "statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other

local authority as defined by Section 34 of the Local Loans Act, 1875, or Section 4 of the Local Authorities Loans (Scotland) Act, 1891, as amended by Section 5 of the Local Authorities Loans (Scotland) Act, 1891, Amendment Act, 1893, as the case may be, other than securities of the Board and annuities rent charges and securities transferable by delivery.

The expression "stock" means Central Electricity Stock created by the Board under the Act, whether issued as registered stock or inscribed stock.

The expression "registered stock" means stock transferable by an instrument in writing.

The expression "inscribed stock" means stock transferable only by an entry in transfer books kept for the purpose.

The expression "bonds" includes bonds and mortgage bonds or mortgage debentures created and issued by the Board under the Act and the Regulations whether or not the same are charged on the undertaking and all the revenues of the Board or on any specific property forming part of that undertaking.

The expression "security" means (except where otherwise expressly stated) any stock or bond issued or any mortgage granted by the Board in the exercise of any statutory borrowing power.

The expression "the Electricity Fund" means the fund established by the Board in pursuance of Section 26 of the Act.

The expression "prescribed period" means the period or periods determined by the Commissioners or the Regulations within which provision is required to be made for the repayment of money borrowed in the exercise of any statutory borrowing power.

ARTICLE 4.—The Interpretation Act, 1889, shall apply for the purpose of the interpretation of the Regulations in like manner as it applies for the purpose of the interpretation of an Act of Parliament.

PART II.—BORROWING OF MONEY.

ARTICLE 5.—Whenever the Board make application for the consent of the Commissioners to the borrowing of money they shall furnish to the Commissioners such particulars of the amount purpose nature and circumstances of the proposed borrowing as the Commissioners may require.

ARTICLE 6.—In addition to issuing stock for the purpose of raising money which they are authorised to borrow the Board may, subject to the Regulations, grant or issue mortgages and bonds.

ARTICLE 7.—The Board shall make provision for the repayment of all money borrowed by them in accordance with the Regulations within the prescribed period.

Provided that such provision may be suspended whilst the expenditure out of the money so borrowed remains unremunerative for such period (not exceeding five years from the commencement of the financial year next after that in which the expenditure is incurred) and subject to such conditions as the Commissioners, after consultation with the Treasury, may determine.

ARTICLE 8.—(1) The Board may from time to time for the purpose of providing temporarily for any current expenses properly chargeable to revenue borrow by way of temporary loan or overdraft from any bank or otherwise such sums as they may from time to time require.

Any amount so borrowed together with the interest thereon shall be repaid within a period of twelve months or such extended period as the Minister may allow.

(2) The Board may, until provision can from time to time be made for raising money in any other manner provided by the Regulations, borrow temporarily for the purpose of any statutory borrowing power any sum or sums from any bank or otherwise on such terms conditions and security and in such form as may be agreed, and any money so borrowed shall be repaid out of money duly raised in such other manner within a period of twelve months from the date of the temporary borrowing or such extended period as the Minister may allow.

(3) The provisions of the Regulations as to borrowing and the repayment of money borrowed shall not apply to money borrowed under this Article.

ARTICLE 9.—(1) The Board shall have power to borrow—

(*a*) for the purpose of paying off any money previously borrowed by them which is intended to be forthwith repaid; or

(*b*) in order to replace money which during the previous twelve months has been temporarily applied from other funds of the Board in repaying money previously borrowed in accordance with the Regulations and which at the time of such repayment it was intended to replace by borrowed money.

(2) Any money borrowed under this Article shall for the purpose of repayment be deemed to form part of the original loan, and shall be repaid within that portion of the prescribed period applicable to that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the money borrowed under this Article.

Provided that the Board shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any annual or other instalment of principal which has or may become due in respect of borrowed money, or in order to replace any money previously borrowed which has been repaid—

(*a*) by instalments or annual payment; or

(*b*) by means of a sinking fund; or

(*c*) out of money derived from the sale of land; or

(*d*) out of any capital money properly applicable to the purpose of the repayment other than money borrowed for that purpose.

ARTICLE 10.—Money raised by the issue or grant of any security shall be applied to purposes for which money authorised to be raised under the statutory borrowing power in exercise whereof the security is issued or granted ought by law to be applied.

Provided that if, after the raising of any money by the issue or grant of any security it is found that any part of that money is not required for the purposes for which it was raised the Board shall carry the same to the credit of the Redemption Fund Account to be created as hereinafter mentioned in respect of the security issued or granted or apply it in the repayment of money already borrowed or raised for other capital purposes.

ARTICLE 11.—The Board may from time to time invest temporarily in statutory securities or, with the consent of the Minister, apply temporarily for other purposes for which money is authorised to be raised any sum raised by the issue or grant of any security and not for the time being required for the purpose for which it was raised.

PART III.—STOCK.

ARTICLE 12.—(1) All stock issued by the Board shall be redeemable stock and shall be created by and issued in pursuance of a resolution or resolutions passed by the Board.

(2) The Board may issue such class or classes of stock as they may determine, but each class of stock shall have a distinctive title and shall be issued on the terms and subject to the conditions that all stock at any time belonging to that class shall bear one and the same rate of interest, shall become redeemable at the same time and shall in all other respects (except mode of transfer) be of the same character.

(3) Subject to the provisions of the Act and the Regulations stock may be issued for such amount at such price and at such rate of interest as the Board may determine.

ARTICLE 13.—(1) Except in exercise of the power conferred by Article 27 hereof stock shall be redeemed at the expiration of such period as the Board may with the approval of the Minister, determine and may be redeemed at the option of the Board at any time after the expiration of such shorter period as the Board may determine. The periods so determined shall be specified in every resolution for the creation of stock of the particular class to which the resolution relates.

(2) No stock shall be liable to be redeemed before the expiration of the latest date for repayment mentioned in the resolution creating the stock unless at least three month's notice of intention to redeem the same shall have been given.

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ARTICLE 14.—The Board in the exercise of a statutory borrowing power may create and issue stock for the purpose of defraying the expenses of the creation and issue of any stock, and shall provide for the redemption of any stock created and issued in pursuance of this Article within the period expiring on the earliest date on which the stock in respect of which the said expenses are incurred may be redeemed.

ARTICLE 15.—Where stock is issued at a price lower than that at which it is to be redeemed the difference between the price of issue and the price of redemption shall for the purposes of the Regulations be treated as a loan authorised by a statutory borrowing power repayable within the period expiring on the earliest date on which the said stock may be redeemed.

PART IV.—MORTGAGES AND BONDS.

ARTICLE 16.—(1) Subject to the provisions of the Regulations and for the purpose of raising any money which they are authorised to borrow under any statutory borrowing power the Board may mortgage and charge the undertaking and all the revenues of the Board or any specific property forming part of that undertaking.

(2) No mortgage shall be granted by the Board for a period of less than ten years and no extension of the term of any mortgage shall be for a period of less than ten years.

Provided that this provision shall not apply to or in respect of any mortgage charged upon any specific property forming part of the undertaking of the Board.

ARTICLE 17.—Subject to the provisions of the Regulations every mortgage granted by the Board shall be by deed duly stamped truly stating the consideration and the time and place of payment, and shall be sealed with the common seal of the Board and every such mortgage (except a mortgage charged upon any specific property forming part of the undertaking of the Board) may be made in the form contained in the Schedule to the Regulations or to the like effect.

ARTICLE 18.—Subject to the provisions of the Regulations and for the purpose of raising any money which they are authorised to borrow under any statutory borrowing power the Board may issue and renew bonds.

ARTICLE 19.—(1) The principal money and interest for which bonds are issued by the Board shall be secured on the covenant of the Board to pay and the principal money and interest secured by any bonds or class of bonds may in addition be charged upon or secured by a trust deed charging the undertaking and all the revenues of the Board or any specific property forming part of that undertaking.

(2) Bonds issued by the Board shall be called "Central Electricity Bonds" or "Central Electricity Mortgage Bonds" or "Central Electricity Mortgage Debentures" as the case shall require.

(3) Bonds and applications for bonds shall be for amounts of five, ten, twenty, fifty or one hundred pounds or multiples of one hundred pounds.

(4) The principal money secured by a bond shall be repayable at such date within the prescribed period as may be specified in the bond being not less than five years from the date of the bond.

(5) Nothing in this Article shall be construed as prohibiting the Board from redeeming a bond at any time by agreement with the holder of the bond if they shall think fit to do so.

PART V.—INTEREST.

ARTICLE 20.—(1) For the payment of the interest on the securities issued or granted by the Board there shall in each year be carried to accounts of the Electricity Fund entitled Interest Fund Accounts a sum or sums equal in the aggregate to the amount of all interest payable or accrued due during the year.

(2) There shall be a separate Interest Fund Account, distinguished by a number or otherwise, for each class of security.

(3) The Board shall from time to time pay the interest on each security and charge the same to the appropriate Interest Fund Account.

ARTICLE 21.—Interest on each security shall be paid at such half-yearly or other intervals and on such days as on the issue or grant thereof the Board shall prescribe.

ARTICLE 22.—Neither the Board nor any Registrar to be appointed as hereinafter provided shall be required to pay any executors or administrators any interest on any security held by their testator or intestate until the probate of the will or the letters of administration has or have been left with the appropriate Registrar for registration.

ARTICLE 23.—The appropriate Registrar before paying any interest on any security may, if the circumstances of the case appear to him to make it expedient, require evidence of the title of any person claiming a right to receive the interest, and that evidence shall be a statutory declaration of competent persons or of such other nature as such Registrar, with the approval of the Board, may require.

ARTICLE 24.—(1) Except so far as may be otherwise directed by any holder of a security interest on his security shall be paid by means of warrants sent through the post. Such warrants when sent by post shall subject as hereinafter provided be sent to the registered address of such holder or in the case of joint registered holders (except where otherwise directed by all such holders) to the registered address of that one of them whose name stands first on the register in respect of the security in question: Provided that:—

(*a*) where the registered address of any such holder is outside the United Kingdom and the Irish Free State such holder shall furnish to the Registrar an address within the United Kingdom or the Irish Free State to which the warrants are from time to time to be sent; and

(*b*) the registered holder may by writing under his hand direct that the interest on his security shall be sent to some other address within the United Kingdom or the Irish Free State and thereupon the warrant shall be sent accordingly.

(2) The posting by the appropriate Registrar or an officer of the Registrar or of the Board of a warrant for interest in a pre-paid letter directed to such an address as heretofore mentioned shall be a good discharge to the Board for such interest.

(3) Every warrant so sent by post shall be deemed to be a cheque and the Board and the appropriate Registrar shall in relation thereto be deemed to be bankers within the Bills of Exchange Act, 1882 (*a*).

(4) Where two or more joint registered holders of any security have given a direction as to the payment of interest thereon, and one of them becomes of unsound mind, such direction shall not thereby become void.

ARTICLE 25.—(1) If at any time any interest on any security is unclaimed at the time for payment thereof the same shall, nevertheless, on demand at any subsequent time be paid to the person showing his right to recover the same, but without interest in the meantime.

(2) Where any interest remains unclaimed for three years from the time for payment thereof, the Board shall cause notice thereof to be sent by post in a registered letter addressed to the holder of the security named in the register relating thereto, by the description and at the address therein appearing, and so at the expiration of a further period of three years if the same still remains unclaimed.

(3) When any interest on any security has been unclaimed for six years and upwards, the Board may transfer the amount then accrued due and all interest subsequently accruing due to the credit of their revenue account or any other account that the Board may think fit, or may otherwise deal with and apply the same for the purposes of the Board, and that whether with or without making any provision for the payment of the said interest if and when claimed: Provided always that any such transfer, dealing or application shall be without prejudice to the rights of any person entitled to such interest to recover the same from the Board.

(*a*) 2 Halsbury's Statutes 76.

PART VI.—REPAYMENT OF BORROWED MONEY AND REDEMPTION OF SECURITIES.

ARTICLE 26.—(1) For the redemption and repayment of all money borrowed in exercise of a statutory borrowing power, there shall be carried in each year of the prescribed period to accounts of the Electricity Fund entitled "the Redemption Fund Accounts" a sum or sums for paying off such money and for redeeming or purchasing and extinguishing the security or securities issued in respect thereof.

(2) There shall be a separate Redemption Fund Account distinguished by a number or otherwise for each security or class of security. Each such Account is hereinafter referred to as "the Redemption Fund Account."

(3) The sums to be carried to the Redemption Fund Account shall be either—

(*a*) equal yearly or half-yearly sums sufficient without accumulations to repay the money to which the Account relates within the prescribed period, or

(*b*) equal yearly sums which, if accumulated at compound interest at a rate not exceeding three and one half pounds per centum per annum or at such other rate as the Board, with the consent of the Minister, may from time to time determine, would be sufficient to pay off the money to which the account relates within such period, and in addition thereto a sum equivalent to interest on the amount from time to time standing to the credit of the Account at the rate per centum per annum on which the aforesaid equal yearly sums are based.

(4) The first contribution to the Redemption Fund Account shall, subject to the proviso to Article 7 hereof, be made within twelve months, or, when the money is repaid by half-yearly instalments, within six months from the commencement of the prescribed period.

ARTICLE 27.—(1) The Board may from time to time apply the whole or any part of any sums standing to the credit of any Redemption Fund Account in redeeming according to the terms of issue, the security to which the Account relates, or in purchasing the security, or for both purposes.

(2) Pending, or in default of, or to the extent to which the Board shall not have made any application of the said amount in manner aforesaid or in the manner authorised by Article 29 hereof the Board shall invest the said amount in statutory securities and the interest or annual proceeds arising from every such investment shall be carried to the general revenue account of the Electricity Fund.

(3) Where the sums to be carried to a Redemption Fund Account have been calculated in the manner provided by paragraph (3) (*b*) of the last preceding Article and money standing to the credit of that Account has been applied in manner provided by paragraph (1) of this Article, the Board shall carry to the credit of the Account each year an additional sum equivalent to the interest which would have been produced by the money so applied if invested at the rate per centum per annum on which the equal yearly payments to the Account are based.

ARTICLE 28.—(1) If it appears to the Board at any time that the amount standing to the credit of or the investments representing any Redemption Fund Account, together with the future yearly sums to be carried to the Account under the Regulations, will probably not be sufficient within the prescribed period to make up a sum equal to the amount required to redeem the security to which the Account relates, the sums to be carried to the Account shall be increased annually or otherwise to such extent as will make up the deficiency and if it appears to the Minister that any such increase is necessary the Board shall increase the sums to be carried to the Account to such extent as the Minister may direct.

(2) If the Board desire to accelerate the repayment of the loan to which any Redemption Fund Account relates they may, with the approval of the Minister increase, annually or otherwise, the sums to be carried to the Account.

(3) If it appears to the Board at any time that the amount standing to the credit of or the investments representing any Redemption Fund Account together with the future yearly sums to be carried to the Account under the Regulations will probably be more than sufficient within the prescribed period to make up a sum equal to the

amount required to redeem the security, the sums to be carried to the Account may be reduced, either temporarily or permanently, to such extent as the Minister may allow.

(4) If at any time the total amount carried to the credit of and the investments representing any Redemption Fund Account will, in the opinion of the Minister, probably be sufficient within the prescribed period to make up the amount required to redeem the security, the Board may, for so long as the Minister may allow, cease to carry any further sums to the Account.

(5) Any surplus standing to the credit of any Redemption Fund Account after the redemption or purchase of the security and the discharge of the whole of the money to which the Account relates, shall be applied to such purpose or purposes as the Board, with the consent of the Minister, may determine.

ARTICLE 29.—For the purpose of exercising any statutory borrowing power either wholly or partially the Board may, with the consent of the Minister, instead of raising money in accordance with the Regulations, employ any money for the time being standing to the credit of any Redemption Fund Account and sell and employ the proceeds of any securities in which the last mentioned money is for the time being invested.

Provided that no money standing to the credit of a Redemption Fund Account shall be so employed unless provision is made for replacing the same, together with any loss of interest occasioned by reason of so employing such money, at or before the date at which the security redeemable by means of such money is required to be redeemed and within a period not exceeding that within which provision would have had to be made for the repayment of such money if the same had been raised by the creation and issue of an additional security.

ARTICLE 30.—(1) In any year where money, standing to the credit of the Redemption Fund Account relating to any stock or bonds, is applied in the purchase of stock or bonds of the class to which the Account relates, at a rate exceeding the redemption price of such stock or bonds, the Board shall carry to that Account during the year in which the purchase is made an additional sum or sums equal in amount to the sum or sums so paid in excess.

(2) Where the Board redeem or purchase any stock or bonds by the application of money standing to the credit of the Redemption Fund Account relating thereto, the stock or bonds so redeemed or purchased shall be deemed to be a security issued in respect of such one or more of the statutory borrowing powers exercised by the creation and issue of the security and, if in respect of more than one, in such proportions, as the Board may determine subject to the approval of the Minister, after consultation with the Treasury. Provided that no larger amount of stock or bonds shall be deemed to be redeemed or purchased in respect of any statutory borrowing power than the amount which, according to the actual price of redemption or purchase, could be redeemed or purchased with the money carried to the Redemption Fund Account in respect of that borrowing power.

(3) Where the Board in the exercise of a statutory borrowing power create and issue or grant any security for the purpose of re-borrowing money or of redeeming any security they shall make such adjustments (if any) as may be necessary in the Redemption Fund Accounts.

ARTICLE 31.—Any security redeemed or purchased by the Board shall by virtue of the Regulations be extinguished.

ARTICLE 32.—(1) If at the end of a period of ten years after the date (hereinafter referred to as "the date of redemption") at which any class of security is to be redeemed, the Board, by reason of the holder of any security of that class not being forthcoming or by reason of any doubt as to the ownership of any such security, shall not have been able to redeem the security, the Board shall invest in statutory securities a sum equal to the amount required to redeem the security which cannot be redeemed by reason as aforesaid, and thereupon the security shall be deemed to have been extinguished.

(2) Any investments by the Board as aforesaid shall, unless realised for the purpose of satisfying any claim in respect of the security represented by the same, be

kept invested and the income therefrom shall be invested in statutory securities for a further period of ten years after which time the Board may appropriate the said sum and the accumulations thereof for such purposes as the Minister may approve, without prejudice nevertheless to the rights of any persons to recover the said sum and accumulations. No interest shall accrue or be payable by the Board on any unclaimed security in respect of any period subsequent to the date of redemption of such security.

PART VII.—REGISTRARS, TRANSFER OF SECURITIES, &c.

ARTICLE 33.—The Board shall before making each issue of stock or bonds and before granting any mortgage appoint and thereafter keep appointed on such terms and subject to such conditions and instructions not inconsistent with the Regulations as they think expedient, an officer of the Board or any other persons or the Bank of England or any banking or other company as Registrar of the stock or bonds to be issued or as Registrar or mortgages for all or any of the purposes of the Regulations. The general practice of the Bank of England shall apply to all securities issued under the Regulations of which they are the Registrar.

ARTICLE 34.—Each Registrar shall keep books relating to each class of security for which he is appointed Registrar (hereinafter referred to as "the register") in which shall be entered :—

(*a*) in the case of stock—

the name, address and description of each holder from time to time of stock of the class to which the register relates and the amount held by him ;

(*b*) in the case of mortgages—

(i) the names, addresses and descriptions of the parties to each mortgage, the number and date thereof, the amount for which the same is granted and particulars of the property mortgaged : and

(ii) the date of registration of each mortgage and the date on which the same is paid off ;

(*c*) in the case of bonds—

the name, address and description of each holder from time to time of bonds of the class to which the register relates, a statement of the amount of the bonds held by him, the periods for which they are issued, and, the property (if any) on which they are charged : and, if the bonds are secured by a trust deed, the numbers and dates of the certificates issued to him as hereinafter provided, or, if the bonds are not so secured, the number of each bond held by him, and the date of registration of each bond and the date on which the same is paid off.

ARTICLE 35.—On the registration of stock or of bonds secured by a trust deed, the appropriate Registrar shall issue to the holder of the stock or bonds a certificate of the proprietorship of such stock or bonds (as the case may be), and such certificate shall be *primâ facie* evidence of the title of the person named therein.

ARTICLE 36.—Subject to the Regulations and to the terms on which the security is issued the holder of any security may transfer the same in whole or in part, except that no mortgage or bond not secured by a trust deed shall be transferred in part, and no part of a bond secured by a trust deed shall be transferred which is not of an amount for which a bond may be issued by the Board.

ARTICLE 37.—(1) The Registrar of inscribed stock shall keep books (hereinafter referred to as "the stock transfer books") wherein transfers of inscribed stock shall be entered.

(2) Every such entry shall be framed in proper words for the purpose of transfer, and shall be signed by the person or persons making the transfer or by his or their agent lawfully authorised in writing under power of attorney in a form prepared, and executed as required, by the Registrar of inscribed stock.

(3) The person to whom a transfer of inscribed stock is made, may, if he thinks fit, underwrite his acceptance thereof.

(4) Except as otherwise provided by Act of Parliament, or by any regulations to be hereafter made by the Minister, no mode of transferring inscribed stock other than that prescribed in this Article shall be good in law.

ARTICLE 38.—(1) Registered stock and bonds secured by a trust deed shall be transferred by deed in any usual or common form which the appropriate Registrar shall under the direction of the Board approve, and shall be executed both by the transferor and the transferee, and duly witnessed, and the transfer shall, unless the Board have compounded for stamp duty, be properly stamped.

(2) The instrument of transfer and the certificate to which the same relates shall be deposited with and retained by the appropriate Registrar, and such Registrar shall cause an entry thereof to be made in a book to be called "the register of transfers," and shall endorse on the transfer a notice of that entry, and shall issue a new certificate or certificates to the transferee or to the transferee and the transferor, as the case may require. A separate register of transfers distinguished by a number or otherwise shall be kept for each class of registered stock and of bonds secured by a trust deed.

(3) Not more than one class of stock or bonds shall be included in any transfer, and the deed shall relate only to the transfer, and shall not contain any recital, power or proviso whatever.

(4) The transferor of registered stock or of bonds secured by a trust deed shall be deemed to remain the holder thereof until the name of the transferee is entered on the register relating thereto.

ARTICLE 39.—(1) Mortgages and bonds not secured by a trust deed shall be transferred by deed. Each such deed shall be duly stamped and truly state its date and the consideration for the transfer, and may be endorsed on the mortgage or bond to which it relates and a transfer of a mortgage may be according to the form contained in the Schedule to the Regulations or to the like effect.

(2) The appropriate Registrar shall keep a register of transfers of mortgages or of bonds not secured by a trust deed, and as soon as may be after the date of every deed of transfer of one of those securities, the transfer shall be produced to the appropriate Registrar, who shall cause entries to be made in the appropriate register of transfers of the date of such deed, the names, addresses and descriptions of the parties thereto and the number of the mortgage or bond transferred thereby, and until such entries have been made neither the Board nor the Registrar shall be in any manner responsible to the transferee. A separate register of transfers of bonds, distinguished by a number or otherwise, shall be kept for each class of bonds not secured by a trust deed.

(3) On the registration of any transfer of a mortgage or of a bond not secured by a trust deed, the transferee, his executors or administrators, shall be entitled to the full benefit of the original mortgage or bond, and the principal and interest secured thereby.

(4) No person, except the last transferee registered as aforesaid, his executors or administrators, shall be entitled to transfer, release or discharge any such mortgage or bond or any money secured thereby.

ARTICLE 40.—The register of mortgages shall be open to inspection at all reasonable times by any mortgagee or other person entitled to a mortgage, free of charge, and by any other person on payment of a fee not exceeding 2*s*. 6*d*. as the Board may from time to time prescribe.

ARTICLE 41.—No notice of any trust, express, implied, or constructive in respect of any security shall be entered in any register, or in any other book kept by the Board or any Registrar, or on any certificate, or in any mortgage or in any transfer of any security, or, be receivable by the Board or any Registrar or affect any Registrar or the Board through any Registrar or otherwise, and the receipt of any person in whose name any security stands in the register relating thereto shall be a sufficient discharge to the Board for any capital money paid in respect thereof.

ARTICLE 42.—(1) The interest of a deceased holder of any security shall be transferable by his executors or administrators notwithstanding any specific bequest thereof.

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(2) Where two or more persons are registered as holders of any security those persons shall be deemed to be joint holders with right of survivorship between them.

(3) The Board or the appropriate Registrar shall not be required to allow any executors or administrators to transfer any security until the probate of the will or the letters of administration to the estate of the deceased has or have been left with the Registrar for registration and may require all the executors who have proved the will to join in the transfer.

ARTICLE 43.—(1) If the interest in any security has become transmitted by any lawful means other than a transfer in books or a deed in accordance with the Regulations or the death of a holder of the security, satisfactory evidence of the transmission shall be furnished to the appropriate Registrar by a statutory declaration of one or more competent persons or in such other manner as such Registrar, with the approval of the Board, may require.

(2) The name of the person entitled under the transmission shall be entered in the appropriate register.

(3) Until evidence has been furnished in accordance with paragraph (1) of this Article, the Board or such Registrar shall not be affected by the transmission, and no person claiming by virtue thereof shall be entitled to receive any interest on the security.

(4) In this Article the expression "transmission" includes any case of apparent transmission in consequence of the change of name of the holder of a security although the actual ownership of the security may remain unaltered.

ARTICLE 44.—Securities (other than mortgages not in the form specified in the Schedule to the Regulations or to the like effect) shall be deemed capital stock of a company or society within the meaning of the Forgery Act, 1913 (*a*).

ARTICLE 45.—The Board shall be at liberty with regard to any class of security (other than mortgages not in the form specified in the Schedule to the Regulations or to the like effect) to adopt in such manner as they shall think fit the provisions of the Forged Transfers Acts, 1891 and 1892 (*b*).

ARTICLE 46.—The Board in relation to the Regulations and each Registrar appointed by the Board pursuant thereto (except where the Bank of England are the Registrar) shall respectively be deemed a banker within the Bankers Books Evidence Act, 1879 (*c*).

ARTICLE 47.—Subject to the conditions on which any security is issued, the Board may at any time determine the appointment of the Registrar for the time being of that security and appoint another Registrar in his place.

ARTICLE 48.—A Registrar may refuse to permit an entry to be made in the stock transfer books kept by him, or to register any transfer of a security unless the fee hereinafter mentioned is paid in respect thereof, and the instrument of transfer is accompanied either by the certificate, or the deed creating the mortgage, or (in the case of a bond not secured by a trust deed) the bond to which it relates (as the case may be), and unless such other evidence (if any) is produced as he may reasonably require to show the right of the transferor to make the transfer.

ARTICLE 49.—Except as otherwise provided by the conditions on which any security is issued the appropriate Registrar shall be entitled to charge a fee not exceeding 2*s.* 6*d.* as the Board may from time to time prescribe in respect of the registration of each one of the following matters, that is to say (*a*) any transfer (*b*) probate of will or letters of administration (*c*) change of name (*d*) power of attorney (*e*) notice of distringas (*f*) Order of Court or (*g*) any other document affecting the registration of a security. If any such registration affects more than one class of security a separate fee may be charged (except as aforesaid) in respect of each class.

ARTICLE 50.—Each register shall be *primâ facie* evidence of any matter entered therein in accordance with the Regulations and of the title of any person entered therein as the holder of a security.

(*a*) 4 Halsbury's Statutes 787.
(*b*) 2 Halsbury's Statutes 722, 724.
(*c*) 8 Halsbury's Statutes 236.

ARTICLE 51.—(1) If any certificate of any security is worn or defaced, the appropriate Registrar shall on surrender of the certificate and payment of a fee of 2*s*. 6*d*. issue a new certificate to the person entitled to the surrendered certificate.

(2) If it is shown to the satisfaction of the appropriate Registrar that any such certificate has been lost or destroyed he shall, on receiving indemnity to his satisfaction against all claims in respect of the lost or destroyed certificate and on payment of a fee of 2*s*. 6*d*., issue a new certificate to the person entitled to the lost or destroyed certificate.

(3) A memorandum of the issue of a new certificate shall be made thereon and in the appropriate register.

PART VIII.—MISCELLANEOUS.

ARTICLE 52.—(1) The appropriate Registrar, with the approval of the Board may close the stock transfer books of any class of inscribed stock and the register of transfers of any other class of security for a period not exceeding thirty days immediately preceding the date for the payment of interest on the security the transfer book or register relating to which is to be closed.

(2) The persons who on the day of closing in accordance with paragraph (1) of this Article are inscribed or registered as holders of any security shall be between them and their transferees of the security or any part thereof be entitled to the interest next payable thereon or on the part to be transferred.

ARTICLE 53.—The Board may subject to the provisions of the Regulations make any arrangement with and provide for the proper remuneration (including the payment of underwriting commission, brokerage and other expenses) of the Bank of England or any banking or other company, brokers or financial Agents with respect to the issue of securities, the registration and transfer of securities, the payment of interest on securities, the keeping of books and other matters incidental to the issue, management, redemption and payment off of securities.

ARTICLE 54.—A person lending money to the Board or taking or holding any security shall not be concerned to inquire or to take notice whether the borrowing or creation or issue or grant of such security was or was not within any statutory borrowing power or otherwise in accordance with the Regulations, or whether or not the Board or any meeting thereof was properly constituted or convened, or whether or not the proceedings at any meeting of the Board were legal or regular, or to see to the application of any money borrowed or raised by any security or be answerable for any loss or mis-application thereof.

ARTICLE 55.—Where the Board sell, lease or otherwise dispose of any land or property charged as security for any mortgage or bond (other than land or property specifically mortgaged or charged), the land or property shall, in the hands of the purchaser or lessee, be absolutely free from any charge for that purpose, and no purchaser or lessee shall be bound to inquire into the application of the money arising from such sale, lease or disposal, or be in any way responsible for the mis-application or non-application thereof.

ARTICLE 56.—If at the expiration of three months from the time when any principal money or interest has become due on any security and after demand in writing, the same be not paid, the person entitled thereto may without prejudice to any other mode of recovery, apply to the High Court for the appointment of a Receiver and the Court may appoint a Receiver on such terms as the Court may determine.

ARTICLE 57.—Subject to the terms of creation issue or grant of any security in respect of which the Receiver is appointed any Receiver appointed in pursuance of the Regulations shall have the like power of collecting, receiving, recovering and applying money as the Board would have had in order to provide the money required for the payment of the principal money or interest so in arrear and such other powers and duties as the Court thinks fit.

ARTICLE 58.—(1) The Board shall annually send to the Minister an abstract of the accounts of the Board relating to every security and of every Redemption Fund Account in a form prescribed by the Minister.

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The abstract shall be verified by a statutory declaration of an officer of the Board if and as may be required by the Minister and shall be made up to such date in each year as the Minister may determine.

(2) If by any such abstract or otherwise it appears to the Minister that the Board have failed to comply with any requisition of the Regulations or with any direction or requirement of the Minister thereunder, with respect to any payment, application or investment or otherwise in relation to any security or any Redemption Fund Account, the Minister may by Order require the Board to make good the default within a time therein limited.

ARTICLE 59.—Any Order of the Minister in pursuance of the Regulations may contain such provisions as the Minister thinks necessary or proper for giving effect thereto, and shall, where the nature and terms of the Order and the circumstances of the case so require, be enforceable by writ of mandamus to be obtained by the Minister out of the High Court and any such Order may be from time to time cancelled or varied by the Minister as the circumstances of the case require.

ARTICLE 60.—The Board may, by resolution, revoke at any time, in whole or in part, any resolution for creation of any security theretofore passed by the Board if and so far as the same has not been acted on by the issue or grant of securities thereunder, and notice of any such revocation shall forthwith be given to the Minister.

ARTICLE 61.—No security shall be issued or granted as a security in respect of which the payment of the principal and interest or the principal or interest is guaranteed by the Treasury until the amount, price, rate of interest, date and method of issue and redemption of such security, the arrangements for the application of the proceeds of the issue, for the repayment of the proceeds and for the provision application and management of any Redemption Fund in respect of such security have been approved by the Minister after consultation with the Treasury, and no variation of any such arrangements shall be made without the like approval.

ARTICLE 62.—Except as in the Regulations expressly provided nothing in the Regulations shall relieve the Board from any obligation which may be imposed on them in relation to any statutory borrowing power by any Act of Parliament under or by which that power for the time being exists or is regulated.

ARTICLE 63.—The Minister, with the approval of the Treasury, may from time to time make other regulations in addition to, in substitution for or in variation of the Regulations, but not so as thereby to prejudice or affect any existing interest or right of any holder of any security.

THE SCHEDULE.

FORM OF MORTGAGE.

No..... *Central Electricity Board.* £.....

By virtue of the Electricity (Supply) Act, 1926, the Central Electricity Board Borrowing Regulations, 1928, and of other their powers in that behalf them enabling, the Central Electricity Board (hereinafter referred to as "the Board") in consideration of the sum of pounds (hereinafter referred to as "the principal sum") paid to the (treasurer of) the Board by of (hereinafter referred to as "the mortgagee") do hereby grant and assign unto the mortgagee (his) executors administrators and assigns such proportion of the undertaking and revenues of the Board as the principal sum doth or shall bear to the whole sum which is or shall be charged on the said undertaking and revenues. To hold unto the mortgagee (his) executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of per centum per annum from the day of nineteen hundred and until the payment of the principal sum, such interest to be paid half-yearly on the day of and the day of in each year. And it is hereby agreed that the principal sum shall be repaid at the principal office of the (Registrar of Mortgages of the) Board on the day of nineteen hundred and

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may from time to time by agreement between the Board and the mortgagee be extended to a subsequent day and upon any such extension the before-mentioned

rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed upon between the Board and the mortgagee and mentioned in an endorsement to be made hereon under the hand of the Chairman or Secretary of the Board for the time being and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Board have caused their common seal to be hereunto affixed this day of nineteen hundred and

Secretary of the Board.

THE ENDORSEMENT WITHIN REFERRED TO.

The within-named consenting the within-mentioned time for repayment of the within-mentioned principal sum of is hereby extended to the day of nineteen hundred and (and the interest to be paid thereon on and from the day of nineteen hundred and is hereby declared to be at the rate of per centum per annum).

Dated this day of nineteen hundred and

FORM OF TRANSFER OF MORTGAGE.

I (the within-named), of in consideration of the sum of pounds paid to me by of (hereinafter referred to as "the transferee") do hereby transfer to the transferee (his) executors administrators and assigns (the within-written security) (the mortgage number of the Central Electricity Board bearing date the day of) and all my right and interest under the same subject to the several conditions on which I held the same at the time of the execution hereof and I the transferee for myself my executors administrators and assigns do hereby agree to take the said mortgage security subject to the same conditions.

Dated day of nineteen hundred and

Given under the Official Seal of the Minister of Transport this twenty-fourth day of May in the year nineteen hundred and twenty-eight.

(L.S.) 3916
F.G.T.

E. W. ROWNTREE,
Assistant Secretary,
Ministry of Transport.

We approve these Regulations.

G. E. W. BOWYER.
DAVID MARGESSON.
Two Lords of the Lords Commissioners of His Majesty's Treasury.

ELECTRICITY (SUPPLY) ACTS, 1882 TO 1936.

MEMORANDUM OF PROCEDURE IN RESPECT OF APPLICATIONS FOR ORDERS OF THE ELECTRICITY COMMISSIONERS UNDER SECTION 6 OF THE ELECTRIC LIGHTING ACT, 1909 (*a*).

1. The application must be made in respect of specific premises and not in respect of an addition to the area of supply of the applicants.

2. The application must be accompanied by—

(*a*) A list giving the name or address of each of the premises proposed to be supplied and the name of the occupier thereof.

(*b*) A map or plan on a scale of 6 inches to the mile (or such other scale as may be approved by the Electricity Commissioners) having marked thereon, in some distinctive colour, the route of the electric lines proposed to be placed for the purpose of giving the supply, the names of any roads in or

(*a*) See Vol. IV, *post.*

along which the said electric lines are to be placed, the proposed method of placing the said electric lines, the situation of each of the premises proposed to be supplied, and the names of the occupiers thereof.

(*c*) A list of any roads railways or tramways proposed to be broken up for the purpose of giving the supply, showing separately those roads (if any) which are not repairable by the local authority, and an affidavit or stamped statutory declaration to the effect that the roads repairable by the local authority are so repairable.

(*d*) Proof of the consent of (i) the local authority in whose district the premises are situate and (ii) the undertakers (if any) authorised to supply electricity to the premises forming the subject of the application or evidence that those consents are unreasonably withheld.

(*e*) Evidence that the occupier of each of the premises to which the application relates is desirous of obtaining a supply of electricity from the applicants.

(*f*) A statement of the terms and conditions on which the supply is proposed to be given and in the case of local authority undertakers a statement of the estimated capital expenditure involved in giving the supply and the probable revenue therefrom; and

(*g*) An affidavit or stamped statutory declaration to the effect that the applicants are not by any Act of Parliament specifically prohibited from supplying electricity within the area in which the premises are situate.

3. The consent of the local authority, if given, should be given in pursuance of a resolution passed at a meeting of the local authority held after previous notice of the same and of the purpose thereof has been given in the manner in which notices of meetings of the local authority are usually given, and the fact that such a resolution was duly passed should be proved by a certificate signed by the clerk of the local authority reciting a copy of the notice and of the resolution and declaring that the notice was duly given and the resolution duly passed.

4. The consent of any undertakers being a company authorised to supply electricity to the premises, if given, should be proved by a certificate signed by the manager or secretary of the Company.

5. Applicants should have regard to the procedure set out in other Memoranda in cases where for the purposes of giving the supply additional consents are required, *e.g.*, to break up any road not repairable by the local authority (including any road repairable by a county council) or any railway or tramway (El.C. 49) or to place electric lines above ground (El.C. 53B). The attention of local authority undertakers is also drawn to the Memorandum relating to applications for sanction to the borrowing of money (El.C. 48). Separate applicants, if necessary, should be made in respect of such matters.

NOTE.—Any costs or expenses which may be incurred by the Electricity Commissioners in connection with any application must be paid by the applicants if so required by the Commissioners.

Electricity Commission,
Savoy Court,
Strand, W.C.2.
February, 1929.

S. R. & O., 1929, No. 1015.

ELECTRICITY (ALLOCATION OF COST OF PRODUCTION) REGULATIONS, 1929, DATED NOVEMBER 13, 1929, MADE BY THE ELECTRICITY COMMISSIONERS UNDER THE ELECTRICITY (SUPPLY) ACT, 1926.

Whereas by the Seventh Schedule to the Electricity (Supply) Act, 1926 (*a*), it is provided, *inter alia*, that the cost of production of electricity at selected generating

(*a*) Printed in the later volume of this work.

stations within the meaning of that Act and ascertained in accordance with the Second Schedule to that Act shall be allocated as between fixed costs and running costs in accordance with such Regulations as may be prescribed by the Electricity Commissioners for the purpose:

Now therefore in exercise of the power as aforesaid conferred upon them by the Electricity (Supply) Act, 1926 (*a*) (hereinafter called "the Act") and any and every other power thereunto them enabling, the Electricity Commissioners hereby prescribe the following Regulations, that is to say:—

REGULATIONS.

1. These Regulations may be cited as the "Electricity (Allocation of Cost of Production) Regulations, 1929".

2. In these Regulations:—

(i) The average load factor of a selected generating station shall be expressed as a percentage and shall be obtained by multiplying the number of units of electricity supplied from the station during the year of account by 100 and dividing the product by the average monthly maximum demand as hereinafter defined multiplied by the number of hours during which the station was in commission in the year of account.

(ii) The average monthly maximum demand shall be the arithmetical average of the monthly maximum demands on the station in those calendar months during which the station was in commission in the year of account.

(iii) The monthly maximum demand on the station shall be deemed to be twice the largest number of units of electricity supplied from the station during any consecutive thirty minutes in that calendar month.

(iv) The expression "any consecutive thirty minutes" shall mean either thirty minutes from the commencement or thirty minutes from the middle of any hour of the twenty four hours of any day.

(v) The expression "the station was in commission" shall mean that fuel was being consumed in the station for generating electricity or for maintaining the whole or any portion of the plant in the station in readiness to generate electricity.

(vi) The expression "cost of fuel" shall mean the sums expended for fuel consumed plus the cost of any transport, handling, preparation or treatment incurred in connection with the delivery of the fuel to the boiler hoppers or furnaces and in connection with the disposal of the products or residues of combustion, together with the proper proportion of salaries and wages and any contributions for pensions, superannuation and insurance of officers and servants attributable thereto less any sums received from the sale of any products or residues of combustion.

(vii) The expression "cost of oil, water and stores" shall mean the sums expended for oil, water and stores consumed.

(viii) The expression "cost of repairs, maintenance and renewals" shall mean the sums expended for repairs and maintenance, and for renewals not chargeable to capital account, together with the proper proportion of salaries and wages and any contributions for pensions, superannuation and insurance of officers and servants attributable thereto.

(ix) The expression "salaries and wages" shall mean the sums expended for salaries and wages, and any contributions for pensions, superannuation and insurance of officers and servants, less the proper proportions of such sums attributable to the cost of fuel and to the cost of repairs, maintenance and renewals in accordance with the provisions of paragraphs (vi) and (viii) hereof.

3. Of the cost of production of electricity at a selected generating station (other than a selected generating station to which the provisions of Regulation 5 hereof

(*a*) See Vol. IV, *post*.

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apply) ascertained in accordance with the Rules contained in the Second Schedule to the Act (hereinafter referred to as "the Second Schedule") the following costs, charges and allowances in respect of the year of account shall be allocated as Fixed Costs, that is to say:—

(i) All costs, charges and allowances set out under the heads (*b*) (*c*) (*d*) (*e*) and (*f*) of the Second Schedule.

(ii) Of the costs, charges and allowances set out under head (*a*) of the Second Schedule, portions calculated from the respective formulæ set out in the Appendix thereto.

4. The amount of the difference between the cost of production at a selected generating station ascertained in accordance with the Rules contained in the Second Schedule and the fixed costs in respect of the year of account determined in accordance with Regulation 3 hereof shall be allocated as Running Costs.

5.—(1) These Regulations shall not apply in any case where a selected generating station is a hydro-electric station or where it can be shown to the satisfaction of the Electricity Commissioners by the owners of the selected station or by the Central Electricity Board that the circumstances or conditions of operation either temporarily or continuing are such that the Regulations could not reasonably be applied.

(2) In the case of any selected generating station to which the provisions of paragraph (1) hereof apply, the allocation of the cost of production as between fixed costs and running costs for the purposes of the Seventh Schedule to the Act shall be made in accordance with Regulations in that behalf to be prescribed by the Electricity Commissioners.

Signed by order of the Electricity Commissioners this 13th day of November, 1929.

R. T. G. FRENCH,
Secretary to the Electricity Commissioners.

Electricity Commission,
Savoy Court,
Strand, W.C.2.

APPENDIX.

Formulæ for ascertaining the portion of certain costs, charges and allowances to be allocated as fixed costs.

COST OF FUEL.

Portion to be allocated as fixed costs :— $\frac{100}{100+12.8\,L}$

COST OF OIL, WATER AND STORES.

Portion to be allocated as fixed costs :— $\frac{100}{100+9.66\,L}$

SALARIES AND WAGES.

Portion to be allocated as fixed costs :— $\frac{100}{100+0.38\,L}$

COST OF REPAIRS, MAINTENANCE AND RENEWALS.

Portion to be allocated as fixed costs :— $\frac{100}{100+0.0001\,N\,L}$

where—

L is the average load factor of the station, as defined in Regulation 2; and

N is the number of hours during which the station was in commission in the year of account.

S. R. & O., 1929, No. 1016.

ELECTRICITY (ADJUSTMENT OF PRICE ACCORDING TO POWER FACTOR) REGULATIONS, 1929, DATED NOVEMBER 13, 1929, MADE BY THE ELECTRICITY COMMISSIONERS UNDER THE ELECTRICITY (SUPPLY) ACT, 1926.

Whereas by Sub-section (4) of Section 51 of the Electricity (Supply) Act, 1926 (*a*), it is provided, *inter alia*, that if and so far as the price for a supply of electricity under that Act is to be adjusted according to power factor, such adjustment shall be made in accordance with Regulations to be prescribed by the Electricity Commissioners in that behalf:

Now therefore in exercise of the power aforesaid conferred upon them by the Electricity (Supply) Act, 1926 (*a*) (hereinafter called "the Act") and any and every other power thereunto them enabling, the Electricity Commissioners hereby prescribe the following Regulations, that is to say:—

REGULATIONS.

1. These Regulations may be cited as the "Electricity (Adjustment of Price according to Power Factor) Regulations, 1929".

2. In these Regulations—

(i) The power factor at which a selected generating station is operating at the time of maximum demand on the station shall be expressed as a decimal and shall be obtained by dividing twice the largest number of units of electricity supplied from the station during any consecutive thirty minutes in the year of account by twice the number of kilo-volt ampere-hours supplied from the station during the same thirty minutes.

(ii) The power factor of the supply from a selected generating station to the owners thereof at the time of the owners' maximum demand upon the station shall be expressed as a decimal and shall be obtained by dividing twice the largest number of units of electricity supplied from the station to the owners during any consecutive thirty minutes in the year of account by twice the number of kilo-volt ampere-hours supplied from the station to the owners during the same thirty minutes.

(iii) The expression "any consecutive thirty minutes" shall mean either thirty minutes from the commencement or thirty minutes from the middle of any hour of the twenty four hours of any day.

3. If and so far as the price for a supply of electricity by the Central Electricity Board to the owners of a selected generating station (other than a selected generating station to which the provisions of Regulation 4 hereof apply) is in pursuance of Sub-section (4) of Section 7 of the Act to be adjusted according to power factor, the adjustment shall be made in the following manner, that is to say:—

Where the fixed kilowatt charges component ascertained in accordance with the Seventh Schedule to the Act is employed in ascertaining the price for a supply of electricity as aforesaid, the adjustment for power factor shall be effected by multiplying such fixed kilowatt charges component by a coefficient calculated from the formula set out in the Appendix hereto.

4.—(1) These Regulations shall not apply in any case where a selected generating station is a hydro-electric station or where it can be shown to the satisfaction of the Electricity Commissioners by the owners of the selected station or by the Central Electricity Board that the circumstances or conditions of operation either temporarily or continuing are such that the Regulations could not reasonably be applied.

(2) If and so far as the price for a supply of electricity to the owners of a selected generating station to which the provisions of paragraph (1) hereof apply is to be

(*a*) Printed in a later volume of this work.

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adjusted according to power factor in pursuance of Sub-section (4) of Section 7 of the Act, the adjustment shall be made in accordance with Regulations in that behalf to be prescribed by the Electricity Commissioners.

Signed by order of the Electricity Commissioners this 13th day of November, 1929.

R. T. G. FRENCH,
Secretary to the
Electricity Commissioners.

Electricity Commission,
Savoy Court,
Strand, W.C.2.

APPENDIX.

Formula for calculating the coefficient by which the fixed kilowatt charges component is to be multiplied.

$$\frac{0{\cdot}8 + \frac{0{\cdot}2}{B}}{0{\cdot}8 + \frac{0{\cdot}2}{A}}$$

where—

A is the power factor (expressed as a decimal) at which the selected generating station is operating at the time of maximum demand upon the station; and

B is the power factor (expressed as a decimal) of the supply from the selected generating station to the owners thereof at the time of the owners' maximum demand upon the station.

S. R. & O., 1930, No. 102.

THE ELECTRICITY COMMISSIONERS SPECIAL ORDERS, &C., RULES, 1930,* DATED FEBRUARY 19TH, 1930, MADE BY THE ELECTRICITY COMMISSIONERS IN PURSUANCE OF SECTION 34 OF THE ELECTRICITY (SUPPLY) ACT, 1919, WITH RESPECT TO APPLICATIONS FOR SPECIAL ORDERS, &C., UNDER THE ELECTRICITY (SUPPLY) ACTS, 1882 TO 1928 (*a*) OR ANY SPECIAL ACT.

Application of Rules.

Rule I.—(1) These Rules shall extend so far as applicable to every application made to the Electricity Commissioners for a Special Order, subject, however, to such exceptions, adaptations or modifications with respect to notices, deposits or otherwise as the Electricity Commissioners may direct in the case of any application made under Section 15 of the Electricity (Supply) Act, 1922 (12 & 13 Geo. 5, c. 46) or sub-section (4) of Section 27 of the Electricity (Supply) Act, 1926 (16 & 17 Geo. 5, c. 51) or under or in pursuance of any Special Act.

(2) These Rules shall also extend so far as applicable to any application made to the Electricity Commissioners for an Order under sub-section (4) of Section 1 of the Electricity (Supply) Act, 1922, or an Order under Section 17 of the Electricity (Supply) Act, 1922, subject to such exceptions, adaptations or modifications with respect to notices, deposits or otherwise as the Electricity Commissioners may direct.

(3) These Rules, in their application to a Special Order or an Order as to which the Electricity Commissioners shall have given any direction as aforesaid and to the applicants for such Special Order or Order, shall notwithstanding anything contained in these Rules be construed and have effect subject to such direction.

(4) These Rules shall not apply to any Special Order referred to in Sections 31 or 32 of the Electricity (Supply) Act, 1926, or in any Schedule to that Act or to any other Special Order initiated by the Electricity Commissioners.

* These Rules supersede the Provisional Rules entitled Electricity Commissioners Special Orders, &c., Rules, 1928, which were made and came into force on April 25th, 1928.

(*a*) See note (*b*) on p. 2622, *supra*.

Interpretation.

Rule II.—In these Rules:—

The expression "Order" means any Order to which these Rules apply.

The expression "generating station" has the meaning given thereto by Section 25 of the Electric Lighting Act, 1909.

The expression "statutory gas company" has the meaning given thereto by the Statutory Gas Companies (Electricity Supply Powers) Act, 1925 (15 & 16 Geo. 5, c. 44).

Mode of Making Application.

Rule III.—Every application for an Order must be made by memorial addressed to The Secretary, Electricity Commission, Savoy Court, Strand, London, W.C.2.

Notices which must be given.

Rule IV.—Applicants for an Order must publish notice of their application by advertisement (hereinafter referred to as "the advertisement") inserted once in a local newspaper circulating in the district or districts to which the application relates, and once in the London or Edinburgh Gazette (as the case may require) as soon as possible after the publication in the local newspaper. The whole notice must be included in one advertisement and must be headed with a short title descriptive of the undertaking or the draft Order and must specify:—

(i) The name and address of the applicants;

(ii) The objects of the application, including in the case of an application for an Order to authorise—

(*a*) the distribution of electricity—a description of the proposed area of supply;

(*b*) the breaking up of streets not repairable by the local authority, railways and tramways within the existing or proposed area of supply of the applicants—and intimation to that effect;

(*c*) the breaking up of streets, railways and tramways outside the existing or proposed area of supply of the applicants—a list of such streets, railways and tramways;

(*d*) the acquisition of any land or any easements or servitudes or other rights in or over land or the use for the purposes of a generating station of any land—a description of such land and an intimation of the purposes for which the same is to be acquired or used.

(iii) The address of an office in London and of such additional office or offices as hereinafter indicated, at which printed copies of the draft Order as applied for can be obtained at a price of not more than two shillings per copy. Such additional office or offices shall be in the case of an application for an Order—

(*a*) to authorise the distribution of electricity—an office within the proposed area of supply;

(*b*) to authorise the acquisition of land or any easement or servitudes or other rights in or over land or the use for the purposes of a generating station of any land—an office within the district of the local authority in which such land is situate or within one of such districts where any such land extends into two or more contiguous districts;

(*c*) for any other purpose—such office or offices as the Electricity Commissioners may direct.

(iv) The offices at which the draft Order and the map plan and book of reference (if any) have been deposited for public inspection in accordance with these Rules.

(v) That any authority, company, body or person desirous of bringing before the Electricity Commissioners any objections respecting the application must do so by letter sent by registered post addressed to the Secretary, Electricity

Commission, at their office as aforesaid and despatched on or before a certain date (*to be specified in that behalf in the advertisement being not less than* 30 *days, excluding any part of the month of August, from the date of the publication of the advertisement in the local newspaper*); and that a copy of any such objections must at the same time be forwarded to the applicants or to their Parliamentary Agents or Solicitors.

Rule V.—On or before the date of the publication of the advertisement in the local newspaper the applicants must give additional notices as follows in the case of an Order to authorise—

(*a*) the distribution of electricity—notice of their application to any authority, company, body or person authorised to supply or distribute electricity within any part of the proposed area of supply;

(*b*) the acquisition of any land or any easements or servitudes or other rights in or over land—notice as nearly as possible in accord with Form "A" set out in the Schedule hereto to every owner or reputed owner, lessee or reputed lessee and occupier of such land;

(*c*) the acquisition or use of any land for the purposes of a generating station (other than a station for transforming, converting or distributing electrical energy)—notice as nearly as possible in accord with Form "B" set out in the Schedule hereto to every owner or reputed owner and lessee or reputed lessee of any land situate within 300 yards of such land.

All such notices must be in writing. In the case of a notice to any person the same may be served by delivering it to him or by leaving it or forwarding it by post addressed to him at his usual or last known place of abode. In the case of a notice to any authority, company or body the same may be served by delivering it to their clerk or secretary, or by leaving it or forwarding it by post addressed to him at the office of the authority, company or body. All notices forwarded by post must be despatched on or before the date aforesaid.

Preparation of Draft Order.

Rule VI.—The applicants must in each case prepare a draft of the Order printed on one side of the paper only with each Schedule annexed thereto beginning on a new page. The draft Order must contain, amongst other things—

(i) The name and address of the applicants;

(ii) Provisions directed to give effect to the objects of the application, including in the case of an application for an Order to authorise—

(*a*) the distribution of electricity—a description of the proposed area of supply; and the names of the streets (if any) in which it is proposed that electric lines shall be laid down within a specified time;

(*b*) the breaking up of streets not repairable by the local authority, railways and tramways within the existing or proposed area of supply of the applicants—a list of such streets, railways and tramways;

(*c*) the breaking up of streets, railways and tramways outside the existing or proposed area of supply of the applicants—a list of such streets, railways and tramways;

(*d*) the acquisition of any land or any easements or servitudes or other rights in or over land or the use for the purposes of a generating station of any land—a description of such land and the purposes for which the land is to be acquired or used;

(iii) A notice at the end of the draft Order that any objections must be made by letter sent by registered post addressed to the Secretary, Electricity Commission, at their office as aforesaid and despatched on or before a certain date (*to be specified in such notice being not less than* 30 *days, excluding any part of the month of August, from the date of the publication of the advertisement in the local newspaper*); and that a copy of any such objections must at the same time be forwarded to the applicants or to their Parliamentary Agents or Solicitors.

The name and address of the applicants or their Parliamentary Agents or Solicitors must be printed on the outside of the draft Order;

Except in so far as the applicants seek to vary or except the provisions contained in the Schedule to the Electric Lighting (Clauses) Act, 1899, the draft Order must incorporate the appropriate provisions contained in that Schedule or, if it relates to the Administrative County of London, must contain either such provisions or similar appropriate provisions.

Deposits to be made.

Rule VII.—On or before the date of the publication of the advertisement in the local newspaper the applicants must deposit at the office of the Electricity Commissioners the memorial signed or sealed by or on behalf of the applicants together with the following additional documents—

(i) A copy of the advertisement;

(ii) Eight printed copies of the draft Order;

(iii) In the case of an application for an Order to authorise the distribution of electricity—

(*a*) a statement showing that a definite scheme for the supply of electricity, including an estimate of cost, has been prepared and considered by the applicants, and a report by an Electrical Engineer upon the proposed scheme;

(*b*) an Ordnance map or if no such map is obtainable then the best map procurable, on a scale of not less than six inches to the mile unless otherwise directed by the Electricity Commissioners, showing the proposed area of supply and the streets (if any) in which it is proposed that electric lines shall be laid down within a specified time;

(*c*) a list of the local authorities within whose districts the proposed area of supply is situated;

(*d*) a list of the authorities, companies, bodies or persons (if any) authorised to supply or distribute electricity within any part of the proposed area of supply;

(iv) In the case of an application for an Order to authorise the breaking up of streets not repairable by the local authority, a certificate of the Clerk to or other responsible officer of the local authority in whose district such streets are situate to the effect that the said streets are in fact not so repairable.

(v) In the case of an application for an Order to authorise the breaking up of streets, railways and tramways outside the existing or proposed area of supply of the applicants:—

(*a*) a map similar to that prescribed in paragraph (iii) hereof showing the streets, railways and tramways proposed to be broken up;

(*b*) a list of the local authorities in whose districts the streets, railways and tramways are situate.

(vi) In the case of an application for an Order to authorise the acquisition of any land or any easements or servitudes or other rights in or over land or the use for the purposes of a generating station of any land:—

(*a*) a statement showing that definite proposals for the utilisation of the land, including an estimate of cost, have been prepared and considered by the applicants, and a report by an Electrical Engineer on the said proposals;

(*b*) a plan of the site of the land on a scale of not less than a quarter of an inch to every one hundred feet showing thereon any building, yard, court-yard or land within the curtilage of any building and any ground cultivated as a garden;

(*c*) a book of reference containing the names of the owners or reputed owners, lessees or reputed lessees and occupiers of the land together with a description of such land;

(*d*) a list of the names of the owners or reputed owners, and lessees or

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reputed lessees of land situate within 300 yards of any land proposed to be acquired or used for the purposes of a generating station (other than a station for transforming converting or distributing electrical energy).

(vii) In the case of an application by a local authority, a statement showing—

(a) the sum proposed to be expended in carrying out the objects of the application and indicating whether it is proposed to raise a loan for the purpose;

(b) the assessable value of the district, the amounts of indebtedness and borrowing powers for all purposes and the amount of the rates in the pound.

(viii) In the case of an application other than by a local authority or the Central Electricity Board, a statement of the capital proposed to be expended in carrying out the objects of the application and the manner in which such capital is to be provided.

(ix) In the case of an application for an Order to authorise a statutory gas company to apply their funds or to raise capital or borrow money for electricity purposes the following particulars:—

(a) A statement of the existing capital and borrowing powers showing the amounts authorised, raised and expended.

(b) A certified statement showing under separate heads the purposes for which the proposed capital or borrowing powers or funds is or are required and the amount required for each purpose.

(c) A copy of the printed accounts of the applicants for the half year or year next before the date of the application.

(d) A certified copy of a resolution approving the application for the Order passed by shareholders or stockholders qualified to vote at ordinary meetings of the applicants who were present either in person or by proxy at a general meeting and who held at least three-quarters of the paid up capital of the applicants represented by the votes at such meeting. A certified copy of the notice convening the meeting should be also furnished.

(x) In the case of an application by a company incorporated under the provisions of the Companies Act, 1929 or previous Acts, a copy of their memorandum and articles of association.

(xi) A list of any Special Acts or Orders relating to the electricity undertaking of the applicants, including in the case of an application by a statutory gas company for powers to apply their funds or raise capital or borrow money for electricity purposes, any other Special Acts or Orders having the force of an Act of Parliament relating to the applicants.

(xii) A fee of £35 by cheque, payable to the Secretary, Electricity Commission, to cover ordinary expenses. If in consequence of inquiries or otherwise additional expense is incurred, the amount must if required by the Electricity Commissioners be paid by the applicants in addition to the ordinary fee.

Rule VIII.—The applicants must on or before the date of publication of the advertisement in the local newspaper deposit—

(i) A copy of the draft Order for public inspection—

(a) at the office of the Clerk of the Peace for each county, riding or division in England or Wales to which the application relates, or which is wholly or partly within the existing area of electricity supply of the applicants in the case of an application for an Order to authorise a statutory gas company to apply their funds or raise capital or borrow money for electricity purposes;

(b) at the office of the principal Sheriff Clerk for each county in Scotland to which the application relates, or which is wholly or partly within the existing area of electricity supply of the applicants in the case of

an application for an Order to authorise a statutory gas company to apply their funds or raise capital or borrow money for electricity purposes; and where any such county is divided into districts for Sheriff Court purposes at the office of the Sheriff Clerk in each such district to which the application relates or which is wholly or partly within the existing area of electricity supply of the applicants in the case of an application by a statutory gas company for the purpose aforesaid;

(*c*) at the office of the local authority of every district to which the application relates or which is wholly or partly within the existing area of electricity supply of the applicants in the case of an application for an Order to authorise a statutory gas company to apply their funds or raise capital or borrow money for electricity purposes;

(ii) A copy of the draft Order—

(*d*) at the office of the Joint Electricity Authority or other body constituted by a scheme under the Electricity (Supply) Act, 1919, in the case of an application for an Order relating to the district of such Authority or body;

(*e*) at the office of the London County Council in the case of an application for an Order relating to the Administrative County of London;

(*f*) at the office of the Board of Trade in the case of an application for an Order to authorise a statutory gas company to apply their funds or raise capital or borrow money for electricity purposes;

(*g*) at the office of the Ministry of Health or the Secretary for Scotland (as the case may require) in the case of an application for an Order referred to in Section 8 of the Electric Lighting Act, 1909;

(*h*) at the office of the Central Electricity Board.

(iii) A sufficient number of printed copies of the draft Order for sale at the offices named in that behalf in the advertisement. A copy must be furnished to all persons applying therefor at a price not exceeding two shillings per copy.

Rule IX.—In the case of an application for an Order to authorise the distribution of electricity or the breaking up of streets, railways and tramways outside the existing or proposed area of supply of the applicants, the applicants must on or before the date of publication of the advertisement in the local newspaper deposit—

(i) for public inspection—

(*a*) at the office of the Clerk of the Peace for each county, riding or division in England or Wales to which the application relates;

(*b*) at the office of the principal Sheriff Clerk for each county in Scotland to which the application relates; and where any such county is divided into districts for Sheriff Court purposes at the office of the Sheriff Clerk in each such district to which the application relates;

(*c*) at the office of the local authority of every district to which the application relates;

(ii) at the office of the London County Council where the application relates to the Administrative County of London;

(iii) at the office of the Joint Electricity Authority or other body constituted by a scheme under the Electricity (Supply) Act, 1919, where the application relates to the district of such Authority or body;

an Ordnance map, or if no such map is obtainable, then the best map procurable on a scale of not less than one inch to the mile, showing the proposed area of supply and the streets in which it is proposed that electric lines shall be laid down within a specified time or (as the case may be) the streets, railways and tramways proposed to be broken up:

Provided that in cases where the map deposited by the applicants showing the proposed area of supply and any streets in which electric lines are to be laid down as aforesaid is on a scale of less than six inches to the mile the applicants shall, if so directed by the Electricity Commissioners, deposit as soon as may be a further map on a scale of not less than six inches to the mile showing such area and streets or

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such part thereof as the Electricity Commissioners may specify at such of the offices at which the original map has been deposited as the Electricity Commissioners may prescribe.

Rule X.—In the case of an application for an Order to authorise the acquisition of any land or any easements or servitudes or other rights in or over land or the use for the purposes of a generating station of any land, the applicants must on or before the date of publication of the advertisement in the local newspaper deposit—

(i) for public inspection—

(*a*) at the office of the Clerk of the Peace for each county, riding or division in England or Wales in which such land is situate ;

(*b*) at the office of the principal Sheriff Clerk for each county in Scotland in which such land is situate ; and where any such county is divided into districts for Sheriff Court purposes at the office of the Sheriff Clerk in each such district in which such land is situate ;

(*c*) at the office of the local authority of every district in which such land is situate ;

(ii) at the office of the London County Council if such land is situate in the Administrative County of London ;

(iii) at the office of the Joint Electricity Authority or other body constituted by a scheme under the Electricity (Supply) Act, 1919, if such land is situate in the district of such Authority or body ;

a plan of the site of the land and book of reference similar to those prescribed in paragraph (vi) of Rule VII.

Provided that if the Order relates to land situate in more than one county or district it shall be sufficient to deposit at the appropriate office in relation to each county or district in which the land is situate so much only of the plan and book of reference as relates to that county or district.

Additions or Alterations during progress of Order.

Rule XI.—Where an application for an Order has been made and the applicants communicate to the Electricity Commissioners their desire to make any additions to or alterations in the Order and such desired additions or alterations are not of such extent or character as to make it inconvenient or inadvisable in the opinion of the Electricity Commissioners that the same should be dealt with in the said application, the applicants shall with the consent of and except as otherwise directed by the Electricity Commissioners publish such advertisements and give such notices and make such deposits (other than the payment of a further fee of thirty-five pounds) as would have been necessary under these Rules if such additions or alterations had formed the subject of a separate application.

Objections to making of Order.

Rule XII.—Any authority, company, body or person desirous of objecting to an Order must do so by letter sent by registered post addressed to the Secretary, Electricity Commission, Savoy Court, London, W.C.2, on or before the date specified in that behalf at the end of the draft Order, in the advertisement or in any notice served on them or him in pursuance of these Rules.

Such letter must be signed by the authority, company, body or person objecting or on their or his behalf by some responsible or duly authorised person. It must state concisely what their or his objections are and also their or his interests in the subject matter of the application. If any authority, company, body or person desires to suggest any clause for insertion in or amendment of the draft Order they or he must forward with their or his letter a copy of any such clause or amendment.

A copy of any such letter, clause or amendment must at the same time be delivered by the objectors or objector to the applicants for the Order or their Parliamentary Agents or Solicitors.

Proof of Compliance with the Electricity (Supply) Acts and the foregoing Rules.

Rule XIII.—The applicants or their Parliamentary Agents or Solicitors must be prepared to prove compliance with the provisions of the Electricity (Supply) Acts and the foregoing Rules when required by the Electricity Commissioners. Due notice will be given of the day and hour at which such applicants, Agents or Solicitors are to attend for the purpose at the office of the Electricity Commissioners and printed forms of proof will accompany the notice. These forms must be filled up and brought with the requisite documents to the office of the Electricity Commissioners at the time fixed for receiving proof.

In the case of any non-compliance on the part of the applicants with any of these Rules the Electricity Commissioners will at their discretion allow the Order or any part thereof to proceed or not as they may think expedient.

Steps to be taken after Order is made.

Rule XIV.—When an Order has been made by the Electricity Commissioners and delivered to the applicants, they must forthwith deposit printed copies for public inspection and for sale at the offices where the draft Order was deposited for such purposes and must supply copies to all persons applying for the same, at a price of not more than two shillings each.

Proof of compliance with this Rule must be made in such manner as the Electricity Commissioners may direct within fourteen days from the delivery of the Order as made to the applicants or their Solicitors or Parliamentary Agents.

Rule XV.—Where in an Order made by the Electricity Commissioners a deposited map or plan is referred to, the Promoters must within thirty days from the date of approval of the Order by Parliament deposit at the office of the Electricity Commissioners an Ordnance map, or if no such map is obtainable then the best map procurable, on a scale of not less than six inches to the mile unless otherwise directed by the Electricity Commissioners, showing the area of supply or the land referred to in the Order. The map must be mounted on linen, and must be certified as correct by the clerk or surveyor to each local authority concerned so far as the same relates to the boundaries of the district of such local authority.

Rule XVI.—These Rules may be cited as "The Electricity Commissioners Special Orders, &c., Rules, 1930," and shall come into operation from the date hereof, and the Electricity Commissioners Rules, 1920 (*a*), and the Electricity Commissioners (Statutory Gas Companies' Capital Powers) Rules, 1927 (*b*), shall be and are hereby rescinded.

Signed by order of the Electricity Commissioners this 19th day of February, 1930.

R. T. G. FRENCH,
Secretary to the Electricity Commissioners.

Electricity Commission,
Savoy Court, Strand,
London, W.C.2.

SCHEDULE.

FORM A.

FORM OF NOTICE TO LANDOWNERS AND OTHERS.

[*Address of applicants and date.*]

[*Insert Title of Order.*]

SIR,

I beg to inform you that application is intended to be made to the Electricity Commissioners by the [*insert name of applicants*] for a Special Order entitled as above under the Electricity (Supply) Acts, 1882 to 1928, to authorise the acquisition of (an easement

(*a*) S. R. & O., 1920, No. 1461, not here reproduced.
(*b*) S. R. & O., 1927 No. 19, not here reproduced.

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servitude rights in over) the property mentioned in the annexed Schedule or some part thereof, in which I understand you are interested as therein stated, for the purposes of (state purposes).

A plan of the said land with a book of reference thereto has been or will be deposited on or before the ( ) for public inspection at the office of (*specify the office (if in England or Wales) of the Clerk of the Peace of every county, riding or division and also of the local authority of the district (if in Scotland) of the sheriff clerk for the county, of the sheriff clerk for the district (if any) and of the local authority of the district*) on which plan your property is designated by the numbers in the annexed Schedule.

If there should be any error or misdescription in the annexed Schedule, perhaps you will be good enough to notify me thereof at your earliest convenience in order that I may correct the same without delay.

Any objection you may have to the said application must be sent by registered post addressed to the Secretary, Electricity Commission, Savoy Court, Strand, London, W.C.2, on or before the (insert date specified in the advertisement), and a copy of the objection must at the same time be furnished to me.

I am, &c.,

[*To be signed by or on behalf of the applicants.*]

Schedule referred to in the foregoing Notice describing the property therein alluded to :—

Description of Property.	Number on plan.	Owner.	Lessee.	Occupier.

FORM B.

FORM OF NOTICE TO OWNERS AND LESSEES OF LANDS SITUATE WITHIN 300 YARDS OF LAND PROPOSED TO BE ACQUIRED OR USED FOR THE PURPOSE OF A GENERATING STATION (OTHER THAN A STATION FOR TRANSFORMING CONVERTING OR DISTRIBUTING ELECTRICAL ENERGY).

[*Address of applicants and date.*]

[*Insert Title of Order.*]

SIR,

I beg to inform you that an application is intended to be made to the Electricity Commissioners by the [*insert name of applicants*] for a Special Order entitled as above under the Electricity (Supply) Acts, 1882 to 1928, to authorise the acquisition (*or use*) of a site for the purpose of a generating station. Certain land of which I understand you are the owner or lessee is situate within 300 yards of the site.

A plan showing the site with a book of reference thereto has been or will be deposited on or before the (,) for public inspection at the office (*specify the office (if in England or Wales) of the Clerk of the Peace of every county, riding or division and also of the local authority of the district (if in Scotland) of the sheriff clerk for the county, or the sheriff clerk for the district (if any) and of the local authority of the district*).

Any objection you may have to the said application must be sent by registered post addressed to the Secretary, Electricity Commission, Savoy Court, Strand, London, W.C.2, on or before the (*insert date specified in the advertisement*) and a copy of the objection must at the same time be furnished to me.

I am, &c.,

[*To be signed by or on behalf of the applicants.*]

S. R. & O., 1931, No. 55.

THE ELECTRICITY (CONFIRMATION OF SPECIAL ORDERS) RULES, 1931, DATED FEBRUARY 2ND, 1931, MADE BY THE MINISTER OF TRANSPORT, UNDER SECTIONS 34 AND 35 OF THE ELECTRICITY (SUPPLY) ACT, 1919 (*a*), AND SECTION 5 OF THE PUBLIC WORKS FACILITIES ACT, 1930.

The following rules are made by the Minister of Transport by virtue of the powers in that behalf conferred upon him by the above-mentioned Sections of the Electricity Supply) Act, 1919, the Ministry of Transport (Electricity Supply) Order, 1920 (*b*), and the Public Works Facilities Act, 1930, with respect to the confirmation of Special Orders, that is to say :—

1. Where the Minister of Transport is required to cause notice of the proposal to confirm a Special Order (hereinafter called " an Order ") to be published, such notice will be published in such manner as he may think best adapted for informing persons affected and of the place where copies of the Order may be obtained.

2. Where such notice is published any person desirous of objecting to the confirmation of an Order must do so by a memorial addressed to the Minister of Transport written on one side only of foolscap paper.

3. Any memorial objecting to such confirmation must be sent by registered post addressed to The Secretary, Ministry of Transport, 6, Whitehall Gardens, London, S.W.1, and posted not later than the date mentioned in that behalf in such notice, and a copy of the memorial must be sent in like manner to the Parliamentary Agents or Solicitors for the Order.

4. Every such memorial shall be sealed or signed by the person objecting or by some responsible and duly authorised person on his behalf and shall state :—

(*a*) the Order or portions of Order objected to ;

(*b*) the specific grounds of objection ; and

(*c*) the omissions, additions or modifications asked for.

5. Not less than 10 clear days' previous notice in writing addressed to the parties applying for the Order or their Agents or Solicitors, and to the persons objecting to such confirmation or their Agents, will be given of the time and place of any inquiry which the Minister of Transport may direct to be held.

6. The costs of any such inquiry shall unless otherwise so directed by the Minister of Transport be apportioned amongst and paid by such persons appearing at the inquiry as the person holding the inquiry may direct. Subject thereto the costs and expenses of the Minister of and incident to the confirmation of an Order shall be paid by the parties applying for the Order at such time and in such manner as he may direct.

7. These Rules may be cited as " The Electricity (Confirmation of Special Orders) Rules, 1931 ".

8. The Electricity (Confirmation of Special Orders) Rules, 1921, dated July 13th, 1921 (*c*), are hereby revoked.

Given under the Seal of the Minister of Transport this second day of February, One thousand nine hundred and thirty-one.

(L.S.) 4896
T.A.E.M.

E. W. ROWNTREE,
An Assistant Secretary.

NOTE.—The foregoing Statutory Rules supersede the Provisional Rules dated September 5th, 1922, relating to the same subject matter.

(*a*) For the Electricity (Supply) Act, 1919, see Vol. IV, *post.*
(*b*) S. R. & O., 1920, No. 58, not here reproduced.
(*c*) S. R. & O., 1921, No. 1186, not here reproduced.

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S. R. & O., 1931, No. 700.

THE SCALE OF DEPRECIATION (TRANSMISSION LINE ALLOWANCE) SPECIAL ORDER, 1931, MADE BY THE ELECTRICITY COMMISSIONERS UNDER THE ELECTRICITY (SUPPLY) ACTS, 1882 TO 1928, AND CONFIRMED MAY 12TH, 1931, BY THE MINISTER OF TRANSPORT UNDER THE ELECTRICITY (SUPPLY) ACT, 1919, FIXING A SCALE OF DEPRECIATION FOR THE PURPOSES OF SECTION 12 OF AND THE THIRD SCHEDULE TO THE ELECTRICITY (SUPPLY) ACT, 1926, IN RELATION TO TRANSMISSION LINES USED BY CERTAIN AUTHORISED UNDERTAKERS FOR GIVING BULK SUPPLIES OF ELECTRICITY.

Whereas by Section 12 of the Electricity (Supply) Act, 1926, (hereinafter referred to as " the Act of 1926 "), it is provided (*inter alia*) that where any authorised undertakers take a supply of electricity directly or indirectly from the Central Electricity Board the price charged by them for the supply of electricity in bulk to any other authorised undertakers or for a supply for haulage or traction purposes to a railway company shall notwithstanding anything in the Special Act or Order relating to their undertaking be on the same terms as those on which the undertakers receive the supply directly or indirectly from the said Board together with such charges and allowances in respect of any transmission line or part thereof used by the undertakers giving the supply in bulk for the purpose of that supply as are mentioned in the Third Schedule to the Act of 1926, subject to a proviso in respect of contracts made before the passing of the said Act:

And whereas the Third Schedule to the Act of 1926 provides that the charges and allowances therein mentioned which may be made in respect of a transmission line used by authorised undertakers for giving a supply in bulk to other authorised undertakers may include, where the authorised undertakers owning the transmission line are a company, an allowance for depreciation of an amount determined in accordance with a scale fixed by Special Order, subject in the case of any company which is a London Company, within the meaning of the London and Home Counties Electricity District Order, 1925, to the proviso set out in the said Third Schedule:

Now therefore in exercise of the powers conferred upon them by the Electricity (Supply) Acts, 1882 to 1928 (*a*), and of any and every other power thereunto them enabling, the Electricity Commissioners do hereby make this Special Order as follows, that is to say:—

1. This Order may be cited as the Scale of Depreciation (Transmission Line Allowance) Special Order 1931.

2. For the purposes of this Order—

The expression " year of account " means the year of account of the owners of the transmission line.

The expression " the prescribed period " means in respect of each of the assets mentioned in Part I of the Schedule to this Order the number of years specified in that Part in relation to such asset, in each case from the commencement of the year of account next following that in which the particular asset first became available for use for the purposes of the transmission line, and in respect of each of the assets mentioned in Part II of the said Schedule the period therein specified in relation to such asset.

The expression " the prescribed rate " means the rate of four and one half pounds per centum per annum or such lower rate as the Electricity Commissioners may for the time being prescribe in any particular case.

The expression " original cost " means the amount properly expended for capital purposes and attributable to an asset forming part of the transmission line save that where such asset has been available for use for not less than the prescribed period and is subsequently displaced the amount properly expended in the provision of any new asset less a sum equal to the market value (if any) of the displaced asset at the date when it ceased to be used for the purposes of the transmission line shall be deemed to be the original cost of the new asset.

(*a*) As to the Electricity (Supply) Acts, 1882 to 1928, see note (*b*), on p. 2622, *ante*.

The expression " date of supply " means the date when the transmission line commenced to be used for the giving of a supply of electricity in respect of which the provisions as to price charges and allowances referred to in Section 12 of the Act of 1926 apply and where used in relation to any asset referred to in this Order means in respect of the transmission line of which the asset forms part such date.

3. Subject to the provisions of the Act of 1926, the scale of depreciation to be applied in determining the charges and allowances which may be made in any year of account (and so in proportion for any part of a year of account) in respect of any transmission line or part thereof whereof the owners are a company pursuant to Section 12 of and the Third Schedule to the Act of 1926 is hereby fixed as follows :—

From the date of supply or from the commencement of the year of account next following that in which a particular asset forming part of the transmission line first becomes available for use for the purposes of the transmission line whichever be the later—

(*a*) In respect of freehold land (including the cost of clearing the site)—Nil.

(*b*) In respect of each of the assets mentioned in the Schedule to this Order—

An allowance of such an amount as would if made annually throughout the prescribed period and accumulated at compound interest at the prescribed rate produce by the end of such period an amount equal to the original cost of the asset ; and subject as hereinafter provided such allowance shall cease at the end of the prescribed period or when the asset ceases to be used for the purposes of the transmission line whichever first occurs.

Provided always that where any asset by reason of obsolescence ceases to be used after the date of supply but before the end of the prescribed period the body or bodies taking the supply shall within such period not extending beyond the prescribed period as may be agreed between them and the Undertakers giving the supply or as failing agreement may be determined as in this Order provided make such further allowance or allowances as, when added to (i) the market value (if any) of such asset at the date of such cessation, (ii) the total amount which would have been allowed in respect of that asset if the depreciation allowances mentioned in paragraph (*b*) of this Section had been made from the commencement of the prescribed period up to the date of cessation and (iii) the sum which represents compound interest at the prescribed rate up to the end of the prescribed period on such market value from the date when it is realised and on each such depreciation allowance and further allowance from the date when it is made, will make up the original cost of the asset.

4. Except so far as may be otherwise provided by the Act of 1926 if any difference shall arise between the owner of a transmission line and any interested body under the provisions of this Order such difference shall, failing agreement, be determined by the Electricity Commissioners or at their option be referred to and determined by an arbitrator to be appointed by them.

5. This Order shall commence and come into force as soon as it shall have lain before each House of Parliament for a period of thirty days during which that House is sitting if neither of those Houses before the expiration of that period presents an Address to His Majesty against this Order or any part thereof.

SCHEDULE.

PART I.

Asset.	Number of years or period.
Main Transmission Line.	
Underground cables	Forty years.
Overhead lines	Twenty-five years.
Step-up and step-down transformers and switchgear necessary to and used for the control of such cables or overhead lines	Twenty years.
Buildings or such parts thereof as may be required to accommodate such transformers or switchgear .	Thirty years.

PART II.

Leasehold Land.

Leasehold interest in the land	The period of the lease or the period remaining unexpired on the assignment of the lease.
Clearing the site	The period of the lease remaining unexpired at the date of clearing the site.

Confirmed by and given under the seal of the Minister of Transport this twelfth day of May, 1931.

(L.S.) 5092
T.A.E.M.

E. W. ROWNTREE,
Assistant Secretary.

I hereby certify that the foregoing Special Order has been laid before each House of Parliament for a period of thirty days during which that House was sitting and that such period expired on the twenty-second day of July, 1931, without either of those Houses having presented an Address to His Majesty against the Special Order or any part thereof.

Signed by order of the Minister of Transport this thirtieth day of July, 1931.

E. W. ROWNTREE,
Assistant Secretary,
Ministry of Transport.

S. R. & O., 1931, No. 701.

THE SCALE OF DEPRECIATION (COST OF PRODUCTION AT CERTAIN SELECTED GENERATING STATIONS) SPECIAL ORDER, 1931, MADE BY THE ELECTRICITY COMMISSIONERS UNDER THE ELECTRICITY (SUPPLY) ACTS, 1882 TO 1928, AND CONFIRMED MAY 12TH, 1931, BY THE MINISTER OF TRANSPORT UNDER THE ELECTRICITY (SUPPLY) ACT, 1919, FIXING A SCALE OF DEPRECIATION FOR THE PURPOSES OF SECTION 7 OF AND THE SECOND SCHEDULE TO THE ELECTRICITY (SUPPLY) ACT, 1926, IN RELATION TO THE COST OF PRODUCTION AT CERTAIN SELECTED GENERATING STATIONS.

Whereas by Section 7 of the Electricity Supply Act, 1926, (hereinafter referred to as " the Act of 1926 "), it is provided (*inter alia*) that as from such date as may be fixed by the Central Electricity Board (hereinafter referred to as " the Board ") the owners of a generating station which by virtue of a scheme under Section 4 of the said Act becomes a selected station shall be under obligation to sell to the Board all electricity generated at the station at a price which shall, unless otherwise agreed, be the cost of production ascertained in accordance with the rules contained in the Second Schedule to the Act of 1926:

And whereas it is further provided by Section 7 of the Act of 1926 that the owners of a selected station shall subject and without prejudice to the therein mentioned provisions and powers of the said Act be entitled to be supplied by the Board from that station with such amount of electricity as they may require for the purposes of their undertaking not exceeding the amount generated at the station at a price which shall, unless otherwise agreed, be either the cost of production ascertained as aforesaid and adjusted according to the load factor and power factor of the supply given to the owners of the selected station together with a proper proportion of the Board's expenses other than those incurred by the Board in the purchase or generation of electricity or according to the tariff fixed under the Act of 1926 for the supply of electricity by the Board, whichever is the lower:

And whereas the Second Schedule to the Act of 1926 provides that the cost of production of electricity at any selected station shall be ascertained by calculating the costs, charges and allowances therein mentioned in respect of the year of account

including where the owners of the station are a company an allowance for depreciation of an amount determined in accordance with a scale fixed by Special Order, subject in the case of any company which is a London Company within the meaning of the London and Home Counties Electricity District Order, 1925, to the proviso set out in the said Second Schedule:

Now therefore in exercise of the powers conferred upon them by the Electricity (Supply) Acts, 1882 to 1928 (*a*), and of any and every other power thereunto them enabling, the Electricity Commissioners hereby make this Special Order as follows, that is to say:—

1. This Order may be cited as the Scale of Depreciation (Cost of Production at certain Selected Generating Stations) Special Order 1931.

2. For the purposes of this Order—

The expression "hydro-electric works" means civil engineering works connected with the appropriation, diversion and impounding of water for the purposes of a hydro-electric generating station.

The expression "year of account" means the year of account of the owners of the selected generating station.

The expression "the prescribed period" means in respect of each of the assets mentioned in Part I of the Schedule to this Order the number of years specified in that Part in relation to such asset, in each case from the commencement of the year of account next following that in which the particular asset became available for use for the purposes of the generating station, and in respect of each of the assets mentioned in Part II of the said Schedule the period therein specified in relation to such asset.

The expression "the prescribed rate" means the rate of four and one half pounds per centum per annum or such lower rate as the Electricity Commissioners may for the time being prescribe in any particular case.

The expression "date of operation" means such date as may be fixed by the Board under Section 7 of the Act of 1926 for the operation of the selected generating station in accordance with the provisions of that Section, and where used in relation to any asset referred to in this Order means the date so fixed in respect of the station of which the asset forms part.

The expression "original cost" means the amount properly expended for capital purposes and attributable to an asset forming part of the selected generating station save that where such asset has been available for use for not less than the prescribed period and is subsequently displaced the amount properly expended in the provision of any new asset less a sum equal to the market value (if any) of the displaced asset at the date when it ceased to be used for the purposes of the generating station shall be deemed to be the original cost of the new asset.

3. Subject to the provisions of the Act of 1926, the scale of depreciation to be applied in determining the cost of production of electricity in any year of account (and so in proportion for any part of a year of account) at any selected generating station whereof the owners are a company pursuant to Section 7 of and the Second Schedule to the Act of 1926 is hereby fixed as follows:—

From the date of operation or from the commencement of the year of account next following that in which a particular asset forming part of the generating station first becomes available for use for the purposes of the generating station whichever be the later—

(*a*) In respect of freehold land (including the cost of clearing the site) and hydro-electric works—Nil.

(*b*) In respect of each of the assets mentioned in the Schedule to this Order—

An allowance of such an amount as would if made annually throughout the prescribed period and accumulated at compound interest at the prescribed rate produce by the end of such period an amount equal to the original cost of the asset; and subject as hereinafter provided such allowance shall cease at the end of the prescribed period or when the asset

(*a*) As to the Electricity (Supply) Acts, 1882, see note (*b*) on p. 2622, *ante*.

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ceases to be used for the purpose of the selected station whichever first occurs.

Provided always that where any asset by reason of obsolescence ceases to be used after the date of operation but before the end of the prescribed period, the Board shall within such period as they may determine not extending beyond the prescribed period make such further allowance or allowances as, when added to (i) the market value (if any) of such asset at the date of such cessation, (ii) the total amount which would have been allowed in respect of that asset if the depreciation allowances mentioned in paragraph (*b*) of this Section had been made from the commencement of the prescribed period up to the date of cessation and (iii) the sum which represents compound interest at the prescribed rate up to the end of the prescribed period on such market value from the date when it is realised and on each such depreciation allowance and further allowance from the date when it is made, will make up the original cost of the asset.

4. Except so far as may be otherwise provided by the Act of 1926 if any difference shall arise between the owner of a selected station and the Board under the provisions of this Order such difference shall, failing agreement, be determined by the Electricity Commissioners or at their option be referred to and determined by an arbitrator to be appointed by them.

5. This Order shall commence and come into force as soon as it shall have lain before each House of Parliament for a period of thirty days during which that House is sitting if neither of those Houses before the expiration of that period presents an Address to His Majesty against this Order or any part thereof.

SCHEDULE.

PART I.

Asset	Number of Years or Period.
Generating Station.	
Buildings and other civil engineering works of a permanent character (other than hydro-electric works)	Thirty years.
Generating and other plant and machinery . .	Twenty years.

PART II.

Leasehold Land.	
Leasehold interest in the land	The period of the lease or the period remaining unexpired on the assignment of the lease.
Clearing the site	The period of the lease remaining unexpired at the date of clearing the site.

Confirmed by and given under the seal of the Minister of Transport this twelfth day of May, 1931.

(L.S.) 5093
T.A.E.M.

E. W. ROWNTREE,
Assistant Secretary.

I hereby certify that the foregoing Special Order has been laid before each House of Parliament for a period of thirty days during which that House was sitting and that such period expired on the twenty-second day of July, 1931, without either of those Houses having presented an Address to His Majesty against the Special Order or any part thereof.

Signed by order of the Minister of Transport this thirtieth day of July, 1931.

E. W. ROWNTREE,
Assistant Secretary,
Ministry of Transport.

S. R. & O., 1931, No. 714.

THE SCALE OF DEPRECIATION (ACQUISITION OF SELECTED GENERATING STATIONS AND MAIN TRANSMISSION LINES) SPECIAL ORDER, 1931, MADE BY THE ELECTRICITY COMMISSIONERS UNDER THE ELECTRICITY (SUPPLY) ACTS, 1882 TO 1928, AND CONFIRMED APRIL 1ST, 1931, BY THE MINISTER OF TRANSPORT UNDER THE ELECTRICITY (SUPPLY) ACT, 1919, FIXING A SCALE OF DEPRECIATION IN RELATION TO THE ACQUISITION OF SELECTED GENERATING STATIONS AND MAIN TRANSMISSION LINES UNDER THE PROVISIONS OF THE ELECTRICITY (SUPPLY) ACT, 1926.

Whereas by Section 5 of the Electricity (Supply) Act, 1926 (hereinafter referred to as "the Act of 1926"), it is provided that the Central Electricity Board (hereinafter referred to as "the Board") shall make arrangements with the owners of existing generating stations which by virtue of a scheme under Section 4 of the Act of 1926 become selected stations for the stations being operated in accordance with the provisions of the said Act and for such extensions and alterations thereof as may be required by the scheme and for such additional extensions and alterations as the Board with the approval of the Electricity Commissioners may from time to time direct; and that if the owners of any such station are unwilling to enter into or fail to carry out any such arrangements to the satisfaction of the Board, the Minister of Transport may by order empower any authorised undertakers or other company or person approved by the Board, or failing such authorised undertakers, company or person, the Board to acquire the generating station at a price to be determined in accordance with the provisions of the First Schedule to that Act:

And whereas by Sub-section (2) of Section 8 of the Act of 1926 it is provided that where a scheme under the said Act provides for the acquisition by the Board of any main transmission line belonging to any authorised undertakers, such transmission line shall, on notice being given by the Board to the undertakers and on payment or tender to the undertakers of the price to be determined in accordance with the First Schedule to that Act, vest in the Board upon an order to that effect being made by the Minister of Transport:

And whereas by the First Schedule to the said Act it is provided that the price of a generating station or main transmission line shall be such sum as may be certified or determined as therein provided to have been the amount of the expenses properly incurred on and incidental to the provision of the generating station or main transmission line, less depreciation on a scale fixed by Special Order:

Now therefore in exercise of the powers conferred upon them by the Electricity (Supply) Acts, 1882 to 1928 (*a*), and of any and every other power thereunto them enabling, the Electricity Commissioners hereby make this Special Order as follows, that is to say:—

1. This Order may be cited as the Scale of Depreciation (Acquisition of Selected Generating Stations and Main Transmission Lines) Special Order 1931.

2. For the purposes of this Order—

The expression "hydro-electric works" means civil engineering works connected with the appropriation, diversion and impounding of water for the purposes of a hydro-electric generating station.

The expression "year of account" means the year of account of the owners of the selected generating station or main transmission line.

The expression "the prescribed period" means in respect of each of the assets mentioned in Part I of the Schedule to this Order the number of years specified in that Part in relation to such asset, in each case from the commencement of the year of account next following that in which the particular asset became available for use for the purposes of the generating station or main transmission line (as the case may be), and in respect of each of the assets mentioned in Part II of the said Schedule the period therein specified in relation to such asset.

The expression "date of operation" means such date as may be fixed by the Board under Section 7 of the Act of 1926 for the operation of the selected generating station in accordance with the provisions of that Section, and where used in

(*a*) As to the Electricity (Supply) Acts, 1882 to 1928, see note (*b*) p. 2622, *ante*.

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relation to any asset referred to in this Order and forming part of a selected generating station means the date so fixed in respect of that station.

The expression " date of vesting " means the date on which the generating station or main transmission line becomes vested in the Board or the generating station becomes vested in any authorised undertakers company or person by virtue of an order made by the Minister of Transport under the Act of 1926 and where used in relation to any asset referred to in this Order means the date on which the station or transmission line (as the case may be) of which the asset forms part becomes so vested.

The expression " original cost " means the amount of the expenses certified or determined under the Act of 1926 to have been properly incurred on and incidental to the provision of an asset forming part of a generating station or main transmission line (as the case may be).

3. Subject to the provisions of the Act of 1926, the scale of depreciation to be applied in determining the price to be paid for the acquisition of a generating station or main transmission line under and in accordance with Section 5 or Section 8 of and the First Schedule to the Act of 1926 is hereby fixed as follows :—

(*a*) For the portion of the prescribed period prior to the date of vesting or (in the case of a generating station) the date of operation if earlier—

(i) In respect of freehold land (including the cost of clearing the site) and hydro-electric works—Nil.

(ii) In respect of each of the assets mentioned in the Schedule to this Order—

An amount equal to the sum which would be produced by the end of such portion of the prescribed period if during that portion of the said period an allowance were made annually and accumulated at compound interest at the rate of four and one half pounds per centum per annum of such an amount as would if made annually throughout the prescribed period and accumulated at compound interest at the like rate produce by the end of that period an amount equal to the original cost of the asset.

(*b*) In respect of a generating station for the portion of the prescribed period between the date of operation and the date of vesting—

An amount equal to the allowances for depreciation provided for by the Second Schedule to the Act of 1926 or by any Special Order made in pursuance of paragraph (*f*) (ii) of the said Schedule accumulated at compound interest up to the date of vesting at the rate at which the allowances are calculated together with a further amount representing compound interest from the date of operation up to the date of vesting at the rate of four and one half pounds per centum per annum on the total amount of depreciation at the date of operation calculated in accordance with the provisions of paragraph (*a*) (ii) hereof.

4. Except so far as may be otherwise provided by the Act of 1926 if any difference shall arise between the owner of a selected station or a main transmission line and the Board under the provisions of this Order such difference shall, failing agreement, be determined by the Electricity Commissioners or at their option be referred to and determined by an arbitrator to be appointed by them.

5. This Order shall commence and come into force as soon as it shall have lain before each House of Parliament for a period of thirty days during which that House is sitting if neither of those Houses before the expiration of that period presents an Address to His Majesty against this Order or any part thereof.

SCHEDULE.

PART I.

ASSET.	NUMBER OF YEARS OR PERIOD.
Generating Station.	
Buildings and other civil engineering works of a permanent character (other than hydro-electric works)	Thirty years.
Generating and other plant and machinery	Twenty years.

Main Transmission Line.

Underground cables	Forty years.
Overhead lines	Twenty five years.
Step up and step down transformers and switchgear necessary to and used for the control of such cables or overhead lines	Twenty years.
Buildings or such parts thereof as may be required to accommodate such transformers or switchgear	Thirty years.

PART II.

Leasehold Land.

Leasehold interest in the land	The period of the lease or the period remaining unexpired on the assignment of the lease.
Clearing the site	The period of the lease remaining unexpired at the date of clearing the site.

Confirmed by and given under the seal of the Minister of Transport this first day of April, 1931.

(L.S.) 5015
F.G.T.

E. W. ROWNTREE,
Assistant Secretary.

I hereby certify that the foregoing Special Order has been laid before each House of Parliament for a period of thirty days during which that House was sitting and that such period expired on the twenty-second day of July, 1931, without either of those Houses having presented an Address to His Majesty against the Special Order or any part thereof.

Signed by order of the Minister of Transport this thirtieth day of July, 1931.

E. W. ROWNTREE,
Assistant Secretary,
Ministry of Transport.

ELECTRICITY (SUPPLY) ACTS, 1882 TO 1928.

REGULATIONS PRESCRIBED BY THE ELECTRICITY COMMISSIONERS UNDER SECTION FOUR OF THE ELECTRIC LIGHTING ACT, 1888.

DEFINITIONS.

In the following Regulations:—

The expression "Energy" means electrical energy, and for the purpose of the Electric Lighting Act, 1888, and these Regulations, electrical energy shall be deemed to be an agency within the meaning of the word "electricity" as defined in the Electric Lighting Act, 1882 (*a*).

The expression "Owner" means any body or person owning or using or entitled to use any electric lines or works, upon whom notice has been served by the Electricity Commissioners requiring that such electric lines or works shall be continued and used only in accordance with these Regulations.

The expression "Consumer" means any body or person supplied with energy by the Owner.

The expression "sub-station" means any premises in which energy is transformed or converted for the purpose of supply to consumers, and which are large enough to admit the entrance of a person after the transforming or converting apparatus is in position, provided that for the purpose of these Regulations any place within any such premises which is used solely for some

(*a*) See Vol. IV, *post.*

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purpose other than such transformation or conversion shall not be deemed to form part of a sub-station.

The expression " Overhead line " means any electric line which is placed above ground and in the open air.

The expression " Service line " means an electric line through which energy may be supplied or intended to be supplied by the Owner to any premises other than the premises where the energy is generated.

The expression " Pressure " means the difference of electrical potential between any two conductors through which a supply of energy is given, or between any part of either conductor and the earth ; and

(*a*) Where the conditions of the supply are such that the pressure at any pair of consumer's terminals does not exceed 250 volts, the supply shall be deemed a low pressure supply.

(*b*) Where the conditions of the supply are such that the pressure exceeds 250 volts but does not exceed 650 volts, the supply shall be deemed a medium pressure supply.

(*c*) Where the conditions of the supply are such that the pressure exceeds 650 volts but does not exceed 3,000 volts, the supply shall be deemed a high pressure supply ; and

(*d*) Where the conditions of the supply are such that the pressure exceeds 3,000 volts, the supply shall be deemed an extra high pressure supply.

The expression " neutral point " means that point in a generating or transforming arrangement which is placed symmetrically with respect to the terminal points of the arrangement.

The expression " neutral wire " means a wire directly connected to a neutral point.

Other expressions to which meanings are assigned in the Electricity (Supply) Acts, 1882 to 1926 (*a*), have the same respective meanings in these Regulations.

I.—GENERAL.

Regulations not to imply power to interfere with streets.

1. Nothing in these Regulations shall be deemed to authorise the Owner to break up or interfere with any street.

Pressure exceeding 250 volts.

2. Where the pressure of the supply exceeds 250 volts, all wires, switches and metal work in connection with the supply shall be so enclosed or shall be fixed in such a manner that there shall be no risk of any shock being obtained by inadvertence or in the ordinary handling thereof.

Insulation Test.

3. The insulation of every electric circuit (whether connected with earth in accordance with these Regulations or not) including all machinery and apparatus forming part of or in connection with that circuit, shall be so maintained that the leakage current shall not exceed one-thousandth part of the maximum current ; and suitable means shall be provided for the indication and localisation of leakage. Every leakage shall be remedied without delay. Every such circuit shall be periodically tested for insulation.

Precautions against Shock or Fire.

4. In the use or delivery of energy, the Owner shall exercise all due precautions so as to avoid the risk of causing electric shock or fire, and shall be responsible for all electric lines, fittings and apparatus belonging to him, or under his control, being maintained in a safe condition.

(*a*) As to the Electricity (Supply) Acts, 1882 to 1926, see note (*b*) on p. 2622, *ante*.

Protection from Lightning.

5. Any electric line or any support therefor exposed to liability to injury from lightning, shall be efficiently protected against such liability.

Protection of Mains.

6. All mains below ground shall be so laid and protected as to avoid risk of damage by accumulation of gas or leakage of electric current.

Reports of Accidents.

7. Where any accident by explosion or fire, or any other accident of such kind as to have caused or to be likely to have caused loss of life or personal injury has occurred at any part of any electric line or other works, the Owner shall give immediate notice thereof to the Electricity Commissioners.

Notice to Postmaster-General.

8.—(*a*) The Owner, on receipt of a request in writing by the Postmaster-General, shall serve forthwith on the Postmaster-General a notice describing every electric line used for the supply of energy, together with a plan showing the mode and position in which such electric line is laid.

(*b*) The Owner in placing and using his electric lines shall employ every reasonable means to prevent injurious affection, whether by induction or otherwise, of any telegraphs of the Postmaster-General, or the communication through such telegraphs. The Postmaster-General may at any time serve upon the Owner notice requiring such alteration in the position and mode of laying or mode of use of any electric line of the Owner or compliance with such other conditions as the Postmaster-General may think necessary for the due protection of his electric lines or other works, and failure on the part of the Owner to comply with any such notice shall be deemed to be a non-compliance with the requirements of the Electricity Commissioners' Notice to which these Regulations are annexed.

(*c*) Any notice required to be served upon the Postmaster-General under these Regulations may be served by being addressed to the General Post Office, London, E.C.1, or by being addressed to and left at or transmitted through the post to the Office of the Sectional Engineer in whose area the works specified in the notice are situated, and any notice required to be served on the owner may be served by being addressed to him and left at or transmitted through the post to his Office or last known place of address.

Sub-stations and Transformers.

9. Sub-stations shall be established in suitable places and shall be in the sole occupation and charge of the Owner and subject to any requirements of the Home Office. Where transformers are used in any other premises (not being sub-stations as defined for the purposes of these Regulations) they shall be so guarded and protected as to avoid the risk of causing electric shock.

II.—EXTRA HIGH PRESSURE MAINS, &C.

Testing of Insulation.

10. An extra high pressure main shall not be brought into use unless, after it has been placed in position and before it is used for the purposes of supply, the insulation of every part thereof has withstood the continuous application, during half-an-hour, of pressure exceeding the maximum pressure to which it is intended to be subjected in use, that is to say, in the case of every electric line to be used for a pressure not exceeding 10,000 volts twice the said maximum pressure and in the case of a line to be used for a pressure exceeding 10,000 volts a pressure exceeding the said maximum pressure by 10,000 volts, and the Owner shall record the results of the tests of each main or section of a main.

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Protection by Fuses or Circuit Breakers.

11. Every extra high pressure main shall be protected by a suitable fuse or automatic circuit-breaker, but in the case of a concentric main that fuse or circuit-breaker shall not be inserted in any external conductor thereof which is connected with earth.

Prevention of Leakage in Transformers.

12. In every case where an extra high pressure supply is transformed or converted to a reduced pressure, some suitable automatic and quick-acting means shall be provided to protect the reduced pressure circuits from any accidental contact with or leakage from the extra high pressure system, either within or without the transforming or converting apparatus.

Electrical Continuity of Metal Conduits, &c.

13. All metal conduits, pipes or casings, containing any extra high pressure electric line shall be efficiently connected with earth, and shall be so jointed and connected across all street boxes and other openings so as to make good electrical connection throughout their whole length.

Lines above Ground or in Subways.

14. Every portion of any extra high pressure electric line placed above the surface of the ground, otherwise than in a sub-station, or in any subway not in the sole occupation of the Owner shall be completely enclosed either in a tube of highly insulated material embedded in brickwork, masonry, or cement concrete, or in strong metal casing efficiently connected with earth.

Prevention of Leakage.

15. Where extra high pressure mains for three-phase supply consist of insulated conductors laid together, provision shall be made to ensure that neither the ground nor any neighbouring electric line or conductor can become charged by leakage from any such main.

Where this provision is made by a copper strip under a lead sheath, that strip shall be not less than sixteen-thousandths of an inch in thickness, and where it is made by steel wires outside a lead sheath, each of those wires shall be not less than one-tenth of an inch in diameter.

Where the mains are enclosed in a lead sheath, that sheath shall not be less than one-tenth of an inch in thickness, and shall be permanently and efficiently connected with earth.

Mains for Single Phase Supply.

16. Extra high pressure mains for single phase supply and all cables connected therewith shall consist either of two concentric conductors or of separate conductors. Where concentric conductors are used the insulation shall be maintained efficiently throughout except that the other conductor shall be connected with earth at one point, and where separate conductors are used, provision shall be made as in the case of mains for three phase supply to ensure that neither the ground nor any neighbouring electric line or conductor can become charged by leakage.

Completion and Control.

17. An extra high pressure electric line shall not be brought into use for the supply of energy before it has been completely laid, properly jointed, examined and tested, or until it is in the sole charge of the Owner and every such line shall during its use be in the sole charge of the Owner.

Streets Boxes.

18. Extra high pressure mains shall not pass through the same street box with other mains, unless they are enclosed in strong metal casing; and street boxes containing extra high pressure mains shall not contain pipes for water, gas or other

service, or electric mains belonging to any other body or person, provided that any such street box may contain telephone wires belonging to the owner.

Sub-stations.

19. Sub-stations supplied at extra high pressure shall be established in suitable places and shall be in the sole occupation of the Owner.

Sub-stations below Streets.

20. Sub-stations constructed below the surface of any street to which an extra high pressure supply is to be given shall not contain switches or other apparatus than transformers.

Transforming Apparatus in Sub-stations.

21. The transforming apparatus at any sub-station supplied at extra high pressure shall be so arranged that there shall be no danger of any mains connected therewith being charged to any pressure beyond the limits of pressure for which these mains are intended.

Fire Risks.

22. In delivering the energy to a sub-station at extra high pressure the Owner shall exercise all due precautions so as to avoid risk of causing fire on the premises.

Insulation, &c., of Electric Lines and Apparatus in Sub-stations.

23. All extra high pressure electric lines and apparatus placed in a sub-station shall be highly insulated and thoroughly protected against injury to the insulation or access of moisture, and any metal forming part of the electric circuit shall not unless efficiently connected with earth be exposed so that it can be inadvertently touched. All such lines shall be so fixed and protected as to prevent the possibility of electrical discharge to any adjacent metallic substance.

III.—OVERHEAD LINES.

DEFINITION.

In the following Regulations the expression "line conductors" means conductors used for transmitting a supply of electrical energy, including so much of any service line as may be under the control of the undertakers.

I.—GENERAL.

Material of Line Conductors.

24. Line conductors shall be of copper, aluminium, or such other materials as may be approved by the Electricity Commissioners.

Strength of Line Conductors.

25. All line conductors at the time of erection shall comply, as regards elongation, breaking load and elasticity, with the specification of the British Engineering Standards Association then in force.

Minimum Size of Line Conductors.

26. The minimum permissible size for copper and other line conductors (other than service lines) shall be such as to have an actual breaking load of not less than 1,237 pounds, the equivalent minimum cross-sectional area and weight per mile for copper being as follows :—

Conductor.	*Cross-sectional area.*	*Weight per Mile.*
	sq. ins.	*Lbs.*
No. 8 S.W.G.	0·0201	409

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The minimum permissible size of service line shall be such as to have an actual breaking load of not less than 816 pounds, the equivalent minimum cross sectional area and weight per mile for copper being as follows :—

Conductor.	*Cross-sectional area. sq. ins.*	*Weight per Mile. Lbs.*
No. 10 S.W.G.	0·0129	262

Line Conductors to be inaccessible.

27. Line conductors shall be rendered inaccessible to any person from any building or other place without the use of a ladder or other special appliance.

Regard shall be had to the normal use by the occupier of any premises or land and where necessary (*a*) the height of the line conductors shall be increased to provide sufficient clearance or safety in accordance with such use, and (*b*) provision as hereinafter prescribed in Regulations 37 or 40 shall be made to prevent danger.

Line Conductors Crossing other Lines.

28. Where a line conductor crosses over or under, or is in proximity to any other overhead wire, precautions shall be taken by the Owner to prevent contact, due to breakage or otherwise, between the line conductor and the other overhead wire, or between the other wire and the line conductor.

Provided that where a line conductor crosses over any overhead wire other than a telegraph or telephone line of the Postmaster-General, the precautionary means to be adopted shall be as hereinafter prescribed in paragraph (3) of Regulation 41.

Provided further that this Regulation shall not be deemed to require the Owner to take precautions against contact between a broken line conductor and other auxiliary conductors and earth wires carried on the same support and forming part of the same overhead line.

Supports.

29. Line conductors shall be attached to suitable insulators carried on supports of wood, iron, steel or reinforced concrete. All wooden supports other than oak or hard wood cross-arms shall unless otherwise approved by the Electricity Commissioners be of red fir impregnated with creosote. Special precautions shall be taken to prevent the corrosion of all metal work at or below the surface of the ground.

Factor of Safety of Supports.

30. The supports, in conjunction with stays or struts if provided, shall withstand the longitudinal, transverse and vertical loads due to the ice loadings and wind pressure hereinafter specified without damage and without movement in the ground. In no case shall the strength of a support in the direction of the overhead line be less than *one quarter* the required strength in a direction transverse to the line.

The following factors of safety shall apply to each support.

Material.	*Factor of Safety.*
Iron or Steel	2·5
Wood	3·5
Reinforced Concrete	3·5

These factors of safety shall be calculated on the assumption that all line conductors cables and wires carried by the supports are at a temperature of 22° F., and have a covering of ice to the radial thickness specified in Regulation 35 (or Regulation 38 according to the voltage) and that together with the supports they are subjected to a wind of 50 miles per hour at right angles to the line, this wind to be taken as exerting a pressure equivalent to 8 pounds per square foot calculated on the whole of the projected area.

The wind pressure on the lee side members of lattice steel or other compound structures, including A and H Poles, shall be taken as one-half of the wind pressure on the windward side members. The factor of safety shall be calculated on the crippling loads of struts and upon the elastic limit of tension members.

Service Lines.

31. Service lines shall be connected to line conductors at a point of support only and shall be fixed to insulators on consumer's premises. Every part of a service line (other than a neutral conductor connected with earth) which is accessible from a building with the use of a ladder or other special appliance shall be efficiently protected either by insulating material or by other means approved by the Electricity Commissioners.

Erection of line conductors at different voltages on same supports.

32. Where line conductors forming part of systems at different voltages are erected on the same poles or supports adequate provision shall be made to guard against danger to linesmen and from the lower voltage system being charged above its normal voltage by leakage from or contact with the higher voltage system; and the type of construction shall be subject to the prior approval of the Electricity Commissioners.

Inspection and Maintenance of Lines.

33. Every overhead line, including its supports and structural parts, and electrical appliances and devices belonging to or connected therewith, shall be regularly inspected and efficiently maintained.

Materials used.

34. All materials used shall at the time of erection conform to the specifications of the British Engineering Standards Association and to the Post Office Technical Instructions for the Construction of Aerial Lines for the time being in force, so far as the same are applicable and are not inconsistent with these Regulations.

II.—SPECIFIC REGULATIONS.

[*Applicable according to the voltage between line conductors where no part of the system is connected with earth, or according to the voltage to earth where part of the system is connected with earth.*]

A. For voltages not exceeding 650 volts direct current and 325 volts alternating current.

Factor of Safety of Line Conductors.

35. The factor of safety of line conductors shall be 2. The factor of safety shall be based on the breaking load and shall be calculated on the assumption that the line conductors are at a temperature of 22° F. and have a covering of ice to a radial thickness of *three-sixteenths of an inch*, and that they are simultaneously subjected to a wind of 50 miles per hour at right angles to the line, this wind to be taken as exerting a pressure equivalent to 8 pounds per square foot calculated on the whole of the projected area of the ice-covered lines.

The weight of ice is to be taken as 57 pounds per cubic foot.

The elasticity of the metal may be allowed for in calculating the sag for line conductors.

Minimum Height of Conductors.

36. The height from the ground of any line conductor (other than a service line), earth wire, or auxiliary conductor at any point of the span at a temperature of 122° F. shall not, except with the consent of the Electricity Commissioners, be less than 19 feet across a public road or 17 feet in other positions. A height of 15 feet may be adopted in situations inaccessible to vehicular traffic.

Where a service line is carried across or along a carriage-way, the height of the line from the ground at any part of the carriage-way shall not, except with the consent of the Electricity Commissioners, be less than 19 feet and 17 feet respectively.

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Provision to Prevent Danger.

37. Where the voltage to each exceeds 250 volts direct current or 125 volts alternating current, precautions should be taken to prevent danger—

(1) from a broken line conductor by the provision of—

(*a*) a neutral or earthed conductor carried continuously from pole to pole, and so arranged in relation to the other conductors that in the event of breakage of any one of them the line conductor shall make contact with the earthed wire; or

(*b*) other means approved by the Electricity Commissioners.

(2) from leakage by the provision—

(*a*) in cases where metal poles are used, of

(i) an earthed wire, running from pole to pole and connected to the poles; or

(ii) a suitable metal framework to support the insulators carrying the line conductors, the framework being insulated from the pole but connected to the neutral conductor; or

(iii) other means approved by the Electricity Commissioners.

(*b*) in cases where wooden poles are used, of

(i) a bonding wire connected to the supporting metal-work of all insulators, the bonding wire terminating at the lowest part of the supporting metal-work; or

(ii) other means approved by the Electricity Commissioners.

Where lightning conductors are used or other uninsulated conductors are run down wooden poles to within 10 feet from the ground, the precautions for the prevention of danger from leakage shall be as for metal poles.

All stay wires other than those which are connected with earth by means of a continuous earth wire shall be insulated to prevent danger from leakage. For this purpose an insulator shall be placed in each stay wire at a height of not less than 10 feet from the ground.

B. For voltages exceeding 650 volts direct current and 325 volts alternating current.

Factor of Safety of Line Conductors.

38. The factor of safety of line conductors shall be 2. The factor of safety shall be based on the breaking load and shall be calculated on the assumption that the line conductors are at a temperature of 22° F., and have a covering of ice to a radial thickness of *three-eighths of an inch*, and that they are simultaneously subjected to a wind of 50 miles per hour at right angles to the line, this wind to be taken as exerting a pressure equivalent to 8 pounds per square foot calculated on the whole of the projected area of the ice-covered lines.

The weight of ice is to be taken as 57 pounds per cubic foot.

The elasticity of the metal may be allowed for in calculating the sag for line conductors.

Minimum Height of Conductors.

39. The height from the ground of any line conductor at any point on the span at a temperature of 122° F. shall not, except with the consent of the Electricity Commissioners, be less than the height hereunder stated:—

Voltages not exceeding 66,000 volts.	20 feet.	Voltages exceeding 110,000 volts and not exceeding 165,000 volts.	22 feet.
Voltages exceeding 66,000 volts and not exceeding 110,000 volts.	21 feet.	Voltages exceeding 165,000 volts.	23 feet.

The height from the ground of an earth wire or auxiliary conductor shall not be less than the minimum heights prescribed in Regulation 36.

Provision to Prevent Danger.

40. Adequate means shall be provided to render any line conductor dead in the event of it falling due to breakage or otherwise.

All metal work other than conductors shall be permanently and efficiently connected with earth. For this purpose a continuous earth wire shall be provided and connected with earth at four points in every mile, the spacing between the points being as nearly equidistant as possible, or, alternatively, the metal work shall be connected to an effective earthing device at each individual support. The design and construction of the system of earth connections shall be such that when contact is made between a line conductor and metal connected with earth the resulting leakage current shall not be less than twice the leakage current required to operate the devices which make the line dead.

Road Crossings, &c.

41. Where an overhead line is erected along or across a public road or canal or across a railway all wires including earth wires and auxiliary conductors shall be placed at the appropriate height from the ground specified in Regulation 39 for line conductors, and the following additional precautions shall be taken to prevent danger :—

(1) In the case of a line erected *along* a public road or canal (or within 50 feet thereof) there shall be provided—

(*a*) duplicate insulators supporting the conductors ; or

(*b*) a device to ensure that in the event of a line conductor falling it shall be put to earth ; or

(*c*) other means approved by the Electricity Commissioners.

(2) In the case of a line erected *across* a public road, canal or railway there shall be provided—

(*a*) duplicate insulators for supporting the line conductor and a device to ensure that in the event of a line conductor falling it shall be put to earth ; or

(*b*) duplicate insulators supporting duplicate conductors tied at intervals not exceeding five feet ; or

(*c*) other means approved by the Electricity Commissioners.

(3) In the case of a line crossing *over* any other overhead wire there shall be provided—

(*a*) duplicate insulators for supporting the line conductor and a device to ensure that in the event of a line conductor falling it shall be put to earth ; or

(*b*) duplicate insulators supporting duplicate conductors tied at intervals not exceeding five feet ;

the provision prescribed in (*a*) or (*b*) hereof being supplemented in the case of line conductors at voltages exceeding 650 volts by the provision of arcing horns or rings ; or

(*e*) other means approved by the Electricity Commissioners.

Danger Notices.

42. Supports shall be numbered consecutively and each support shall have a danger notice of a permanent character securely fixed to it. Adequate provisions shall also be made to prevent unauthorised climbing.

IV.—CONNECTION OF CIRCUITS WITH EARTH.

Continuous Current Circuits.

43. Where the pressure of a supply between the adjacent conductors of a three-wire continuous current system of mains exceeds 125 volts, the intermediate conductor shall be connected with earth, in accordance with the following conditions :—

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(*a*) The connection with earth of the intermediate conductor shall be made at one point only on each distinct circuit, namely, at the generating station or sub-station, and the insulation of the circuit shall be efficiently maintained at all other parts.

(*b*) The current from the intermediate conductor to earth shall be continuously recorded, and if it at any time exceeds one-thousandth part of the maximum supply current, steps shall be immediately taken to improve the insulation of the system.

Alternating Current Circuits.

44. Alternating current circuits may, with the approval of the Electricity Commissioners and with the concurrence of the Postmaster-General, be connected with earth in accordance with the following conditions, etc. :—

I.—GENERAL.

(*a*) The connection with earth shall be made only where energy is delivered to each circuit, that is to say, at a generating station, a sub-station or transformer, and shall, wherever practicable, be made at a neutral point in the circuit and in such a manner as will ensure at all times an immediate and safe discharge of energy.

(*b*) The connection with earth shall be efficiently maintained, except when it is interrupted by means of a switch or link for the purpose of periodical tests for ascertaining whether any current is passing by means of the connection with earth.

(*c*) The insulation of the mains shall be sufficiently maintained at all other parts.

(*d*) Tests shall be periodically made to ascertain whether any current is passing by means of the connection with earth, and if at any time the current so passing exceeds one-thousandth part of the maximum supply current of the circuit, steps shall be immediately taken to improve the insulation.

II.—SPECIAL.

Where separate or three or four-core mains are used for alternating current and the pressure between any two conductors exceeds 125 volts, the connection with earth shall be made in the case of—

(*a*) A single phase supply, at the neutral point on the winding of the transformer ;

(*b*) A two-phase three-wire supply, by means of the third wire ;

(*c*) A two-phase four-wire supply, at the neutral point on the winding ;

(*d*) A three-phase three-wire or four-wire supply, at the neutral point on the star winding.

Concentric Mains.

45. Concentric mains used either for continuous or for alternating current shall be connected with earth by means of the external conductor in accordance with the following conditions :—

(*a*) The connection with earth shall be made by means of the external conductor.

(*b*) The connection with earth shall be made only at the point or points where energy is given to each distinct circuit, namely, at a generating station, sub-station, or transformer.

(*c*) The insulation of the external conductor shall be efficiently maintained at all other parts.

(*d*) The external conductor shall form a complete metal sheathing round the inner conductor.

(*e*) The connection with earth shall be efficiently maintained except when it is interrupted by means of a switch or link for the purpose of periodical tests for ascertaining whether any current is passing by means of the connection with earth.

(*f*) Tests shall be periodically made to ascertain whether any current is passing by means of the connection with earth, and if at any time the current passing by means of the connection with earth exceeds one-thousandth part of the maximum supply current of the circuit, steps shall be immediately taken to improve the insulation.

Nothing in these Regulations shall be deemed to be in substitution for Regulations made under the Factory and Workshop Act, 1901; the Coal Mines Regulation Act, 1887; and the Metalliferous Mines Regulation Act, 1872.

N.B.—These Regulations are prescribed subject to the power of the Electricity Commissioners to prescribe such further or other Regulations as they may think expedient.

ELECTRICITY (SUPPLY) ACTS, 1882 TO 1928.

MEMORANDUM FOR THE GUIDANCE OF AUTHORITIES MAKING APPLICATION FOR SANCTION TO THE BORROWING OF MONEY FOR ELECTRICITY PURPOSES.

1. Application for sanction to borrow should in all cases be made on Form El. C. 48A for Specified Works and on Form El. C. 48B for Unspecified Works. Forms are obtainable on application to the Electricity Commission.

2. Application should be made before any liability is incurred in respect of expenditure proposed to be met out of the loan.

3. Sanction to borrow is not usually granted until all other consents or approvals which may be necessary in respect of the works forming the subject of a loan application have been obtained; for example, in respect of the establishment or extension of generating stations and/or main transmission lines; the erection of overhead lines; arrangements for mutual assistance or bulk supplies; supplies to specific premises outside the authorised area of the applicants; alterations of existing frequency, systems and/or pressures of supply. An application for loan sanction should make reference to any such consents already obtained or applied for. Particulars as to the procedure for obtaining any necessary consents or approvals will be furnished on application to the Electricity Commission.

4. Where the undertaking of the applicants is situated in an Electricity District and the Electricity District Order makes provision for notification to or consultation with the Joint Electricity Authority or Electricity Advisory Board, as the case may be, as regards any works forming the subject of the loan application, evidence should be furnished showing that the Joint Authority or the Board has been so notified or consulted.

5. So far as is practicable, applications should be in respect of specified works (see para. 7). The Electricity Commissioners are prepared, however, to entertain applications for loan saction in respect of unspecified distribution works not relating to definite schemes (see para. 8). Separate applications should be made for specified and unspecified works respectively on the appropriate application forms.

6. The application for loan sanction should specify any local Act authorising the proposed expenditure or modifying the borrowing power provisions of the General Acts, and should be accompanied by a certified copy of the Resolution of the Authority authorising application for sanction to borrow to be made, together with other particulars as indicated below.

SPECIFIED WORKS.

7. An application for loan sanction for specified works should be made on Form El. C. 48A and should cover the complete cost of the works so far as such cost is proposed to be met out of borrowed moneys; it should be divided under the main heads set out below, and should be accompanied by—

(1) a technical report as to the necessity of the proposed works;

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(2) particulars of any existing works to be superseded or displaced and of the amount outstanding (if any) in respect of any loan raised for such works; and

(3) a detailed estimate of the expenditure involved on the various items included under the following headings so far as applicable, together with the additional information indicated in each case. (In any case where tenders have been provisionally accepted, the amount of such tenders should be specially shown. While normally the Commissioners will be in a position to issue their sanction on the information contained in the detailed estimates submitted with the application, information should also be given showing the arrangements contemplated for the carrying out of the works, *e.g.*, whether after open competitive tendering, after tendering by selected firms, under contract schedule, by direct labour or otherwise. In any case where the Commissioners are satisfied generally in regard to the works proposed, but consider it desirable to defer the issue of loan sanction pending the receipt of details of tenders obtained and proposed to be accepted, an intimation to that effect will be given to the applicants):

The estimate should not only show the unit cost of each item but should indicate alongside the corresponding total. Where sanction to borrowing is being applied for in respect of the full amount of the estimated cost, the total of each head of the estimate should correspond with the amounts entered on Form El. C. 48 (A).

(i) Purchase of land or property:

(*a*) The nature of the interest to be acquired in the land or property and the purchase price.

(*b*) A report of the District Valuer as to the value of the property, the amount included in the valuation in respect of buildings (if any) being shown separately. If the District Valuer is unable to furnish a report, a map indicating the precise situation of the property should accompany the application.

(*c*) The proposals of the applicants in regard to the use or demolition of any such buildings.

(*d*) The total area of land already in the possession of the Authority and used for the purposes of the electricity undertaking and the total area authorised to be used.

(ii) Buildings, civil engineering works, etc.:—

[*Note.*—Plant foundations should be included under *plant*.]

(*a*) Plan and elevation drawings of the buildings indicating the cubic contents thereof.

(*b*) The nature of the interest held or to be acquired in the site (stating the outstanding period of the lease in the case of leasehold sites).

(*c*) The materials of construction.

(*d*) Details of contemplated works of alteration to or adaptations of existing buildings.

(*e*) Description of civil engineering works and technical details.

(iii) Underground mains (including feeder pillars and disconnecting boxes):

(*a*) The total length in yards, the size, type and voltage and cost per yard of each description of main.

Note.—Attention is drawn to the Circular Letter of the Commissioners dated 4th April, 1928, in reference to the size of distributing mains.

(*b*) The method of laying and cost per yard of trenching, laying and reinstating in each case.

(*c*) Length and size of ducts, warning boards, etc., in each case, and brief description of other materials.

(*d*) Number and description of feeder pillars and disconnecting boxes.

(iv) Overhead lines:

Where the consent of the Minister of Transport to the placing of the lines above ground has been obtained or applied for it will be sufficient, in addition to giving a reference to such consent or application, to state the total length of lines and to submit an estimate of cost. Where such consent has not been obtained or applied for particulars of the lines should be submitted on Form El. C. 53B, copies of which may be obtained on application to the Electricity Commission.

(v) Generating station plant:

(*a*) The size, type, etc., of each item of plant (including engine room plant, boiler house plant and auxiliaries).

(*b*) The type, number of panels, current-carrying and rupturing capacities of the switch-gear.

(*c*) Material of construction and capacity of cooling towers (estimated cost of tower, tank and pipework should be separately shown).

(vi) Substation equipment (including converting and rectifying plant, switchgear, transformers, etc.):

(*a*) The type, number of panels and current-carrying and rupturing capacities of each item of switchgear.

(*b*) The type and size in kilowatts of each unit of converting or rectifying plant; and

(*c*) The type, capacity of K.V.A., and voltage ratio of each transformer.

(vii) Alterations of frequency, systems and/or pressures of supply to consumers:

(*a*) A reference to any works included under previous headings which are consequent upon an alteration of frequency, system and/or pressure.

(*b*) Particulars of all replacements or alterations of plant or apparatus belonging to (i) the undertakers or (ii) consumers, and details under each head of the estimated proceeds from the sale of apparatus to be replaced.

A Loan raised under a sanction to borrow issued by the Commissioners on the basis of estimates supplied as above should not, without the prior approval of the Commissioners, be used to meet expenditure on works not included in the estimates as submitted.

NOTE.—Contingency amounts should not be included to cover expenditure on items which can be foreseen and enumerated. Amounts required for professional fees (indicating the basis on which they are calculated) and incidental expenditure should be stated separately.

UNSPECIFIED WORKS.

8. The Electricity Commissioners are prepared to entertain applications on Form El. C. 48B for loan sanction without the prior submission of full technical details to cover estimated requirements during a period not exceeding three years in respect of expenditure on unspecified works for the purposes set out below on the understanding that details of the actual expenditure are subsequently furnished in the manner indicated in the next paragraph:

(i) Underground L.T. distributing mains (cross sectional area not less than 0·05 square inch—if smaller cables are proposed the approval of the Commissioners should be obtained to the charging of the expenditure against the sanction before the expenditure is incurred).

(ii) Overhead distributing lines for which the necessary consent of the Minister of Transport has been obtained.

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(iii) Short lengths of feeders for strengthening network and short lengths of E.H.T. distributors for individual supplies.

(iv) House services.

(v) Substation equipment (not involving alteration or extension of buildings) necessarily consequent on expenditure under heads (i), (ii) and (iii) above.

(vi) Equipment of sub-stations on consumers' premises.

(vii) Small static sub-stations, kiosks and equipment of same.

(viii) Meters.

(ix) Consumers' wiring installations and provision of motors and consumers' apparatus (i) for hire or (ii) for hire purchase.

In the case of initial expenditure on schemes of this nature the application should be accompanied by (*a*) A brief description of scheme; (*b*) Financial estimate of effect of scheme; (*c*) A copy of the standard agreement with consumers.

9. Application for loan sanction in respect of expenditure on unspecified works should be made before any sanction previously given for similar works has been fully exhausted in order that expenditure may always be covered by loan sanction. The application should be accompanied by—

(*a*) Such information as may be available in support of the amount of the application, including a statement in total of the amount expended during each of the three preceding years for each of the purposes for which a further sanction is required. Reasons should also be given if any allowance is made in the application for an increased rate of expenditure.

(*b*) A balance statement showing the position of expenditure against previous sanctions, up to a date (end of financial year or half-year) not more than nine months earlier than the date of application, in the following form:

Balance in hand at.....193 (*i.e.*, closing date of previous Return)	£
Sanction grant 193	£
Total amount available and to be accounted for . .	£
Expenditure now accounted for period.....to .....(*i.e.*, during period since closing date of previous return)	£
Balance in hand (to be accounted for in next return) .	£

(*c*) The further particulars indicated in the relative form annexed to this Memorandum, in regard to the expenditure included in the above-mentioned balance statement.

Electricity Commission,
Savoy Court,
Strand, W.C.2.
April, 1933.

SPECIMEN FORMS.

(Indicating the nature of the particulars to be furnished by undertakers when accounting for expenditure incurred under previous sanctions for unspecified works.)

(1) MAINS (Particulars of Cables).

Period covered by expenditure.	Size of Cable.	Type and Voltage.	Method of Laying.	Total length of each size and type of Cable.	Average cost per yard of each size and type of Cable.	Total expenditure on each size and type of Cable each half year. (Total for each half year to be carried to Summary below.)
Half year ended .				Yards.	£ s. d.	£ s. d.

MAINS (Summary Statement).

Period covered by expenditure.	Total Cost of Cable (as above).	Other Material.							Labour (excavation, laying, jointing and reinstatement).			Total expenditure each half year.
		Ducts.		Warning Boards, &c.		Feeder Pillars, &c.		Jointing materials, etc.				
		Yards.	Total Cost.	Yards.	Total Cost.	Number.	Total Cost.	Total Cost.	Number of yards.	Average Cost per yard.	Total Cost.	
Half year ended .	£ s. d.		£ s. d.		£ s. d.		£ s. d.	£ s. d.		£ s. d.	£ s. d.	£ s. d.

Total expenditure carried to Balance Statement .... £ ....

(2) OVERHEAD LINES.

Period covered by expenditure.	Capacity of line in K.W.	Class of Pole, *i.e.*, Wood, Steel Concrete.	Number, cross-sectional area and material of conductors.	Voltage.	Route length of line in yards.	Average cost per yard (or per mile).	Total expenditure each half year.	Date and reference to consent of Minister of Transport.
Half year ended						£ *s.* *d.*	£ *s.* *d.*	

Total expenditure carried to mains Balance Statement .... £.....

(3) SERVICES.

Period covered by expenditure.	Average cost per service.				Number of Services laid.	Total expenditure each half year.
	Cable.	Other Materials and Apparatus.	Labour (including Reinstatement).	Total.		
Half year ended .	£ *s.* *d.*	£ *s.* *d.*	£ *s.* *d.*	£ *s.* *d.*		£ *s.* *d.*

Total expenditure carried to Balance Statement .... £.....

(4) METERS (including Demand Indicators and Time Switches).

Period covered by expenditure.	Description of each Type of Meter or Indicator, etc.	Capacity in Amperes.	Number of each Type purchased.	Average Cost of each Size and Type.	Total expenditure each half year.
Half year ended . .				£ s. d.	£ s. d.

Total expenditure carried to Balance Statement .... £.....

(5) CONSUMERS' WIRING INSTALLATIONS (for hire or hire purchase).

Period covered by expenditure.	Number of each size (in points) and type* of installation provided.	Average cost per point.		Total expenditure each half year.	*Brief* specification of type of installation provided.
		Lighting.	Power.		
Half year ended . .		£ s. d.	£ s. d.	£ s. d.	

Total expenditure carried to Balance Statement .... £.....

* *i.e.*, Lighting (L), Heating or Power (P).

(6) CONSUMERS' APPARATUS (for hire or hire purchase).

Period covered by expenditure.	Description of each Type of Apparatus.	Loading in Watts.	Number of each Type purchased.	Average Cost of each Type.	Total expenditure each half year.
Half year ended . .				£ s. d.	£ s. d.

Total expenditure carried to Balance Statement .... £ .....

(7) MOTORS (for hire or hire purchase).

Period covered by expenditure.	Description of each Type of Motor.	Size in H.P.	Speed in R.P.M.	Number of each Type purchased.	Average Cost of each Type.	Total expenditure each half year.
Half year ended . .					£ s. d.	£ s. d.

Total expenditure carried to Balance Statement .... £ .....

(8) SUB-STATIONS AND EQUIPMENT.

(A) TRANSFORMERS, INCLUDING KIOSKS, ETC.

Period covered by expenditure.	Each Size. (in K.V.A.) and Type.	Voltages.	Number of each size purchased.	Average Cost per K.V.A.	Cost of installing including labour.	Kiosks.		Total expenditure each half year.
						Dimensions and description.	Cost.	
Half year ended .					£ s. d.		£ s. d.	£ s. d.

Total expenditure carried to Balance Statement .... £ .....

(B) SWITCHGEAR AND CONNECTIONS.

Period covered by expenditure.	Type and Current-carrying and Rupturing Capacities.	Number of Panels provided.		Cost.	Specify any other items used.	Cost.	Cost of Labour.	Total expenditure each half year.
		E.H.T. and H.T.	L.T.					
Half year ended .				£ s. d.		£ s. d.	£ s. d.	£ s. d.

Total expenditure carried to Balance Statement .... £.....

ELECTRIC LIGHTING AND POWER

S. R. & O., 1937, No. 1075.

THE SCALE OF DEPRECIATION (PURCHASE OF ELECTRICITY UNDERTAKINGS) SPECIAL ORDER, 1937, MADE BY THE ELECTRICITY COMMISSIONERS AND CONFIRMED BY THE MINISTER OF TRANSPORT, JULY 21ST, 1937, UNDER THE ELECTRICITY (SUPPLY) ACTS, 1882 TO 1936, FIXING A SCALE OF DEPRECIATION IN RELATION TO THE PURCHASE OF ELECTRICITY UNDERTAKINGS UNDER THE PROVISIONS OF SECTION 39 (1) OF THE ELECTRICITY (SUPPLY) ACT, 1926.

Whereas by Section 39 (1) of the Electricity (Supply) Act, 1926, (hereinafter referred to as "the Act of 1926") it is provided that where after the commencement of the Act a special order is made authorising a company to supply electricity, and the area of supply consists of or includes the whole of the districts of two or more local authorities and is, in the opinion of the Electricity Commissioners, adequate in extent, the following provisions shall have effect with respect to the right of purchasing the undertaking:—

(*a*) The purchasing authority may within six months after the expiration of a period of fifty years from the date of the confirmation of the special order, or such shorter period as may be specified in that behalf in the special order, and within six months after the expiration of every subsequent period of ten years, or such shorter period as may be specified in that behalf in the special order, by notice in writing, require the company to sell, and thereupon the company shall sell to them their undertaking upon the terms of the payment to those undertakers of a sum equal to the capital properly expended for the provision of the land, buildings, works, material and plant of the undertakers in use or available and suitable for use at the time of the purchase for the purposes of their undertaking, less depreciation according to such scale as may be determined by special order:

Now, therefore, in exercise of the powers conferred upon them by the Electricity (Supply) Acts, 1882 to 1936 (*a*), and of any and every other power thereunto them enabling, the Electricity Commissioners hereby make this Special Order as follows, that is to say:—

1. This Order may be cited as the Scale of Depreciation (Purchase of Electricity Undertakings) Special Order, 1937.

2. For the purposes of this Order—

The expression "date of purchase" means the date on which notice to purchase the undertaking is served on the undertakers by the purchasing authority.

The expression "year" means the calendar year ending the thirty-first day of December.

The expression "Schedule" means the Schedule to this Order.

The expression "expired period" means in respect of each of the assets mentioned in the Schedule the period expressed in years and/or fraction of a year beginning at the commencement of the year next following that in which the particular asset first became available for use for the purposes of the undertaking and ending at the expiration of the day immediately preceding the date of purchase.

The expression "original cost" means in respect of each of the assets mentioned in the Schedule the amount of capital properly expended on the provision of the particular asset for the purposes of the undertaking.

The expression "written down capital expenditure" means in respect of each of the assets mentioned in the Schedule at the commencement of any year of the expired period, the original cost of the asset less the total amount of the depreciation up to the end of the preceding year calculated in accordance with the scale determined by this Order.

Other expressions have the same meaning as in the Electricity (Supply) Acts, 1882 to 1936.

3. Subject to the provisions of the Act of 1926, the scale to be applied in arriving at the amount of depreciation for the purpose of ascertaining the payment to be

(*a*) As to the Electricity (Supply) Acts, 1882 to 1936, see note (*b*) on p. 2622, *ante*.

made by the purchasing authority to the undertakers under and in accordance with the provisions of Section 39 (1) of the Act of 1926 is hereby determined as follows :—

In respect of each of the assets mentioned in the first column of the Schedule, depreciation shall be at the rate per centum per annum specified in the second column of the Schedule on the original cost of the asset during the expired period.

Provided that if at the end of any year during the expired period the total amount of depreciation in respect of any asset ascertained as aforesaid is equivalent to the percentage of the original cost specified in relation to that asset in the third column of the Schedule, then depreciation in respect of that asset for the remainder of the expired period shall be at the rate of two and one-half per centum per annum on the written down capital expenditure :

Provided always that the total amount of the depreciation in respect of any asset shall not exceed the original cost thereof.

4. Except so far as may be otherwise provided by the Act of 1926, any difference arising between the undertakers and the purchasing authority under the provisions of this Order shall, failing agreement, be determined by the Electricity Commissioners or at their option be referred to and determined by an arbitrator to be appointed by them.

5. This Order shall commence and come into force as soon as it shall have lain before each House of Parliament for a period of thirty days during which that House is sitting if neither of those Houses before the expiration of that period presents an Address to His Majesty against this Order or any part thereof.

SCHEDULE.

Column 1. Asset.	Column 2. Rate per centum per annum on original cost.	Column 3. Percentage of original cost.
Freehold land and land in Scotland held on feu.	Nil.	—
Buildings and civil engineering works of a permanent character (other than plant foundations).		
Offices and showrooms	1¾	90
Other	2¼	90
Generating plant and cooling towers (including plant foundations).	5	—
Transformers, transformer kiosks, substation equipment and other fixed apparatus (including plant foundations).		
Transformers having a rating of 100 kilo volt amperes and over (including foundations).	3⅘	95
Other	5	—
Switchgear (including cable connections).		
Generation switchgear	5	—
Distribution switchgear	3⅓	95
Underground cables (including joint boxes, disconnecting boxes and ducts) and service lines.		
Cables laid direct in ground	2½	—
Cables in ducts	2⅔	95
Ducts	2½	—

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COLUMN 1. Asset.	COLUMN 2. Rate per centum per annum on original cost.	COLUMN 3. Percentage of original cost.
Overhead lines, including supports.		
(i) Lines on steel or reinforced concrete supports.	$2\frac{3}{8}$	95
(ii) Lines on wooden supports of a quality and impregnated to a standard not lower than that prescribed in the Post Office Specification or the Specification of the British Standards Institution current at the time of their erection.	$2\frac{5}{7}$	95
(iii) Other	$3\frac{1}{5}$	95
Meters	5	—
Self-propelled vehicles, tools and loose plant.	10	—
Office furniture and equipment . .	10	—
Rental wiring on consumers premises .	5	—
Apparatus let on hire	10	—
Leasehold land.		
Leasehold interest in the land . .	One hundred divided by the period of the lease or (if the lease has been assigned) by the period remaining unexpired on the assignment of the lease.	—
Cost of clearing the site . . .	One hundred divided by the period of the lease remaining unexpired at the date of clearing the site.	—
Assets not otherwise provided for .	5	—

Confirmed by and given under the seal of the Minister of Transport this 21st day of July, 1937.

(L.S.) 9645
A.M.R.

SIDNEY J. PAGE,
Assistant Secretary.

I hereby certify that the foregoing Special Order has been laid before each House of Parliament for a period of thirty days during which that House was sitting and that such period expired on the 25th day of November, 1937, without either of those Houses having presented an Address to His Majesty against the Special Order or any part thereof.

Signed by order of the Minister of Transport this 26th day of November, 1937.

SIDNEY J. PAGE,
Assistant Secretary,
Ministry of Transport.

ELECTRICITY SUPPLY REGULATIONS, 1937.

REGULATIONS FOR SECURING THE SAFETY OF THE PUBLIC AND FOR INSURING A PROPER AND SUFFICIENT SUPPLY OF ELECTRICAL ENERGY.

Made by the Electricity Commissioners in virtue of the powers exerciseable by them under the Electricity (Supply) Acts, 1882 to 1936, and Orders made thereunder

and under local Acts relating to the supply of electricity. References to Board of Trade Regulations or to Regulations made by the Board of Trade contained in any such Acts or Orders should be read as references to these Regulations made by the Electricity Commissioners.

DEFINITIONS.

In these Regulations the under-mentioned expressions shall have the meanings respectively assigned thereto.

"*Apparatus*" means electrical apparatus and includes all machines, apparatus and fittings in which conductors are used or of which they form a part.

"*Authorised person*" means a person employed, appointed or selected by the Undertakers, or by a consumer, or jointly in cases where any electric lines or apparatus are in the joint charge of the Undertakers and a consumer or any other body, company or person, to carry out duties incidental to the generation, transformation, distribution or use of energy, such person being competent for the purposes of the Regulation in which the term is used.

"*Circuit*" means an electrical circuit forming a system or branch of a system.

"*Conductor*" means an electrical conductor arranged to be electrically connected to a system.

"*Connected with earth*" means connected with the general mass of earth in such manner as will ensure at all times an immediate and safe discharge of energy.

"*Consumer*" means any body or person supplied or entitled to be supplied with energy by the Undertakers.

"*Consumers installation*" means the consumers wiring together with any apparatus upon the premises connected or intended to be connected thereto.

"*Consumers wiring*" means the electric lines situate upon the consumers side of the supply terminals.

"*Daily penalty*" means a penalty for each day on which any offence is continued after conviction therefor.

"*Dead*" means at or about earth potential and disconnected from any live system.

"*Distributing main*" means the portion of any main which is used or intended to be used for the purpose of giving origin to service lines for the purposes of general supply.

"*Electric line*" means a wire or wires, conductor, or other means used for the purpose of conveying, transmitting or distributing electricity with any casing, coating, covering, tube, pipe, or insulator enclosing, surrounding, or supporting the same, or any part thereof, or any apparatus connected therewith for the purpose of conveying, transmitting, or distributing electricity or electric currents.

"*Electrode boiler*" means apparatus for the electrical heating of water by the passage of an electric current between electrodes immersed in the water.

"*Energy*" means electrical energy, and for the purposes of applying the provisions of the Electricity (Supply) Acts, 1882 to 1936, to any Act or Order relating to the undertaking of the Undertakers, electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act, 1882.

"*General supply*" means the general supply of energy to ordinary consumers, and includes, unless otherwise specially agreed with the local authority, the general supply of energy to the public lamps, where the local authority are not themselves the Undertakers, but shall not include the supply of energy to any one or more particular consumers under special agreement.

"*Generating station*" means any station for generating electricity, including any buildings and plant used for the purpose, and the site thereof, and a site intended to be used for a generating station, but does not include any station for transforming, converting, or distributing electricity.

"*High voltage*" means a voltage normally exceeding 650 volts.

"*Home Office Electricity Regulations*" means any Regulations for the time being in force relating to the generation, transformation, distribution or use of electricity and made by the Secretary of State in pursuance of powers conferred by (*a*) the Factory and Workshop Acts, 1901 to 1929, in relation to any factory, workshop or other place to which the provisions of Section 79 of the Factory and Workshop Act, 1901, are applied by those Acts, or (*b*) the Cinematograph Act, 1909, in relation to any buildings or cinematograph exhibition to which the provisions of that Act apply.

ELECTRIC LIGHTING AND POWER

"*Institution of Electrical Engineers Regulations*" means the Tenth Edition (September, 1934) of the Regulations for the Electrical Equipment of Buildings issued by the Institution of Electrical Engineers, with the alterations and additions current at the date of these Regulations; or any subsequent Regulations, alterations or additions issued by the said Institution and approved by the Electricity Commissioners for the purposes of these Regulations.

"*Insulation*" means non-conducting material enclosing, surrounding or supporting a conductor or any part thereof and of such quality and thickness as to be suitable for the purposes of the Regulation in which the term is used.

"*Live*" means electrically charged.

"*Low voltage*" means a voltage not exceeding 250 volts under normal conditions subject however to the percentage variation allowed by these Regulations.

"*Main*" means any electric line through which energy may be supplied or intended to be supplied by the Undertakers for the purposes of general supply.

"*Medium voltage*" means a voltage exceeding 250 volts but not exceeding 650 volts under normal conditions subject however to the percentage variation allowed by these Regulations.

"*Mines Department Electricity Regulations*" means in relation to any mine or quarry as the case may require any Regulations or Rules for the time being in force in pursuance of any enactment relating to mines and quarries and relating to the generation, transformation, distribution or use of electricity.

"*Outdoor substation*" means any ground whereon apparatus of the kind included within the definition of substation is situate in the open air, and includes the said apparatus.

"*Outdoor switch station*" means any ground whereon apparatus of the kind included within the definition of switch station is situate in the open air, and includes the said apparatus.

"*Overhead line*" means any electric line which is placed above ground and in the open air.

"*Prior Regulations*" means Regulations (other than Regulations relating to Overhead Lines) in force immediately prior to January 1st, 1937, whether made by the Board of Trade or the Electricity Commissioners, and applying to authorised undertakers and their undertakings.

"*Service line*" means any electric line through which energy may be supplied or intended to be supplied by the Undertakers to a consumer either from any main or directly from the premises of the Undertakers.

"*Substation*" means any premises or enclosure or part thereof, being large enough to admit the entrance of a person after the apparatus therein is in position, containing apparatus for transforming or converting energy to or from a voltage above medium voltage (other than transforming or converting solely for the operation of switchgear or instruments) with or without any other apparatus for switching, controlling or otherwise regulating the energy, and includes the apparatus therein.

"*Supply of electricity in bulk*" means a supply of electricity to any local authority, company, body or person authorised to supply electricity.

"*Supply terminals*" means the ends of the electric lines situate upon any consumer's premises at which the supply of energy is delivered from the service lines.

"*Switch station*" means any premises or enclosure or part thereof, being large enough to admit the entrance of a person after the apparatus therein is in position, containing apparatus for switching, controlling or otherwise regulating energy at a voltage above medium voltage but *not* for transforming or converting energy (other than transforming or converting solely for the operation of switchgear or instruments), and includes the apparatus therein.

"*System*" means an individual electric system in which all the conductors and apparatus are electrically connected to a common source of voltage, and includes all the said conductors and apparatus.

"*Voltage*" means electro-motive force and in particular the voltage between any pair of conductors forming part of a system or between any part of either conductor and the earth. In the case of alternating current, the expression means the virtual voltage or root mean square value (*i.e.* the square root of the mean or average value of the squares of the instantaneous values of the voltage during a complete cycle).

"*Works*" means and includes electric lines, also any buildings, machinery,

engines, works, matters, or things of whatever description required to supply electricity and to carry into effect the object of the Undertakers under the Electricity (Supply) Acts.

Any other words, terms and expressions to which meanings are assigned by the Electricity (Supply) Acts, 1882 to 1936 (*a*), and the Schedule to the Electric Lighting (Clauses) Act, 1899, shall have in these Regulations the same respective meanings.

Short Title and Application of Regulations.

1. These Regulations may be cited as the Electricity Supply Regulations, 1937.

2. These Regulations shall come into force on January 1st, 1937 (hereinafter referred to as " the prescribed date ") and shall apply as from the prescribed date to all undertakers and authorised undertakers within the meaning of the Electricity (Supply) Acts, 1882 to 1936, and to their undertakings, and to all works of and all supplies of energy given by such undertakers whether brought into use or commenced before or after the prescribed date, subject to the following exceptions and qualifications :—

(*a*) In relation to works and supplies brought into use or commenced before the prescribed date (hereinafter referred to as " existing works " and " existing supplies ")—

(i) Regulations 12 and 25 (*b*), and the provisos to Regulation 24 shall not apply to existing works ; and Regulations 28 (*a*) and 30 (*a*) and (*d*), and so much of Regulation 34 (*a*) as is concerned with the declaration of the number of phases in the case of alternating current, shall not apply to existing supplies.

(ii) Regulations 1 and 6 shall apply in so far as they are concerned with any reconnection of existing works after the prescribed date, but not further or otherwise.

(iii) Regulations 9 (*a*) (ii) and (iii), 10 (*b*), 16 (*b*), 19, 22, 23 and 31 shall, unless the Electricity Commissioners otherwise prescribe in any particular case, have effect as from January 1st, 1939, in their application to any existing works or existing supplies which at the prescribed date do not comply or are given otherwise than in conformity with the relevant provisions thereof or as from the date (if earlier) when the said existing works or existing supplies shall have been brought into compliance or are being given in conformity with the relevant provisions of the said Regulations :

Provided that the said existing works or existing supplies shall, unless otherwise prescribed by the Electricity Commissioners, continue until January 1st, 1939, or the said earlier date, but no longer, to be subject to the provisions of any corresponding prior Regulations which were applicable thereto.

Save as aforesaid, any existing works or existing supplies which at the prescribed date do not comply or are given otherwise than in conformity with the relevant provisions of these Regulations shall be brought into compliance or given in conformity therewith as soon as may be after the prescribed date.

(*b*) (i) In relation to any supply of electricity in bulk given by the Undertakers to any other undertakers, the said other undertakers shall be deemed to be a consumer for the purposes of Regulations 5 (*b*), 34 and 35, and the electric lines used for the purpose of affording the supply of electricity in bulk shall be deemed to be a distributing main within the meaning of Regulation 35 ; but the said other undertakers shall not be a consumer for any of the purposes of Regulations 22 to 33 (inclusive).

(ii) In relation to any supply of electricity for traction purposes given by the Undertakers to a railway company, the said company shall not be a consumer for any of the purposes of Regulations 22 to 33 (inclusive).

(*a*) As to the Electricity (Supply) Acts, 1882 to 1936, see note (*b*), p. 2622, *ante*.

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3. As from the prescribed date, all prior Regulations shall cease to have effect and shall be revoked without prejudice to anything done or suffered thereunder:

Provided that this paragraph in its application to individual undertakers shall not have effect so as to revoke such prior Regulations as are referred to in paragraph 2 (*a*) (iii) hereof in so far and so long as they continue in virtue of that paragraph to apply to any existing works or existing supplies of such undertakers:

Provided also that nothing in this paragraph shall affect any consent or approval given under or in pursuance of any prior Regulations if the powers or authorities conferred by such consent or approval have not been fully exercised.

4. Where any Act or Order provides for the determination of any question in respect of a consumers installation, nothing in these Regulations shall derogate from the right of any party to proceed under the provisions of that Act or Order.

REGULATIONS.

Electric Lines and Systems for Low and Medium Voltages.

1.—(*a*) Electric lines of the Undertakers for use at low voltage or medium voltage shall not be connected to a system for the purposes of the supply of energy unless the insulation of the said electric lines has withstood either (i) the tests prescribed in that behalf in the appropriate specification of the British Standards Institution then current, or (ii) in cases where no such tests have been prescribed, the continuous application of a testing voltage of not less than 500 volts between conductors and also between conductors and earth during a period of not less than 15 minutes.

(*b*) If the tests prescribed in paragraph (*a*) hereof are made prior to the said electric lines being placed in position for the purposes of the supply of energy, the said electric lines after having been placed in position and before being connected to the system shall have withstood a further test for resistance of insulation by the application of a testing voltage of not less than 500 volts between conductors and also between conductors and earth during a period of not less than one minute.

(*c*) Where any electric line for use at low voltage or medium voltage has been disconnected from a system for alteration or repair, such electric line shall not be reconnected to the system until the Undertakers have applied the test prescribed in paragraph (*b*) hereof and have satisfied themselves that the insulation of the electric line is in sound condition.

(*d*) The foregoing provisions of this Regulation shall not apply to overhead lines unless the Electricity Commissioners otherwise prescribe in any particular case.

2. The Undertakers shall maintain in sound condition the insulation of all electric lines and apparatus (including service lines up to the supply terminals) forming a system for use at low voltage or medium voltage, and so that the leakage current in the case of a direct current system shall not under normal conditions exceed one-thousandth part of the maximum supply current.

3. Where a system at medium voltage is employed for giving a general supply, the voltage between earth and any conductor forming part of the said system shall not under normal conditions exceed low voltage.

4. The following provisions shall apply to the connection with earth of alternating current systems at low voltage in cases where the voltage normally exceeds 125 volts, and of systems at medium voltage employed for giving a general supply:—

(i) Unless otherwise allowed by the Electricity Commissioners, a point of every such system shall be connected with earth.

(ii) The connection with earth shall, subject as hereinafter provided, be made at one point only in each system and the insulation of the system shall be efficiently maintained at all other parts.

(iii) In the case of a system comprising electric lines having concentric conductors, the external conductor shall be the one to be connected with earth.

(iv) The connection with earth may include a switch or link by means of which the connection may be temporarily interrupted for the purpose of testing or for locating a fault.

(v) In the case of a direct current system, an ammeter shall be permanently inserted in the connection with earth and a continuous record of the amount of the leakage current (if any) passing through the ammeter shall be taken and kept by the Undertakers. Where three-wire direct current systems are used, a fusible cut-out or automatic circuit breaker may be inserted in the connection with earth in parallel with a resistance of not more than five ohms.

(vi) In the case of an alternating current system, there shall not be inserted in the connection with earth any impedance (other than that required solely for the operation of switchgear or instruments), fusible cut-out or automatic circuit-breaker, and the result of any test made to ascertain whether the current (if any) passing through the connection with earth is normal shall be duly recorded by the Undertakers:

Provided that for the purpose of operating relays for the remote control of switches, the Undertakers may insert in the connection with earth the secondary winding of a high frequency transformer, the ohmic resistance of the said secondary winding not to exceed 2,000 microhms at a temperature of 60° F. and its inductance not to exceed 10 microhenries.

(vii) Alternating current systems which are connected with earth at one point as aforesaid may be electrically interconnected subject to the following conditions and qualifications:—

(*a*) Each connection with earth shall be bonded to the metal sheathing and metallic armouring (if any) of the electric lines concerned; and the Undertakers shall serve a notice on the Postmaster-General at least seven days prior to the making of any such interconnection, specifying the location of the point or points at which such interconnection is to be made and at which the interconnected systems are connected with earth, and the date on which such interconnection is to be made.

(*b*) Overhead lines forming a system or part of a system shall not be electrically interconnected with other electric lines (including other overhead lines) unless the neutral conductor or conductors of the overhead lines is or are of the same material and cross-sectional area as the corresponding phase conductors of the overhead lines.

(*c*) Where a system includes a generator or a transformer not having a mesh winding of low impedance, it shall not be electrically interconnected with another system if the neutral point of such generator or transformer is connected with earth.

(viii) Where an alternating current system having a point connected with earth (whether electrically interconnected as aforesaid with another system or not) is used for affording a supply of energy at low or medium voltage to an electrode boiler which is also connected with earth, the following conditions shall have effect:—

(*a*) The metal work of the electrode boiler shall be efficiently connected to the metal sheathing and metalic armouring (if any) of the electric line whereby energy is supplied to the electrode boiler.

(*b*) The Undertakers shall serve a notice on the Postmaster-General at least seven days prior to the date on which such supply of energy is to be afforded, specifying the location of every point (including the earth connection of the electrode boiler) at which the system (including any interconnected systems) is connected with earth.

(ix) Except as hereinbefore provided, it shall not be permissible for the Undertakers to connect any system or interconnected systems with earth at any further point unless such additional connection with earth is for the time being approved by the Electricity Commissioners with the concurrence of the Postmaster-General and is made in accordance with the conditions, if any, of that approval.

ELECTRIC LIGHTING AND POWER

Nothing in this Regulation, or in any approval given by the Electricity Commissioners thereunder shall—

(*a*) relieve the Undertakers from the obligation to comply with the requirements of Regulation 21 (*a*); or

(*b*) affect any rights or remedies of the Postmaster-General in relation to injury to or injurious affection of his telegraphic lines, or confer any exemption from any liability or penalty in respect of any such injurious affection.

Electric Lines, Systems and Apparatus for High Voltages.

5.—(*a*) Electric lines of the Undertakers for use at high voltage shall be placed in position, properly jointed and duly completed and examined before they are brought into use for the purposes of the supply of energy.

(*b*) Except as otherwise provided in these Regulations, every electric line as aforesaid during its use be in the sole charge of the Undertakers:

Provided that for any purpose connected with the efficiency and safety of the supply of energy to a particular consumer, the Undertakers may make arrangements with the consumer for control by an authorised person of the electric lines on the premises of the consumer through which energy is supplied to the premises.

6.—(*a*) Electric lines and apparatus of the Undertakers for use at high voltage shall not be connected to a system for the purposes of the supply of energy unless the insulation of the said electric lines and apparatus has withstood either (i) the tests prescribed in that behalf in the appropriate specification of the British Standards Institution then current; or (ii) in cases where no such tests have been prescribed, the continuous application between conductors and also between conductors and earth during a period of not less than 15 minutes of alternating current either at a testing voltage equal to at least one and one-quarter times the normal working voltage to which the electric lines or apparatus will be subject under conditions of supply, or at a testing voltage equal to the aforesaid working voltage with the addition of 10,000 volts, whichever be the less:

Provided that for the purposes of such alternative tests—

(i) the testing voltage between the outer conductor and earth in cases where the outer conductor of an electric line having concentric conductors is to be connected with earth shall be 1,000 volts;

(ii) the aforesaid working voltage between any phase of an alternating current system and earth in cases where the neutral conductor of the said system is not to be connected with earth shall be deemed to be the voltage between phases;

(iii) the duration of the test may be reduced to one minute in the case of apparatus for use at high voltage subject to the testing voltage being increased so as to equal not less than one and one-half times the aforesaid working voltage, or the aforesaid working voltage with the addition of 20,000 volts, whichever be the less;

(iv) direct current may be used instead of alternating current subject to the testing voltage being increased so as to exceed by at least 50 per cent. the corresponding testing voltage prescribed for alternating current.

(*b*) If the tests prescribed in paragraph (*a*) hereof are made prior to the said electric lines and apparatus being placed in position for the purposes of the supply of energy, the said electric lines and apparatus after having been placed in position and before being connected to the system shall have withstood a further test for resistance of insulation either by the application of the tests prescribed in paragraph (*a*) hereof whenever reasonably practicable, or by the application of a testing voltage of not less than 1,000 volts between conductors and also between conductors and earth during a period of not less than one minute.

(*c*) Where any electric line or apparatus for use at high voltage has been disconnected from a system for alteration or repair, such electric line or apparatus shall not be reconnected to the system until the Undertakers have applied the test prescribed in paragraph (*b*) hereof and have satisfied themselves that the insulation of the electric line or apparatus is in sound condition.

(*d*) The Undertakers shall duly record the result of every test made under this Regulation.

7.—(*a*) The following provisions shall apply to electric lines of the Undertakers for use at high voltage :—

(i) The conductors shall be enclosed in metal sheathing which shall be electrically continuous and connected with earth ; and the conductivity of the metal sheathing shall be maintained and reasonable precautions taken where necessary to avoid corrosion of the sheathing.

(ii) In the event of a failure of insulation occurring between one conductor and the metal sheathing at any point along an electric line as aforesaid, the impedance of the relevant circuit shall be such that with the full voltage maintained at the source of supply the current resulting from such failure shall be not less than twice the value of the current for which a suitable fusible cut-out of adequate rupturing capacity or other suitable overload preventive device has been set to operate or of the current required to operate a suitable discriminative fault current relay :

Provided that the operation of the aforesaid overload preventive device or of the discriminative fault current relay shall cause the automatic operation of a circuit breaker of adequate rupturing capacity.

(iii) The relevant circuit hereinbefore referred to means the complete circuit from the source of supply to the point of failure of the insulation, including any connection with earth of the system of which the electric line as aforesaid forms part and any current limiting device inserted in such connection with earth ; and the source of supply means the point at which energy is given to the system or circuit of which the electric line as aforesaid forms part.

(iv) Where an electric line as aforesaid has concentric conductors and the external conductor is insulated from an outer metal sheathing and connected with earth, the external conductor may be regarded as the metal sheathing for the purposes of this Regulation provided that the foregoing provisions as to conductivity are complied with.

(*b*) Nothing in the provisions of paragraph (*a*) hereof shall preclude the employment in generating stations, substations and switch stations (including outdoor substations and outdoor switch stations) of conductors for use at high voltage which are not enclosed in metal sheathing, or preclude the use of electric lines laid before the prescribed date to which the provisions of paragraph (*a*) of Regulation 17 apply.

(*c*) This Regulation shall not apply to overhead lines unless the Electricity Commissioners otherwise prescribe in any particular case.

8. The following provisions shall apply to the connection with earth of systems for use at high voltage :—

(i) Unless otherwise allowed by the Electricity Commissioners and subject as hereinafter provided, a point of every such system shall be connected with earth.

(ii) The connection with earth shall, subject as hereinafter provided, be made at one point only in each system and the insulation of the system shall be efficiently maintained at all other parts.

(iii) In the case of a system as aforesaid comprising electric lines having concentric conductors, the external conductor shall be the one to be connected with earth.

(iv) Where the Undertakers propose to connect with earth at one point only an existing system for use at high voltage which has not hitherto been so connected with earth, the Undertakers shall give notice and particulars to the Postmaster-General of the proposed connection with earth and such notice shall be deemed to be a notice of works served upon the Postmaster-General within the meaning and for the purposes of Section 14 of the Schedule to the Electric Lighting (Clauses) Act, 1899, or corresponding provision in any Act or Order relating to the undertaking of the Undertakers.

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(v) Where a system having a point connected with earth is used for affording a supply of energy at high voltage to an electrode boiler which is also connected with earth, the following conditions shall have effect:—

(a) The metal work of the electrode boiler shall be efficiently connected to the metal sheathing and metallic armouring (if any) of the high voltage electric line whereby energy is supplied to the electrode boiler.

(b) The supply of energy at high voltage to the electrode boiler shall be controlled by a suitable automatic circuit-breaker so set as to operate in the event of the phase currents becoming unbalanced to the extent of 10 per cent. of the rated current consumption of the electrode boiler under normal conditions of operation:

Provided that if in any case a higher setting is essential to ensure stability of operation of the electrode boiler, the setting may be increased to but shall in no circumstances exceed 15 per cent. of the rated current consumption of the electrode boiler under normal conditions of operation.

(c) An inverse time element device may be used in conjunction with the aforesaid automatic circuit-breaker to prevent the operation thereof unnecessarily on the occurrence of unbalanced phase currents of momentary or short duration.

(d) The Undertakers shall serve a notice on the Postmaster-General at lease seven days prior to the date on which such supply of energy is to be afforded specifying the location of every point (including the earth connection of the electrode boiler) at which the system is connected with earth.

(vi) It shall not be permissible for the Undertakers to interconnect electrically systems for use at high voltage which are each connected with earth at one point, or, except as hereinbefore provided, to connect any such system with earth at more than one point, unless electrical interconnection as aforesaid or connection with earth at more than one point is for the time being approved by the Electricity Commissioners with the concurrence of the Postmaster-General and is made in accordance with the conditions, if any, of that approval.

Nothing in this Regulation or in any approval given by the Electricity Commissioners thereunder shall affect any rights or remedies of the Postmaster-General in relation to injury to or injurious affection of his telegraphic lines, or confer any exemption from any liability or penalty in respect of any such injurious affection.

Transformation and Control of Energy at High Voltage.

9.—(a) Where energy at high voltage is transformed, converted, regulated or otherwise controlled in substations or switch stations (including outdoor substations and outdoor switch stations), in street boxes constructed under ground, or in fire-resisting casings on the premises of a consumer, the following provisions shall have effect:—

(i) Substations and switch stations shall preferably be erected above ground, but where necessarily constructed under ground there shall be due provision for ventilation and drainage.

(ii) Outdoor substations and outdoor switch stations shall (unless the apparatus is completely enclosed in a metal casing connected with earth, the said apparatus also being connected with the system by armoured electric lines) be efficiently protected by fencing not less than eight feet in height or other means so as to prevent access to the electric lines and apparatus therein by any unauthorised person.

(iii) Underground street boxes (other than substations) which contain transformers shall not also contain switches or other apparatus, and any switches, fusible cut-outs or other apparatus required for controlling or other purposes shall be fixed in separate receptacles preferably above ground.

(iv) Fire-resisting casings on the premises of a consumer, preferably of metal connected with earth, shall completely enclose all electric lines (other than overhead lines) and apparatus on the premises designed to be electrically charged at high voltage and shall be secured so as to prevent access by any unauthorised person.

(*b*) Wherever energy at high voltage is transformed, converted, regulated or otherwise controlled, the works of the Undertakers shall be labelled with an appropriate danger notice, with the name of the Undertakers and with the address of their local office at which an officer or servant of the Undertakers will be in attendance.

10. The following provisions as to constructional details shall have effect where energy at high voltage is transformed, converted, regulated or otherwise controlled—

(*a*) In street boxes or similar structures or in fire-resisting casings on the premises of a consumer.

All doors or covers shall be so secured that they cannot be opened except by means of a key or special appliance. The enclosed conductors and apparatus shall be so constructed, protected and arranged that when the door or cover giving access to an operating or switch panel is opened, it shall not be possible for the person opening the door or cover to come into accidental contact with metal electrically charged at high voltage. Unless the conditions of supply are such that the whole of the enclosed conductors and apparatus may be made dead at the same time for the purpose of cleaning or for other work thereon, the conductors and apparatus shall be so arranged that they may be made dead in sections, and the sections shall be so separated by divisions or screens from all adjacent live metal that work on any section made dead may be carried on by an authorised person without danger. Every fusible cut-out shall either be capable of being made dead by a switch or shall be so constructed and placed that it can be handled without danger by an authorised person for the purpose of renewal.

(*b*) On the supports of overhead lines or in other suitable positions (other than outdoor substations or outdoor switch stations) adjacent to the electric lines of the system concerned.

Conductors and transforming or switching apparatus, unless completely enclosed and connected with the system by armoured electric lines or effectively screened, shall be so arranged that no live metal with which contact can be made shall be at a less distance than 15 feet from the ground or less than 15 feet from any place accessible to an unauthorised person or less than the appropriate distance specified in Table IV of British Standard Specification No. 162, 1934, from any operating or inspecting platform upon which it is intended that any authorised person may stand while live metal is exposed. Provision shall be made to prevent so far as reasonably possible unauthorised climbing; and where a portable ladder is used for the purpose of operating, special means shall be provided to secure the ladder in position and the arrangements shall be such that there is no danger to an authorised person when operating. The means provided for disconnecting a transformer, circuit-breaker or fusible cut-out from electric lines which are live at high voltage, and also the said fusible cut-out itself if intended to be renewed while the electric lines are live at high voltage, shall be so constructed and placed that they can be operated or renewed as the case may be by an authorised person without danger.

11. Where energy is transformed, suitable provision shall be made, either by connecting with earth a point of the system at the lower voltage or otherwise, to guard against danger by reason of the said system becoming accidentally charged above its normal voltage by leakage from or contact with the system at the higher voltage.

Electric Lines and Apparatus (General) other than Consumers' Installations.

12. The standard of construction of electric lines of the Undertakers (including service lines up to the supply terminals) shall unless otherwise allowed by the Electricity Commissioners be not lower than that prescribed in the appropriate specification (if any) of the British Standards Institution current at the time of their manufacture.

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13. Every circuit of the Undertakers (other than service lines from distributing mains) shall be protected against excess energy by a suitable fusible cut-out or automatic circuit breaker of adequate rupturing capacity which shall not be inserted in any conductor permanently connected with earth.

14.—(*a*) Where any electric line of the Undertakers (including a service line up to the supply terminals) at the time it is placed in position crosses or is in proximity to any pipe, line or other metal, precautions shall be taken by the Undertakers to prevent such pipe, line or other metal from becoming electrically charged.

(*b*) Any metal work enclosing, supporting or otherwise associated with electric lines and apparatus unless designed to serve as a conductor shall where necessary to prevent danger be connected with earth.

(*c*) The foregoing provisions of this Regulation shall not apply to overhead lines.

15. Overhead lines of the Undertakers (including overhead service lines up to the supply terminals) shall be erected and maintained in accordance with the provisions of any Regulations in that behalf made under the Electricity (Supply) Acts, 1882 to 1936, and in force and applicable at the date of the erection of the overhead lines, and also of these Regulations save in so far as the same are expressly excluded from application thereto.

Nothing in this Regulation shall relieve the Undertakers from the obligation of obtaining any necessary consent under the aforesaid Acts to the placing of an electric line above ground.

16.—(*a*) In delivering energy to a substation or switch station (including an outdoor substation or outdoor switch station) or to the premises of a consumer the Undertakers shall exercise all due precautions so as to avoid risk of causing fire therein.

(*b*) Where a substation or switch station is situated in any building so that a fire in the substation or switch station might involve risk to the said building and the said substation or switch station contains oil-immersed transformers or switches involving the use of more than 2,000 gallons of oil in any one oil tank, receptacle or chamber, provision shall be made for the draining away or removal of any oil which may leak or escape from the tanks, receptacles or chambers containing the same; special precautions shall be taken to prevent the spread of any fire resulting from the ignition of the oil from any cause; and adequate provision shall be made for the extinguishing of any fire which may occur. Spare oil shall not be stored in any such substation or switch station.

17.—(*a*) Where the Undertakers have prior to the prescribed date brought into use an electric line (other than an overhead line) which is not completely enclosed in a continuous metallic sheathing connected with earth and is insulated or protected *in situ* by composition or material of a bituminous character—

(i) any pipe, conduit or the like into which such electric line may have been drawn or placed shall, unless other arrangements are approved by the Electricity Commissioners in any particular case, be effectively sealed at its point of entry into any street box so as to prevent any flow of gas from or into the said pipe, conduit or the like into or from the said street box; and

(ii) such electric line shall be periodically inspected where accessible, and the result of each such inspection shall be duly recorded by the Undertakers.

(*b*) It shall not be permissible for the Undertakers after the prescribed date to bring into use any further electric line as aforesaid which is insulated or protected *in situ* by any composition or material known to be liable to produce noxious or explosive gases on excessive heating.

18. All conduits, pipes, casings, street boxes and similar structures used by the Undertakers as receptacles for electric lines or apparatus shall be constructed of durable material, and where placed under carriageways shall be of ample strength to withstand heavy traffic.

19.—(*a*) Street boxes shall not contain gas pipes, and means shall be taken to prevent as far as reasonably possible any influx of water or gas.

(*b*) Where electric lines forming part of different systems pass through the same street box they shall be readily distinguishable from one another, and all electric lines at high voltage in street boxes shall be adequately supported and protected so as to minimise risk of damage to or from adjacent electric lines.

(*c*) All street boxes shall be regularly inspected for the presence of gas and if any influx or accumulation is discovered the Undertakers shall give immediate notice to any authority or company who have gas mains in the neighbourhood of the street box; and in cases where a street box is large enough to admit of the entrance of a person after the electric lines or apparatus therein have been placed in position, ample provision shall be made (i) to ensure that any gas which may by accident have obtained access to the box shall escape before a person is allowed to enter and (ii) for the prevention of danger from sparking.

(*d*) The expression "street box" where used in this Regulation shall include an underground substation and an underground switch station.

(*e*) Nothing in this Regulation shall relieve the Undertakers from the obligation to comply with the requirements of Regulations 9 and 10 in relation to the use of street boxes for the transformation, conversion, regulation, or control of energy at high voltage.

20. Where access to any electric line is obtained through underground shafts, passages or the like not subject to regular inspection, no person shall enter any such shafts, passages or the like until the same shall have been tested by the Undertakers for the presence of noxious or explosive gases, and until any such gases discovered as the result of such test shall have been dispelled.

21.—(*a*) The lay-out of the electric lines of the Undertakers for the supply of energy throughout their area of supply shall under normal working conditions be sectionalised and so arranged, and provided where necessary with fusible cut-outs or automatic circuit-breakers so located, as to restrict within reasonable limits the extent of the portion of the undertaking affected by any failure of supply.

(*b*) During and in connection with the installation, extension, replacement, repair and maintenance of any of their works, the Undertakers shall take all reasonable precautions to avoid any accidental interruptions of supply, and also to avoid danger to the public or to any employee or authorised person when engaged on any operation as aforesaid not coming within the scope of the Home Office Electricity Regulations.

(*c*) The Undertakers shall send to the Electricity Commissioners notice of failures of supply of such kind as the Electricity Commissioners may from time to time require (*a*) to be notified to them, and such notice shall be sent by the earliest practicable post after the failure occurs or as the case may be after the failure becomes known to the Undertakers, and shall be in such form and contain such particulars as the Electricity Commissioners may from time to time prescribe.

Supply to premises of Consumers: Consumers installations.

22. Any service line of the Undertakers which is taken into the premises of a consumer at a point below the level of the ground shall be taken into the premises in such manner as to prevent as far as reasonably possible any influx of gas at the point of entry.

23. The separate conductors of service lines shall be permanently marked by colouration, labels or otherwise as close as practicable to the supply terminals so as to indicate in a distinctive manner the polarity of the conductors or the neutral and live phase conductors as the case may be.

24. For protection against excess energy, a suitable fusible cut-out or automatic circuit breaker of adequate rupturing capacity completely enclosed in a suitable locked or sealed receptacle of solid fire-resisting construction shall be inserted by the Undertakers in every service line as close as practicable to the supply terminals and in a position which, in the opinion of the Undertakers, is suitable for the purpose:

(*a*) See letters dated March 29th, 1939, and September 29th, 1939, *post*, pp. 2786, 2788.

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Provided that no such fusible cut-out or automatic circuit breaker shall be inserted in any conductor which is permanently connected with earth:

Provided also that where a supply of energy is given at high voltage, provision shall be made whereby the fusible cut-out or automatic circuit breaker can be isolated from the service line and whereby the consumer is enabled to cut off all voltage from the supply terminals without risk of danger.

25.—(*a*) The Undertakers shall be responsible for all electric lines and apparatus placed by them on the premises of a consumer and either belonging to the Undertakers or under their control (whether forming the whole or part of the consumers installation or not) being installed and maintained in a safe condition and suitable for their respective purposes and being so fixed and protected as to prevent so far as is reasonably practicable leakage to any adjacent metal.

(*b*) The standard of construction and installation adopted by the Undertakers in complying with paragraph (*a*) hereof in so far as it relates to the whole or any part of a consumers installation shall not be lower than that which the Undertakers would be prepared to accept under Regulations 27 to 30 (inclusive).

(*c*) The obligation imposed by paragraph (*a*) of this Regulation in regard to the maintenance of any electric lines and apparatus as aforesaid situated on the consumers side of the supply terminals and forming the whole or part of a consumers installation shall be subject to the terms of any agreement entered into between the Undertakers and the consumer with respect to the letting on terms of hire or hire-purchase of the said whole or part of the consumers installation.

(*d*) Nothing in this Regulation shall relieve the owner or occupier of any premises, being a consumer within the meaning of these Regulations, from any obligation imposed on him by the Home Office Electricity Regulations or the Mines Department Electricity Regulations.

26. The Undertakers shall not permanently connect a consumers installation with their electric lines unless they are reasonably satisfied that the connection, if made, would not cause a leakage from the consumers installation exceeding one ten-thousandth part of the maximum current to be supplied to the said installation.

27.—(*a*) The Undertakers shall not be compelled to commence or, subject to the provisions of Regulation 32, to continue to give a supply of energy to any consumer unless they are reasonably satisfied in respect of the consumers installation—

(i) That all conductors (including flexible conductors) and apparatus (including portable apparatus) are sufficient in size and power for the purposes for which the supply of energy is to be used and are constructed installed and protected so as to prevent danger so far as is reasonably practicable; and that all single-pole switches are inserted in live conductors only.

(ii) That every distinct circuit is protected against excess energy by means of a suitable fusible cut-out or automatic circuit breaker of adequate rupturing capacity suitably located and of such construction as to prevent danger from overheating, arcing or the scattering of hot metal when it comes into operation and as to permit of the ready renewal of the fusible metal without danger.

(iii) That every electric motor is controlled by an efficient switch or switches for starting and stopping and that the said switch or switches is or are so placed as to be readily accessible to and easily operated by the person in charge of the motor.

Provided that any consumers installation which complies with the provisions of the Institution of Electrical Engineers Regulations shall be deemed to fulfil the requirements of this Regulation.

(*b*) The foregoing provisions of this Regulation shall not apply in respect of the supply of energy by the Undertakers to any consumers installation to which the provisions of the Home Office Electricity Regulations or the Mines Department Electricity Regulations as the case may be are applicable.

28.—(*a*) The Undertakers shall not commence a supply of energy at low voltage to any consumer from more than one pair of conductors of a three-wire or multiphase system at medium voltage unless—

(i) the total rating in kilowatts of the apparatus (including electric lamps) connected or intended to be connected to the consumers wiring exceeds 8 kilowatts; and

(ii) the giving of the supply at low voltage from more than one pair of conductors of a system as aforesaid is necessary to avoid a variation in excess of the limits allowed by Regulation 34 in the voltage declared to that consumer or to any other consumer supplied from the same distributing main.

(*b*) The Undertakers shall not in any case be compelled to commence or, subject to the provisions of Regulation 32, to continue to give a supply of energy at low voltage to any consumer from more than one pair of conductors of a system as aforesaid unless they are reasonably satisfied in respect of the consumers installation—

(i) That the supply terminals are arranged in separate pairs in such a manner that so far as is reasonably practicable there shall be no danger of shock at medium voltage.

(ii) That the consumers wiring connected to the separate pairs of supply terminals is kept separate and distinct, or complies with the conditions applicable to a supply at medium voltage prescribed by Regulation 29.

(iii) That in the case of any room containing the different pairs of conductors, all socket outlets are connected to one and the same pair of conductors.

Provided that any consumers installation which complies with the provisions of the Institution of Electrical Engineers Regulations shall be deemed to fulfil the requirements of paragraph (*b*) of this Regulation.

(*c*) The provisions of paragraph (*b*) of this Regulation shall not apply in respect of the supply of energy by the Undertakers to any consumers installation to which the provisions of the Home Office Electricity Regulations or the Mines Department Electricity Regulations as the case may be are applicable.

29.—(*a*) The Undertakers shall not be compelled to commence or, subject to the provisions of Regulation 32, to continue to give a supply of energy at medium voltage to any consumer unless they are reasonably satisfied in respect of the consumers installation—

(i) That all metal work enclosing supporting or associated with the consumers installation, other than that designed to serve as a conductor, is where necessary to prevent danger connected with earth.

(ii) That the consumers wiring is either completely enclosed in metal which is electrically continuous and adequately protected against mechanical damage; or, alternatively, is so constructed, installed and protected as to prevent danger so far as is reasonably practicable.

(iii) That the supply of energy to each motor or separate piece of apparatus is controlled by an efficient cut-off switch placed in such a position as to be readily accessible to and easily operated by the person in charge of the said motor or apparatus and so connected in circuit that by its means all voltage can be cut off from the motor or apparatus itself and from any regulating switch, resistance or other device associated therewith.

Provided that any consumers installation which complies with the provisions of the Institution of Electrical Engineers Regulations shall be deemed to fulfil the requirements of this Regulation.

(*b*) The foregoing provisions of this Regulation shall not apply in respect of the supply of energy by the Undertakers to any consumers installation to which the provisions of the Home Office Electricity Regulations or the Mines Department Electricity Regulations as the case may be are applicable.

30.—(*a*) The Undertakers shall not commence a supply of energy at high voltage to any consumer unless—

(i) All conductors and apparatus intended for use at high voltage and situated on the premises of the consumer are inaccessible to the consumer, and all operations in connection with the said conductors and apparatus are carried out by the Undertakers by arrangement with the consumer; or

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(ii) The consumer gives to the Undertakers a guarantee in writing that every portion of the consumers installation which is for use at high voltage will be maintained in an efficient state and, if so required, to the satisfaction of the Undertakers; that in cases where the said portion of the consumers installation is not enclosed in a building or other structure to which access can only be obtained by means of a key or special appliance, an authorised person will be available to cut off the supply in the event of emergency; and that instructions as to the treatment of persons suffering from electric shock will be affixed on or in the premises of the consumer.

(*b*) The Undertakers shall not in any case be compelled to commence or, subject to the provisions of Regulation 32, to continue to give a supply of energy at high voltage to any consumer unless they are reasonably satisfied in respect of the consumers installation—

(i) That no metal work designed to be electrically charged at high voltage will normally be exposed so that it can be touched.

(ii) That all conductors for use at high voltage (other than overhead lines) are completely enclosed in metal which is electrically continuous and adequately protected against mechanical damage.

(iii) That all metal work enclosing supporting or associated with the consumers installation, other than that designed to serve as a conductor, is where necessary to prevent danger connected with earth.

(iv) That the supply of energy to each motor or separate piece of apparatus is controlled by an efficient cut-off switch placed in such a position as to be readily accessible to and easily operated by the person in charge of the said motor or apparatus and so connected in circuit that by its means all voltage can be cut off from the motor or apparatus itself and from any regulating switch, resistance or other device associated therewith.

(v) That all windings at high voltage of motors or other apparatus within reach from any position in which a person may require to be are efficiently protected so as to prevent danger.

(vi) That where transforming apparatus is used, suitable provision is made, either by connecting with earth a point of the circuit at the lower voltage or otherwise, to guard against danger by reason of the said circuit becoming accidentally charged above its normal voltage by leakage from or contact with the circuit at the higher voltage.

(vii) That unless the conditions are such that the whole of the conductors and apparatus for use at high voltage may be made dead at the same time for the purpose of cleaning or for other work thereon, the said conductors and apparatus are so arranged that they may be made dead in sections, and that such sections are so separated by divisions or screens from all adjacent metal which is live that work on any section made dead may be carried on by an authorised person without danger.

(viii) That an adequate gangway or working space is provided in front of any switch board (other than panels for controlling circuits at low voltage) and at parts of the installation where live conductors can be exposed.

(ix) That adequate means are provided for preventing access by the public or any unauthorised person to any part of the consumers installation which is designed to be electrically charged at high voltage.

(*c*) The provisions of paragraphs (*a*) and (*b*) of this Regulation shall not apply in respect of the supply of energy by the Undertakers to any consumers installation to which the provisions of the Home Office Electricity Regulations or the Mines Department Electricity Regulations as the case may be are applicable.

(*d*) The Undertakers shall give to the Factory Inspector of the District concerned notice of their intention to commence a supply of energy at high voltage to any premises to which the Home Office Electricity Regulations apply.

31.—(*a*) The Undertakers shall not knowingly commence or, subject to the provisions of Regulation 32, continue to give a supply of energy to any consumer who proposes to transform or is transforming the energy to a higher voltage for the

purposes of a luminous tube sign or the like on the outside of any premises unless the consumer gives to the Undertakers a guarantee in writing in respect of the consumers installation—

(i) That efficient cut-off switches on the lower voltage side of the transforming apparatus are provided both inside and outside any premises on which the said sign is placed and in such positions as to be readily accessible and easily operated without danger in an emergency and so connected in circuit that by their means all high voltage can be cut off from the sign itself and from any regulating switch, resistance, or other device associated therewith.

(ii) That no metal work designed to be electrically charged at high voltage will normally be exposed so that it can be touched.

(iii) That all conductors for use at high voltage (other than overhead lines and series wires connecting the parts in a luminous tube sign or the like) are completely enclosed in metal which is electrically continuous and where necessary to prevent danger adequately protected against mechanical damage, and that the said conductors are so arranged as to give a clear space of not less than three inches between the outside of their metallic coverings and the outside covering of any other electric line not forming part of the consumers installation or any pipe.

(iv) That all metal work enclosing supporting or associated with the consumers installation, other than that designed to serve as a conductor, is where necessary to prevent danger connected with earth.

(v) That all windings at high voltage of apparatus within reach from any position in which a person may require to be are efficiently protected so as to prevent danger.

(vi) That in respect of the transforming apparatus, suitable provision is made to guard against danger by reason of the circuit at the lower voltage becoming accidentally charged above its normal voltage by leakage from or contact with the circuit at the higher voltage.

(vii) That unless the conditions of supply are such that the whole of the conductors and apparatus may be made dead at the same time for the purpose of cleaning or for other work thereon, they are so arranged that they may be made dead in sections, and that such sections are so separated from all adjacent metal which is live that work on any section made dead may be carried on by an authorised person without danger.

(viii) That adequate means are provided for preventing any unauthorised person from coming into contact with any part of the consumers installation which is designed to be electrically charged at high voltage, and that an appropriate danger notice is displayed at points of access thereto.

(*b*) A guarantee in writing that any consumers installation complies with the provisions of the Institution of Electrical Engineers Regulations shall be deemed to fulfil the requirements of this Regulation save in so far as this Regulation specifies any requirements not contained in the Institution of Electrical Engineers Regulations.

(*c*) The foregoing provisions of this Regulation shall not apply in respect of the supply of energy by the Undertakers to any consumers installation to which the provisions of the Home Office Electricity Regulations or the Mines Department Electricity Regulations as the case may be are applicable.

32.—(*a*) Where a supply of energy is being afforded to a consumer and the Undertakers after making such examination as the circumstances permit have reasonable grounds for supposing that a leakage exceeding the amount mentioned in Regulation 26 (hereinafter called the "specified amount") exists at some part of the consumers installation or that the said installation or any part thereof fails to fulfil any requirements of Regulations 27 to 31 (inclusive), the following provisions shall (subject as provided in paragraph (*b*) hereof) have effect:—

(i) In any case where the Undertakers are *primâ facie* satisfied that immediate action is justified as a work of emergency in the interests of the public safety or in order to avoid undue interference with the efficient supply of energy to other consumers, they may as a work of emergency forthwith discontinue

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the supply of energy to the consumers installation and shall give immediate notice in writing of the discontinuance to the consumer, specifying the matter complained of.

(ii) In any other case, the Undertakers may by notice in writing require the consumer within a reasonable time after the service of the notice to permit an officer or servant of the Undertakers duly authorised by them in writing to inspect and test the said installation at any time between the hours of 9 a.m. and 6 p.m. If the consumer does not give all due facilities for inspection and testing, or if, as the result of any such inspection or testing, the officer or servant makes a report confirming the existence of a leakage from the consumers installation exceeding the specified amount, or reports that the said installation or any part thereof fails to fulfil any requirements of Regulations 27 to 31 (inclusive), the Undertakers may forthwith by notice in writing specify the matter complained of; and if the consumer fails to show to the reasonable satisfaction of the Undertakers within such reasonable period as may be specified in that behalf in the notice that the said matter has been remedied, the Undertakers may, on the expiration of the said period but subject as hereinafter provided, discontinue the supply of energy to the consumers installation, giving immediate notice in writing of such discontinuance to the consumer.

(iii) Any difference which may arise between a consumer and the Undertakers in regard to any matter complained of or as to the period specified for remedying the same in any notice as aforesaid shall be settled in manner provided for by Regulation 33.

(iv) In the exercise of the powers conferred by paragraph (ii) hereof, the Undertakers shall not discontinue the supply of energy pending the settlement of any difference referred to in paragraph (iii) hereof, and shall in no case discontinue the supply of energy to the whole of the consumers installation where it is practicable to disconnect that portion in respect of which any matter is complained of:

Provided that nothing in this paragraph shall prevent the Undertakers from exercising the powers conferred by paragraph (i) hereof in the event of the development of a condition of emergency as therein provided.

(v) Where in pursuance of this Regulation the Undertakers have discontinued the supply of energy to the consumers installation or any part thereof, the Undertakers shall not recommence the supply of energy until they are reasonably satisfied in respect of the consumers installation that any requirements of Regulations 26 to 31 (inclusive) have been fulfilled or until it has been determined or decided in manner provided for by Regulation 33 that the Undertakers are not entitled under Regulations 26 to 31 (inclusive) to decline to recommence the supply, and thereupon the supply of energy shall be recommenced by the Undertakers.

(*b*) The foregoing provisions of this Regulation shall extend so far as applicable and with the necessary adaptations to any electric lines and apparatus situated on the consumers side of the supply terminals and belonging to the Undertakers or under their control within the meaning of Regulation 25; and where the supply of energy has been discontinued in pursuance of the said provisions the Undertakers shall, subject to the terms of any agreement entered into between the Undertakers and the consumer with respect to the letting on terms of hire or hire-purchase of any such electric lines and apparatus, forthwith remedy any defect in the said electric lines and apparatus and recommence the supply of energy.

(*c*) The foregoing provisions of this Regulation in so far as they relate to any requirements of Regulations 27 to 31 (inclusive) shall not apply in respect of the supply of energy by the Undertakers to any consumers installation to which the provisions of the Home Office Electricity Regulations or the Mines Department Electricity Regulations as the case may be are applicable.

33.—(*a*) In any case where the Undertakers in pursuance of these Regulations decline to connect a consumers installation or any part thereof with their electric lines or to commence or continue to give a supply of energy thereto or decline to

recommence the supply of energy after the same has been discontinued, they shall serve on the consumer a notice in writing stating their reasons for so declining.

(*b*) Any difference which may arise between a consumer and the Undertakers either with reference to any notice under paragraph (*a*) hereof, or under Regulation 32, or with reference to any consumers installation to which the provisions of Regulation 25 (*a*) and (*b*) apply, shall be determined by an Inspector nominated by the Electricity Commissioners on the application of the consumer or his authorised agent or of the Undertakers, as the case may be. The Electricity Commissioners shall prescribe the fee to be paid to such Inspector and the Inspector shall determine by which of the parties the costs of and incidental to the proceedings before him (including the prescribed fee) or any portion of such costs shall be paid:

Provided that in the case of any consumers installation (or any part thereof) which was connected with the electric lines of the Undertakers and supplied with energy prior to the prescribed date it shall not be competent for an Inspector nominated under this Regulation to determine that the Undertakers were or are entitled under Regulations 27 to 30 (inclusive) to refuse a supply of energy thereto if the Inspector is satisfied that—

(i) the said installation has continued to function satisfactorily up to the material time;

(ii) the installation is to be or is being continued in use only within the limits of the maximum power for which it was originally intended; and

(iii) there are no grounds for supposing that the installation will fail to continue to function satisfactorily for a further reasonable period without risk of danger.

(*c*) If the Undertakers or the consumer or his authorised agent are or is dissatisfied with the determination of the Inspector, they or he may appeal to the Electricity Commissioners and thereupon the Electricity Commissioners shall inquire into and decide upon the matter of the appeal and their decision shall be final and binding on all parties.

(*d*) This Regulation and Regulation 32 shall be endorsed on every notice given by the Undertakers to a consumer under the provisions of either of the said Regulations, or alternatively the notice shall be accompanied by a copy of each of the said Regulations.

34.—(*a*) Before commencing to give a supply of energy to any consumer, the Undertakers shall declare to that consumer—

(i) the type of current, whether direct or alternating, which they propose to supply;

(ii) in the case of alternating current, the number of phases and also the constant frequency at which they propose to deliver the energy to the supply terminals; and

(iii) the constant voltage at which they propose to deliver the energy to the supply terminals.

(*b*) The type of current, the number of phases and the frequency in the case of alternating current and the voltage declared as aforesaid shall be constantly maintained subject as respects the frequency to a permissible variation not exceeding one per cent. above or below the declared frequency and as respects the voltage to a permissible variation not exceeding 6 per cent. above or below the declared voltage, and shall not be altered or departed from nor shall the aforesaid permissible variations be exceeded except with the consent of the Electricity Commissioners and subject to such terms and conditions as they may impose:

Provided that any supply of energy at high voltage for the time being given by the Undertakers in accordance with a requirement of any prior Regulations that the energy should be supplied at a voltage not less than a declared minimum at the supply terminals and not exceeding the said minimum by more than 12½ per cent. shall unless otherwise agreed between the Undertakers and the consumer be continued by the Undertakers in accordance with that requirement unless the Electricity Commissioners otherwise allow in manner provided for in this Regulation.

(*c*) Public notice in such manner and for such period as the Electricity Commissioners may approve or require shall be given by the Undertakers of any application

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made by them for the consent of the Electricity Commissioners to an alteration of the declared type of current, or the number of phases or the frequency in the case of alternating current, or the voltage, as the case may be, or of the aforesaid permissible limits of variation in respect of frequency or voltage.

35. From the time when the Undertakers commence to supply energy through any distributing main, they shall maintain a supply of energy sufficient for the use of all consumers for the time being entitled to be supplied from that distributing main; and that supply shall be constantly maintained without change of the neutral conductor unless otherwise allowed by the Electricity Commissioners and subject to such terms and conditions as they may impose:

Provided that for the purposes of testing or for any other purposes whatsoever connected with the proper working of the undertaking, or in case of emergency affecting or liable to affect the proper working of any other undertaking from which the Undertakers receive a supply of electricity directly or indirectly, the supply of energy may be discontinued by the Undertakers for such period as may be necessary subject (except in any case of emergency) to not less than 24 hours notice being given by the Undertakers to all consumers likely to be affected by such discontinuance.

Miscellaneous.

36. The Undertakers shall within one month after they have become subject to these Regulations serve a printed copy thereof upon the local authority in cases where the local authority are not themselves the undertakers; and the Undertakers shall also keep printed copies of these Regulations at their principal office within the area of supply and shall supply a copy thereof to any person demanding the same at a price per copy not exceeding the price paid by the Undertakers themselves for the printed copies.

This Regulation shall not apply to the Central Electricity Board.

37. Officers and servants of the Electricity Commissioners duly authorised by them shall be entitled at all times to inspect and to make examination and tests of the works of the Undertakers and to examine and take records of the readings of any instruments, and the Undertakers shall afford all due facilities for any such inspections, examinations and tests:

Provided that the Undertakers shall not be responsible for any interruption in the supply of energy which may be occasioned by any such inspection, examination or test.

38.—(*a*) The Undertakers shall send to the Electricity Commissioners notice of any accident by explosion, or fire, and also of any other accident of such kind as to have caused, or to be likely to have caused, loss of life, or personal injury which has occurred in any part of the Undertakers works or their circuits, or in connection with those works or circuits, and also notice of any loss of life or personal injury occasioned by any such accident. The notice shall be sent by the earliest practicable post after the accident occurs, or, as the case may be, after the loss of life or personal injury becomes known to the Undertakers. If the Undertakers fail to comply with the provisions of this paragraph they shall be liable, for each default, to a penalty not exceeding twenty pounds.

(*b*) The Electricity Commissioners may also, if they deem it necessary, appoint any Electric Inspector or other fit person to inquire and report as to the cause of any accident affecting the safety of the public, which may have been occasioned by or in connection with the Undertakers works, whether notice of the accident has or has not been received from the Undertakers, or as to the manner in which and extent to which the provisions of the Electricity (Supply) Acts and any Act or Order relating to the undertaking, and of any Regulations in force and applicable to the undertaking, so far as those provisions affect the safety of the public, have been complied with by the Undertakers; and any person appointed under this Regulation, not being an Electric Inspector, shall for the purposes of his appointment have all the powers of an Electric Inspector under any Act or Order relating to the undertaking.

(*c*) The foregoing provisions of this Regulation shall not apply to the Undertakers in respect of any undertaking authorised by an Act or Order which incorporates Section 38 of the Schedule to the Electric Lighting (Clauses) Act, 1899, or includes any corresponding provision.

(*d*) The Undertakers shall send to the Electricity Commissioners by the earliest practicable post after the happening becomes known to the Undertakers notice of any fatality on the premises of any ordinary consumer occasioned by or attributed to the consumers installation.

39. If the Undertakers make default in complying with any of the preceding Regulations, they shall, subject to the provisions of Regulation 38 (*a*) and of any Act or Order relating to the undertaking, be liable on conviction to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding ten pounds. The recovery of a penalty under these Regulations shall not affect the liability (if any) of the Undertakers to make compensation in respect of any damage or injury which may have been caused by reason of the default.

These Regulations are made by the Electricity Commissioners in virtue of the powers exerciseable by them under the Electricity (Supply) Acts, 1882 to 1936, and Orders made thereunder and under local Acts relating to the supply of electricity and subject to the power of the Electricity Commissioners from time to time to make such further or other Regulations whether of a general or particular character as they may think expedient.

Signed by order of the Electricity Commissioners this 17th day of December, 1936.

R. T. G. FRENCH,
Secretary to the Electricity Commissioners.

Electricity Commission,
Savoy Court,
Strand, London, W.C.2.

ELECTRICITY SUPPLY REGULATIONS, 1937.

EXPLANATORY NOTES ON THE ELECTRICITY SUPPLY REGULATIONS, 1937, PREPARED BY THE ELECTRICITY COMMISSIONERS.

The accompanying Explanatory Notes on the Electricity Supply Regulations, 1937, have been prepared by the Electricity Commissioners for the information and assistance of Authorised Undertakers and others who are subject to or concerned with the provisions thereof.

While the Notes indicate the intentions of the Electricity Commissioners as regards the scope of various provisions, it is necessary to emphasise that they do not purport to give a legal interpretation of any of the Regulations, as that is a matter for the Courts.

Electricity Commission,
Savoy Court,
Strand, W.C.2.

December, 1936.

EXPLANATORY NOTES.

The Electricity Supply Regulations, 1937, represent, broadly speaking, a re-issue of the prior consolidated Code of Regulations of the Electricity Commissioners, namely the Electricity Supply Regulations, 1934, with certain modifications, more particularly as regards their retrospective application.

The Regulations of 1934 came into force as from January 15th, 1934, in relation to all works brought into use and all supplies of energy commenced by authorised undertakers on and after that date ; and contained provision whereby they were also to become applicable to all prior works and all prior supplies on and after January 1st, 1935, in lieu of all prior Regulations.

As indicated in their Annual Reports, the Electricity Commissioners received representations for the amendment of the retrospective and certain other provisions in the Regulations of 1934, and decided to re-issue the Regulations in a modified

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form. Pending the settlement of the modifications, the application of the Regulations of 1934 to prior works and prior supplies was postponed until January 1st, 1936, and subsequently until January 1st, 1937.

The Electricity Supply Regulations, 1937, come into force as from January 1st, 1937 (the prescribed date); and as from that date all prior Regulations, including the Regulations of 1934, cease to have effect and are revoked without prejudice to anything done or suffered thereunder, subject to certain qualifications which are referred to later in these Notes.

DEFINITIONS.

The words and expressions which are defined in the Electricity Supply Regulations, 1937, for the purposes thereof are for the most part taken or adapted from the Electricity (Supply) Acts, 1882 to 1936, including the Schedule to the Electric Lighting (Clauses) Act, 1899, and from the Board of Trade Regulations of 1909 as adopted by the Electricity Commissioners in 1920 and the Electricity Supply Regulations, 1934.

Appendix "A" to these Explanatory Notes indicates the particular Acts or prior Regulations from which the various words and expressions have been taken or adapted; and also draws attention to modifications which have been made either in the expressions themselves or in the definitions used in the new Regulations.

Short Title and Application of Regulations.

There are two underlying features of the Electricity Supply Regulations, 1937, namely:—

(i) their general application, as a consolidated Standard Code, to all authorised undertakers and undertakings and to all works and supplies of energy whether brought into use or commenced before or after the prescribed date (January 1st, 1937); and

(ii) the displacement (by revocation) of all prior Regulations (other than those relating to Overhead Lines) as from the prescribed date.

These features are subject in each case to certain qualifications, to which reference is made below.

With regard to the application of the new Regulations to existing works and to supplies which are being given at the prescribed date, provision is made—

(*a*) *excepting* certain of the Regulations from application to such works and supplies (see paragraph 2 (*a*) (i) of the Short Title, etc.);

(*b*) *limiting* the extent to which certain other Regulations are to apply to such works and supplies (see paragraph 2 (*a*) (ii) of the Short Title, etc.); and

(*c*) *suspending* for a period of two years the application of other Regulations to existing works and existing supplies (see paragraph 2 (*a*) (iii) of the Short Title, etc.), so as to afford the Undertakers concerned a reasonable opportunity of carrying out or making any necessary alterations or arrangements to bring the works or supplies into compliance or conformity with the new Regulations.

In the case of the Regulations whose application is *suspended*, namely Regulations 9 (*a*) (ii) and (iii), 10 (*b*), 16 (*b*), 19, 22, 23 and 31, it will be observed that, unless otherwise prescribed by the Electricity Commissioners in particular cases, the existing works and supplies concerned *continue* to be subject for the time being to the provisions of any corresponding prior Regulations which were applicable thereto before January 1st, 1937, until brought into compliance or conformity with the new Regulations, which *must* be done by January 1st, 1939.

Subject to the preceding qualifications, other existing works or existing supplies must be brought into compliance or be given in conformity with the provisions of the new Regulations as soon as practicable after the prescribed date.

With regard to the *revocation* of all prior Regulations (as defined) without prejudice to anything done or suffered thereunder, it will be observed that provision is made in the first proviso to paragraph 3 of the Short Title, etc. for deferring in individual cases the revocation of such prior Regulations as continue to apply to

existing works and existing supplies during the period while certain of the Regulations of 1937 are suspended from application thereto.

The intention of the second proviso to paragraph 3 is to preserve the rights and obligations of the Undertakers in relation to consumers or other bodies under consents to or approvals of operations of a continuing character which have been given under prior Regulations and have not been fully exercised. For example, there are cases where undertakers in virtue of such consents are in process of changing over the type of current or the voltages declared to consumers and have not yet completed the whole of the change-over authorised by the consents.

General Scope of Regulations.

The Regulations are divisible into two main groups concerned respectively with—

(*a*) the electric lines and works of the Undertakers (Regulations 1 to 21 inclusive); and

(*b*) the supply of energy to consumers and consumers installations (Regulations 22 to 35 inclusive).

There are also certain additional Regulations of a miscellaneous character (Regulations 36 to 39 inclusive).

Electric Lines and Works of the Undertakers.

(Regulations 1 to 21 inclusive.)

With regard to the Regulations falling into the first main group, brief comment may be made on the provisions of the undermentioned.

Regulations 1 and 6 (*Test for resistance of insulation*).

These two Regulations are concerned with the testing of the insulation of electric lines for use at low and medium voltage (Regulation 1), and of electric lines and apparatus for use at high voltage (Regulation 6) before such lines and apparatus are actually brought into use by the Undertakers for the purposes of the supply of energy.

The Regulations are intended to ensure that the electric lines and apparatus shall be subjected to certain tests *after* they have been placed in position but *before* final jointing to or connection with a live system and before they are brought into use, although tests were carried out *prior to* the electric lines or apparatus being placed in position (for example while they were at the manufacturers works).

Regulation 1 does *not* apply to overhead lines *unless* the Electricity Commissioners otherwise prescribe in any particular case. With regard to this qualification, it should be noted that insulated cables are sometimes placed above ground in the open air (See Note on definition of " Overhead lines " on page 16).

Regulation 6 is *not* excepted from application to overhead lines.

Regulations 4 and 8 (*Connection with earth*).

By Section 10 (*c*) of the Schedule to the Electric Lighting (Clauses) Act, 1899, it is provided in effect that the Undertakers shall *not* permit any part of any circuit to be connected with earth *except* in the following circumstances:—

(i) So far as may be necessary for carrying out the provisions of Regulations made under the Electricity (Supply) Acts; and

(ii) In virtue of an approval of the Electricity Commissioners with the concurrence of the Postmaster-General, and in accordance with the conditions, if any, of that approval.

Regulations 4 and 8 prescribe the circumstances in which and conditions under which it is necessary for the Undertakers to connect with earth certain systems for use at low and medium voltage (Regulation 4), and systems for use at high voltage (Regulation 8); and with the concurrence of the Postmaster-General, the Electricity Commissioners have extended these two Regulations so as to permit of certain kinds of multiple earthing, including that involved in giving a supply from an earthed system to an electrode boiler which is also connected with earth, subject to specified conditions.

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The attention of Undertakers is specially directed to the conditions which pla them under obligation to serve prior notice on the Postmaster-General giving certa particulars and also stating the location of all the points of earthing concerned in a multiple earthing carried out under these Regulations. The Electricity Comm sioners have ascertained that such notices may be served on the Post Office Section Engineer, or, where there is no Sectional Engineer, on the Telephone Manager.

Any multiple earthing other than that permitted by these two Regulations w necessitate the approval of the Electricity Commissioners and the concurrence of t Postmaster-General; and the Undertakers will accordingly have to make individu applications to the Electricity Commissioners for any desired approvals.

Attention is drawn to the new proviso to paragraph (vi) of Regulation 4. Sin the issue of the Electricity Supply Regulations, 1934, and as indicated in the Annual Reports, the Electricity Commissioners have dealt with a number of applic tions for consent to a modification of the requirements of paragraph (*e*) of Regul tion 4 thereof (corresponding to the above-mentioned paragraph (vi)) to permit the insertion of the secondary winding of a high frequency transformer in the con nection with earth of an alternating current distribution system for the purpose of th remote control of switches for street lighting. The new proviso embodies the con ditions which the Electricity Commissioners attached to their consents in a numbe of cases, and the object of the proviso is to obviate individual applications in th future.

Regulation 7 (*Electric lines to be metal sheathed: Precautions against excess leakage*)

This Regulation, the form of which has been revised, is intended to relate mor particularly to cable systems for use at high voltage, and does *not* apply to overhea lines *unless* the Electricity Commissioners otherwise prescribe in any particular case With regard to this qualification, it should be noted that high voltage insulate cables are sometimes placed above ground in the open air (see Note on definition o "Overhead lines" on page 16).

Regulation 9 (*General conditions as to transformation, control, etc.*).

The Electricity Commissioners are advised that a substation under a street is a street box within the meaning of the Electricity (Supply) Acts. In consequence o the words in brackets in paragraph (*a*) (iii) of Regulation 9, the provisions of that paragraph do *not* extend to any underground street box which by reason of its size and contents would be a substation as defined in the Regulations.

Regulation 12 (*Standard of construction of electric lines*).

While this Regulation does *not* preclude the Undertakers from installing electric lines which do not conform in all respects to British Standard Specifications, the standard of construction of the said electric lines must *not be lower* than that prescribed in such Specifications *unless* the Electricity Commissioners otherwise allow in any particular case.

Regulation 13 (*Protection against excess energy*).

This Regulation has been amended to make it clear that it does not require the insertion in a service line from a distributing main of a fusible cut-out or automatic circuit-breaker apart from that required by Regulation 24 (*Protection of consumers installations against excess energy*).

Regulation 14 (*Precautions against metal work becoming electrically charged*).

This Regulation, the form of which has been revised, is *excepted* from application to overhead lines. The Overhead Line Regulations of the Electricity Commissioners make provision for precautions to be taken in cases where line conductors cross over or under or are in proximity to other overhead wires; and in the case of high voltage overhead lines for all metal work other than conductors to be connected with earth.

Regulation 15 (*Overhead lines*).

In addition to those Regulations which are expressly excluded from application to overhead lines (for example Regulation 1), there are other Regulations which by their nature do not extend to overhead lines (for example Regulation 19).

Regulation 17 (*Bituminous, etc., insulation or protection*).

With regard to paragraph (*b*) of this Regulation, a prohibition against the bringing into use of any further mains insulated with bitumen or composition of a bituminous character has been in force since June, 1931, when a general Regulation dealing with this matter was made by the Electricity Commissioners as the outcome of an Inquiry into an explosion which occurred in connection with a main of that type.

Regulation 21 (*Precautions against failures of supply, etc.; Notice of failures*).

Attention is drawn to the new provisions contained in paragraph (*b*) of Regulation 21 placing an obligation upon the Undertakers to take all reasonable precautions during and in connection with constructional and maintenance work so as to avoid accidental interruptions of supply and also to avoid danger to the public or to any employees or authorised persons engaged on operations which do not come within the scope of the Home Office Electricity Regulations.

The notice to be given by the Undertakers to the Electricity Commissioners of failures of supply is to be in such form and to contain such particulars as the Commissioners may from time to time prescribe. If and when the Commissioners decide to modify the form at present prescribed, as set out in Appendix "B", due notification of the modifications will be given to all Undertakers (*a*).

Supply to Premises of Consumers: Consumers Installations.

(Regulations 22 to 35 inclusive.)

An important feature of the second main group of Regulations (which are broadly in accord with a corresponding group in the Electricity Supply Regulations, 1934) is the general relationship laid down as between the Undertakers and consumers of electricity.

The Regulations provide that the Undertakers shall not be compelled to commence, or subject to the provisions of Regulation 32 (*Discontinuance of supply in certain circumstances*) to continue to give, a supply of energy to any consumer unless they are reasonably satisfied as to the suitability and condition of the consumers installation, *e.g.* that the conductors and apparatus are sufficient in size and power for the purposes for which the supply is to be used, and are constructed, installed and protected so as to prevent danger as far as reasonably practicable.

The Regulations also accord official recognition to the Regulations for the Electrical Equipment of Buildings (Tenth Edition, September, 1934) issued by the Institution of Electrical Engineers by providing that consumers installations which comply with the provisions of the Institution of Electrical Engineers Regulations (as defined) shall be deemed to fulfil the requirements of Regulations 27, 28 and 29, as the case may be, as regards the suitability and condition of the installations.

It is important to emphasise that the Regulations of 1937 (as was indicated by the Electricity Commissioners in their Fourteenth Annual Report for the year ending March 31st, 1934, when commenting upon the analogous provisions in the Electricity Supply Regulations, 1934) do *not* provide as an essential requirement that a consumers installation *must* comply with the Institution of Electrical Engineers Regulations.

Neither do they entitle the Undertakers, in the absence of other adequate reasons, to decline to connect or give a supply to a consumers installation *merely* on the ground that the installation embodies materials, methods of wiring or appliances other than those specified in the Institution of Electrical Engineers Regulations.

The reasons for so declining must be stated in *writing* by the Undertakers to the consumer, as provided for by Regulation 33 (*a*); and it is then open to the consumer or his authorised agent in the event of disagreement with the reasons stated by the

(*a*) See letters of March 29th, 1939, and September 29th, 1939, *post*, pp. 2786, 2788.

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Undertakers, to have the matter determined in manner provided for by Regulation 33, namely, by an Inspector nominated by the Electricity Commissioners with a further right of appeal to the Electricity Commissioners.

While the Regulations thus enable all Undertakers to accept the provisions embodied in the Institution of Electrical Engineers Regulations as a standard for consumers installations, they do *not* prescribe those provisions as an absolute standard from which no departure is permissible. At the same time the Regulations enable consumers effectively to resist any demand by the Undertakers for a standard of installation in excess of the provisions of the Institution Regulations.

It should be noted that the Regulations do not apply in respect of the supply of energy to any consumers installation to which the Home Office Electricity Regulations or the Mines Department Electricity Regulations apply.

Special consideration was given by the Electricity Commissioners to the bearing of Regulations 27 to 30 (inclusive) in relation to the supply of electricity to existing installations.

Owing to developments in technical practice, many existing installations may not be in accord in all respects with the generally accepted standards of construction or installation now current. On the other hand, it appeared to the Electricity Commissioners that unnecessary expense and inconvenience would be caused if an existing supply of electricity to such an installation could be discontinued, or if a new supply to such an installation could be refused in the event of the present occupier leaving the premises and a new consumer coming into occupation, merely on the grounds that the installation was not fully in conformity with current technical practice and irrespective of whether it was otherwise functioning satisfactorily without risk of danger.

With the view of obviating such a condition of affairs, the Electricity Commissioners have included in Regulation 33 (*Notices by Undertakers: Procedure as to settlement of differences: Appeals*) a protective provision in respect of consumers installations which were connected up and supplied by the Undertakers prior to the prescribed date.

If any question arises of discontinuing an existing supply or of refusing a new supply to such an installation, and the existing consumer or new consumer who has taken over the installation satisfies an Inspector that the installation is in a satisfactory and safe condition although not in accord with current technical practice, it is not competent for the Inspector to decide that the Undertakers were or are entitled under Regulations 27 to 30 (inclusive) to refuse a supply of electricity to the installation.

In addition to the foregoing general observations, comment may be made on the provisions of the undermentioned Regulations.

Regulation 25 (*Undertakers lines, etc., on consumers premises*).

This Regulation relates to electric lines and apparatus placed by the Undertakers on the premises of consumers and either belonging to or under the control of the Undertakers.

Paragraph (*a*) extends to all such electric lines and apparatus whether on the supply side or on the consumers side of the supply terminals; and therefore applies to wiring installations and apparatus provided by the Undertakers on terms of hire or hire-purchase. In so far as the agreements between the Undertakers and consumers make provision with respect to the maintenance of such wiring installations and apparatus, paragraph (*c*) of the Regulation provides for a corresponding adjustment of the obligations of the Undertakers under the Regulation.

Attention is drawn to the new provisions of paragraph (*b*) which are directed to ensure that the standard of construction and installation adopted by the Undertakers in cases where they provide the consumers wiring and apparatus shall not be lower than the standard which the Undertakers would be prepared to accept for the purposes of Regulations 27 to 30 (inclusive) if the wiring and apparatus had been provided by the consumer.

Any difference which may arise between a consumer and the Undertakers with reference to the standard of construction and installation adopted by the Undertakers in providing the consumers wiring and apparatus can, under the provisions

of Regulation 33, be determined by an Inspector, with a right of appeal to the Electricity Commissioners.

Regulation 28 (*Supply at low voltage from more than one pair conductors of system at medium voltage*).

This Regulation relates to cases where, in effect, separate supplies each at *low* voltage are given to separate circuits on the premises of an individual consumer from more than one pair of conductors of a three-wire or multi-phase system at *medium* voltage, so that in the event of the too close proximity of the separate low voltage circuits or of apparatus connected thereto there is the possibility of danger of shock at *medium* voltage.

It should be noted that *both* of the requirements (i) and (ii) specified in paragraph (*a*) of the Regulation must be complied with to entitle the Undertakers to commence a supply of energy at low voltage to a consumer from more than one pair of conductors of a medium voltage system. The provisions of paragraph (*a*) relate to supplies commenced on or after the prescribed date and do *not* apply to supplies commenced by the Undertakers before the prescribed date. (See paragraph 2 (*a*) (i) of the Short Title, etc.)

The Regulation is *not* concerned with supplies at *medium* voltage, for example with a supply at 400 volts to an electric motor. Such medium voltage supplies come within the scope of Regulation 29 (*Supply at medium voltage*), and this does *not* prescribe any limitation as to the rating in kilowatts of any apparatus which may be supplied at medium voltage.

Attention is drawn to the amended form of paragraph (*b*) (iii) of Regulation 28.

Regulation 31 (*Supply for luminous tube signs on outside of premises*).

This Regulation in its amended form provides that the Undertakers shall not *knowingly* commence, or, subject to the provisions of Regulation 32, continue to give a supply which is to be or is being transformed to a higher voltage for the purposes of a luminous tube sign or the like on the outside of any premises *unless* the consumer gives a guarantee in writing as to the suitability and condition of the consumers installation.

Regulation 32 (*Discontinuance of supply in certain circumstances*).

This Regulation is concerned with the circumstances in which a supply of energy may be discontinued by the Undertakers, and deals with cases of emergency and other cases.

Where the Undertakers are *primâ facie* satisfied that immediate action is justified as a work of emergency in the interests of the public safety or in order to avoid undue interference with the efficient supply of energy to other consumers, immediate discontinuance of the supply as a work of emergency is authorised by the Regulation.

In all other cases where the question of possible discontinuance arises, provision is made for due notification to the consumer of the matter complained of by the Undertakers, and for the settlement of any differences that may arise between a consumer and the Undertakers (in manner provided for by Regulation 33). Pending the settlement of any such difference, the Undertakers are not entitled by the Regulation to discontinue the supply except in the event of the development of a condition of emergency.

Every notice given to a consumer under this Regulation (as well as every notice under Regulation 33) must be endorsed with or be accompanied by a copy of Regulations 32 and 33.

In making a Regulation conferring upon the Undertakers the important right to discontinue a supply in circumstances other than those of emergency, the Electricity Commissioners were necessarily concerned to ensure as far as possible that consumers should be safeguarded against the risk of any unreasonable exercise of the right.

Where the question of the discontinuance of supply arises and the issue turns on the alleged non-compliance of the consumers installation with the provisions of particular Regulations, it is apparent that there may be legitimate grounds for

differences between the consumer and the Undertakers as to the matters complained of or as to the time specified for remedying the same. Even when these matters have been settled either by eventual agreement between the parties or in manner provided for in Regulation 33, there is still the possibility of subsequent differences as to whether defects have been properly rectified and the installation brought into compliance with the relevant provisions of the Regulation concerned.

It has thus been necessary to have regard to a variety of different circumstances in laying down the conditions under which a supply may properly be discontinued by the Undertakers in cases other than those of emergency.

Regulation 33 (*Notices by Undertakers: Procedure as to settlement of differences: Appeals*).

This Regulation places an obligation on the Undertakers to give notice in *writing* to a consumer in any case where in pursuance of the Regulations the Undertakers decline to commence, to continue, or to recommence a supply of energy thereto. The notice *must* state the reasons of the Undertakers for so declining; and every notice given to a consumer under this Regulation (as well as every notice under Regulation 32) must be endorsed with or be accompanied by a copy of Regulations 32 and 33.

Provision is then made for the settlement of differences which may arise between a consumer and the Undertakers in connection with such notices, or on certain other matters, by an Inspector nominated by the Electricity Commissioners on the application of the consumer or his authorised agent or of the Undertakers, with a right of subsequent appeal to the Electricity Commissioners.

Reference has already been made to the protective provisions included in this Regulation for cases where consumers installations which were connected up and supplied prior to the prescribed date are shown to be in a satisfactory and safe condition although not fully in accord with the generally accepted current standard of technical practice (see pages 9–10).

MISCELLANEOUS.

Of the Regulations and provisions under this heading, attention may be drawn to the following.

Regulation 38 (*Notice of accidents: Inquiries by Electricity Commissioners*).

The provisions of paragraphs (*a*) and (*b*) of this Regulation are closely in accord with the provisions of Section 38 of the Schedule to the Electric Lighting (Clauses) Act, 1899. The Acts or Orders of the great majority of authorised undertakers incorporate Section 38 or include a corresponding provision, and the object of paragraphs (*a*) and (*b*) of Regulation 38 is to apply similar provisions to all *remaining* Undertakers, the said paragraphs being *excepted* from application to Undertakers who are already subject to Section 38 (or corresponding provision).

The new provisions contained in paragraph (*d*) of Regulation 38 apply to *all* Undertakers, and are directed to ensure that the attention of the Electricity Commissioners shall be drawn to all cases of fatalities occasioned by or attributed to installations on the premises of ordinary consumers. The expression "ordinary consumer" is intended to mean the general body of consumers, such as domestic consumers, as contrasted with particular consumers (such as large power consumers) supplied under special agreements to whom as a general rule the provisions of the Home Office Electricity Regulations or the Mines Department Electricity Regulations would probably be applicable.

It should be noted that in virtue of the concluding paragraph of the Regulations, it is open to individual Undertakers to make application to the Electricity Commissioners from time to time for the making of a special Regulation.

A corresponding paragraph was included in prior Codes, and special Regulations have been made by the Electricity Commissioners in cases for example where a new technical development (such as the use in connection with overhead line systems of coils for suppressing arcing to earth) could not be brought into operation without

some modification of the then-current Regulations, or where the Undertakers showed good cause for some variation in the provisions of a particular Regulation in its application to their undertaking.

APPENDIX A.

DEFINITIONS.

The words and expressions which are defined in the Electricity Supply Regulations, 1937, for the purposes of those Regulations may be grouped into the following classes :—

(1) Expressions which are also defined in the *same terms* in the Electricity (Supply) Acts or the Schedule to the Electric Lighting (Clauses) Act, 1899, (subsequently referred to as the Schedule of 1899) for the purposes of those Acts.

This group includes the following word and expressions :—

"Consumer."
"Daily penalty."
"General supply."
"Service line."
} All defined in Section 1 of the Schedule of 1899.

"Electric line." Defined in Section 32 of the Electric Lighting Act, 1882.

"Generating station." As defined in Section 36 of the Electricity (Supply) Act 1919, and *not* as defined in Section 25 of the Electric Lighting Act, 1909.

(2) Expressions which are also defined but in *somewhat different terms* in the Electricity (Supply) Acts or the Schedule of 1899 for the purposes of those Acts.

This group includes the following expression and words :—

"Distributing main." The definition in Section 1 of the Schedule of 1899 has been adapted for the purposes of the Regulations by the addition of the words " or intended to be used."

"Energy." The definition in Section 1 of the Schedule of 1899 has been adapted, the words " applying the provisions of the principal Act to the Special Order " having been replaced in the Regulations by the words " applying the provisions of the Electricity (Supply) Acts, 1882 to 1936, to any Act or Order relating to the undertaking of the Undertakers."

"Main." The definition in Section 1 of the Schedule of 1899 has been adapted by the omission of the words " which may be laid down by the Undertakers in any street or public place and." A main as defined in the Regulations for the purposes thereof is thus not limited to a main laid down in any street or public place.

"Works." The definition in Section 32 of the Electric Lighting Act, 1882, has been adapted, the words " object of the Undertakers under this Act " have been replaced in the Regulations by the words " object of the Undertakers under the Electricity (Supply) Acts."

(3) Expressions which have been adapted from *somewhat analogous* expressions in the Electricity (Supply) Acts or the Schedule of 1899.

This group includes the following expressions :—

"Supply of electricity in bulk." The definition in Section 25 of the Electric Lighting Act, 1909, has been adapted. The definition in the Regulations does not include a supply of electricity by an authorised undertaker to a local authority authorised to undertake or contract for the lighting of streets, bridges or public places.

"Supply terminals." The definition of " Consumer's terminals " in Section 1 of the Schedule of 1899, has been adapted by the omission of the words " and belonging to him." The wiring on the premises of many consumers is provided by and belongs to the Undertakers and forms part of their authorised undertaking. See Section 16 of the Electric Lighting Act, 1909; and Section 23 of the Electricity (Supply) Act, 1919.

(4) Expressions which were defined either in the same or in somewhat different terms in the Board of Trade Regulations of 1909 as adopted by the Electricity Commissioners in 1920 and subsequently included in their Electricity Supply Regulations, 1934.

This group includes the following words and expressions :—

"Connected with earth." The present definition was included in the Regulations of 1934 and accords closely with that of the expression " efficiently connected with earth " contained in the Codes of 1909 and 1920.

"Consumers wiring." The present definition was included in the Regulations of of 1934 and was adapted from the definition of " Consumers wires " in the Codes of 1909 and 1920 so as to accord with the definition of " Supply terminals."

"High voltage." The present definition, which was also included in the Regulations of 1934, covers *all* voltages normally exceeding 650 volts, whereas the

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corresponding definition in the Codes of 1909 and 1920 covered voltages normally exceeding 650 volts but not exceeding 3,000 volts.

"Low voltage." The present definition, in conformity with those contained in the Codes of 1909 and 1920 and also in the Regulations of 1934, covers voltages normally not exceeding 250 volts.

"Medium voltage." The present definition, in conformity with those contained in the Codes of 1909 and 1920 and also in the Regulations of 1934, covers voltages normally exceeding 250 volts but not exceeding 650 volts.

"Overhead line." The definition accords with that in the Codes of 1909 and 1920 and also in the Regulations of 1934.

"Substation." The present definition was included in the Regulations of 1934 but differs somewhat from that contained in the Codes of 1909 and 1920.

"Voltage." The present definition is in more detailed terms than that of the definition of "Voltage" in the Regulations of 1934 or of the corresponding definition of "Pressure" in the Codes of 1909 and 1920.

(5) Other expressions which were defined for the *first time* in the Regulations of 1934, and are retained in the Regulations of 1937 with or without modifications.

This group includes the following words and expressions :—

"Apparatus."
"Circuit."
"Conductor."
"Consumers installation."
"Dead."
"Home Office Electricity Regulations."
"Insulation."
"Live."
"Mines Department Electricity Regulations."
"Switch station."

} Definitions retained without modification.

"Authorised person."
"Outdoor substation."
"Outdoor switch-station."
"System."

} Definitions retained in an amended form.

(6) Expressions which appear for the first time in the Regulations of 1937 themselves.

This group includes three expressions namely :—

"Electrode boiler."
"Institution of Electrical Engineers Regulations."
"Prior Regulations."

COMMENTS ON PARTICULAR DEFINITIONS.

In addition to the preceding observations of a comparative nature, comments by way of explanation may be made on the undermentioned Definitions.

"Electrode boiler." This expression has been defined for the purposes of Regulations 4 and 8 (*Connection with earth*) in which it is employed.

"Institution of Electrical Engineers Regulations." This expression is defined as meaning the Tenth Edition (September, 1934) of the Regulations for the Electrical Equipment of Buildings issued by the Institution of Electrical Engineers, with the alterations or additions current at the date of the Electricity Supply Regulations, 1937. It should be noted that any subsequent Regulations, alterations or additions issued by the Institution do *not* come within the scope of the expression *unless* they are approved by the Electricity Commissioners for the purposes of the Regulations of 1937.

"Overhead line." The definition covers any electric line which is placed above ground and in the open air. It is therefore not confined to ordinary overhead lines with bare conductors, but extends to cases where insulated cables are erected above ground and in the open air. Attention is drawn to Section 10 (*b*) of the Schedule of 1899, which refers to "any electric line above ground."

"Prior Regulations." Regulations relating to Overhead Lines are *excluded* from the scope of this expression.

"System." This expression where used throughout the Regulations is intended to mean the individual electrical systems which collectively make up the complete network. For example, the secondary circuit of a double-wound transformer and all the conductors and apparatus electrically connected to the said secondary circuit together constitute an individual electrical system within the meaning of the expression; while the primary circuit of the transformer and all conductors and apparatus electrically connected to the said primary circuit together constitute another individual electrical system.

APPENDIX B.

ELECTRICITY SUPPLY REGULATIONS, 1937.

FORM OF NOTICE under Regulation 21 (*c*) of Failure of Supply.

[*Note.*—The Electricity Commissioners require notification of any complete failure of supply of whatever duration affecting the whole of the undertaking; and will in due course indicate the nature of any other failures of which they require to be notified.]

Authorised Undertakers.....

Act or Order .....

Location of Failure (Borough, District or Parish) .....

Nature of Failure (see Note above) .....

.....

.....

Date and Duration of Failure. Date .....From .....

To .....

Cause of Failure .....

.....

.....

Other Details .....

.....

.....

(*Signed*) .....

Electrical Engineer.

Date .....

ELECTRICITY SUPPLY (METERS) ACT, 1936.

APPROVED APPARATUS FOR USE IN STATIONS (HEREINAFTER REFERRED TO AS "TESTING STATIONS") FOR THE EXAMINATION, TESTING AND REGULATING OF ELECTRICITY METERS UNDER SECTION 2 OF THE ELECTRICITY SUPPLY (METERS) ACT, 1936.

1. Subject as hereinafter provided, the apparatus approved by the Electricity Commissioners as Standard or Substandard Apparatus for the purposes of Section 2 of the Electricity Supply (Meters) Act, 1936 (hereinafter referred to as "the Act of 1936") is as follows:—

Standard Apparatus.

Direct current Potentiometer.

Substandard Apparatus.

(*a*) Indicating Wattmeter.
(*b*) Rotating Meter.
(*c*) Ammeter.
(*d*) Voltmeter.
(*e*) Electrolytic Ampere-hour Meter.

Time Standard.

Ship's Chronometer or Pendulum type Clock.

Time Substandard.

Stop watch or other suitable timing device.

2. Apparatus acquired after June 1st, 1937, for use in Testing Stations (hereinafter referred to as "new apparatus") and proposed to be used as Standard or Substandard Apparatus must, subject to the provisions of paragraph 9 hereof, comply with the requirements as to construction and performance which are set out in Appendix "A" hereto.

3. A Testing Station must, subject to the provisions of paragraph 9 hereof, be provided with so much of the foregoing Standard or Substandard Apparatus as may

be necessary (i) for carrying out such of the methods of meter testing set out in Appendix "B" hereto as may be adopted in the Testing Station, and (ii) for such re-testing of Substandard Apparatus in accordance with paragraph 7 hereof as may be carried out in the Testing Station.

4. Apparatus contained in Testing Stations on June 1st, 1937 (hereinafter referred

paragraph 6 hereof; and subsequently at such intervals as may be prescribed by the Electricity Commissioners.

Substandard Apparatus.

Indicating Wattmeters, Ammeters and Voltmeters.

To be re-tested from a Standard Direct Current Potentiometer at intervals not exceeding six months after the date of the certificate or approval issued under paragraph 4 or 6 hereof, as the case may be.

The re-testing to be carried out at the National Physical Laboratory; or at the Testing Station; or at such other Testing Station as may be approved by the Electricity Commissioners.

Rotating Meters.

To be re-tested from Substandard Indicating Wattmeters (in the case of alternating current Rotating Meters) or from Substandard Direct Current Ammeters (in the case of direct current Rotating Meters) at intervals not exceeding one month after the date of the certificate or approval issued under paragraph 4 or 6 hereof, as the case may be:

Provided that where two Substandard Rotating Meters are always used in series, such re-testing shall be carried out when the corrected meter readings show a mutual difference of 0·25 per cent. or more on any test run, or after an interval not exceeding three months, whichever is the earlier.

The re-testing to be carried out at the National Physical Laboratory; or at the Testing Station; or at such other Testing Station as may be approved by the Electricity Commissioners.

Electrolytic Ampere-hour Meters.

To be re-tested at intervals not exceeding twelve months after the date of the certificate or approval issued under paragraph 4 or 6 hereof, as the case may be, either by Substandard Direct Current Ammeters or by Substandard Rotating Meters: provided that in the latter case the Substandard Rotating Meter itself shall be tested immediately before and immediately after use at the particular load at which it is to be or has been used.

The re-testing to be carried out at the National Physical Laboratory; or at the Testing Station; or at such other Testing Station as may be approved by the Electricity Commissioners.

Time Standard.

Ship's Chronometer or Pendulum type Clock.

To be periodically checked against the Post Office Speaking Clock or the Greenwich Time Signal at such intervals as may be determined by experience or prescribed by the Electricity Commissioners.

Time Substandard.

Stop Watches or other suitable timing devices.

To be checked against the Time Standard before each day's use.

8. All certificates issued under paragraphs 4 and 6 (*b*) hereof and records of all re-testings carried out under paragraph 7 hereof shall be issued or kept in a form prescribed or approved by the Electricity Commissioners. Such certificates and records, together with approvals issued under paragraph 6 (*a*) hereof, shall be available at the Testing Station for inspection by Meter Examiners.

9. The Electricity Commissioners reserve the right—

(*a*) to prescribe or approve Standard or Substandard Apparatus otherwise than in accordance with the foregoing paragraphs hereof either generally or in any particular case where it appears to them that the circumstances so require; and

(*b*) to withdraw or modify the terms of the foregoing Approval in relation to any Testing Station or Stations.

Signed by order of the Electricity Commissioners this 4th day of June, 1937.

R. T. G. FRENCH,
Secretary to the
Electricity Commissioners.

Electricity Commission,
Savoy Court,
Strand, W.C.2.

APPENDIX A.

Requirements as to the Construction and Performance of new Standard and Substandard Apparatus to be used for the purposes of Section 2 of the Act of 1936.

For resistance standards having rated currents up to and including 100 amperes, the error in the resistance shall not exceed 0·03 per cent. for any current up to the rated current.

For resistance standards having rated currents exceeding 100 amperes, the error in the resistance shall not exceed 0·05 per cent. for any current up to the rated current.

The thermal electromotive force of a resistance standard when it has been in circuit at the rated current for half an hour shall not exceed 0·01 per cent. of the voltage drop at rated current.

[Notes.—

(i) An independent section for balancing against the standard cell is desirable from the point of view of convenience.

(ii) A voltage drop of 1·5 volts at rated current is a convenient value for standard resistances for measurement of currents up to 100 amperes, but lower values are employed and are satisfactory.

(iii) Secondary batteries of adequate rating and in good condition are essential adjuncts to the accurate use of a potentiometer.]

2.—SPECIFICATION FOR SUBSTANDARD WATTMETERS.

(a) *Type.*

Wattmeters shall be dynamometer instruments, and, unless of the torsion-head type, shall have scales not less than 5 inches long, knife-edged pointers, and anti-parallax mirrors.

(b) *AC/DC Changeover.*

The corrections on alternating current at the declared frequency and unity power factor and on direct current shall be identical within the accuracy of reading. The correction on direct current shall be taken as the mean of two values obtained with opposite polarities.

(c) *Level Error.*

The change of correction due to a variation of 1 degree from the level position in any direction shall not exceed 0·15 per cent. of full scale reading. Any change of zero due to the variation of level shall be corrected before each test is made.

The requirements of this paragraph shall not apply to suspended-coil torsion-head wattmeters.

(d) *Stray Field Error.*

The change of correction at unity power factor due to an alternating magnetic field of 5 C.G.S. units in phase with the current in the wattmeter current coil, and having any direction relative to the wattmeter, shall not exceed 0·75 per cent. at the full scale point.

(e) *Zero Power Factor Error.*

The error of the wattmeter at rated volts and rated amperes and zero power factor (lagging) shall not exceed 0·3 per cent. of full scale reading.

(f) *Zero Change.*

The " zero " obtained by breaking the voltage circuit at the terminal having the greater potential to the current circuit (or by using the press-key if one is provided) shall not differ by more than 0·1 per cent. of full scale reading from the " zero " obtained by breaking the current circuit when the voltage element is energised at the marked voltage.

(g) *Self-heating Error.*

The change of correction at unity power factor due to the application for half an hour of rated voltage alone, rated current alone, or rated voltage with rated current, shall not exceed 0·2 per cent.

(h) *Mechanical Defects.*

Instruments shall be free from mechanical imperfections such, for example, as bent or unduly thick pointers, or unduly stiff zero-adjusters.

(i) *Instability of Corrections.*

Instruments shall not exhibit any instability exceeding 0·1 per cent. of full scale reading when the testing conditions are maintained constant.

(j) *General.*

Substandard Wattmeters shall comply in all other respects with British Standard Specification No. 89–1929 for substandard-grade dynamometer wattmeters (not " Special Dynamometer Wattmeter "), except that there shall be no limitation on the number or rating of the current ranges.

(k) *Polyphase Wattmeters.*

Substandard Polyphase Wattmeters shall comply with the preceding requirements as far as they are applicable.

ELECTRIC LIGHTING AND POWER

3.—SPECIFICATION FOR SUBSTANDARD ROTATING METERS, INCLUDING METERS FOR LONG-PERIOD "DIAL TESTS."

(A) SUBSTANDARD DIRECT CURRENT AMPERE-HOUR AND WATT-HOUR METERS.

(a) *Registering Mechanism.*

Meters intended for long-period "dial tests" shall be fitted with registering mechanisms complying with Clause 35 of British Standard Specification No. 37–1930, except that the three dials of highest denominations may be omitted.

(b) *General.*

Meters shall comply in all other respects with the requirements of British Standard Specification No. 37–1930 for substandard meters as far as they are applicable.

(B) SUBSTANDARD ALTERNATING CURRENT WATT-HOUR METERS.

(a) *Limits of Error.*

The errors of a meter at 15° C. and at marked voltage and frequency shall not exceed the following values :—

Conditions of Test.		Limits of Error.
Current expressed as a percentage of marked current.	Power Factor.	
Per Cent.		Per Cent.
125 to 20	1·0	± 0·5
at 10	1·0	± 1·0
at 5	1·0	± 1.5
125 to 20	0·5 (lagging)	± 1·0
at 10	0·5 (lagging)	± 2·0

There shall be a permissible tolerance of 0·5 per cent. which may be applied in one direction only for all the conditions of test specified above (*i.e.* as a plus tolerance or as a minus tolerance, but not both) so that the overall range of error remains unchanged.

If the meter is marked for a range of voltage, the errors must be within the above limits at all the voltages within the range.

(b) *Variation of Voltage.*

A variation of 10 per cent. above or below the marked voltage at any load from full load to one-tenth of full load at unity power factor shall not cause a change of more than one per cent. in the error of the meter.

If the meter is marked for a range of voltage, the above requirements shall apply to all the voltages within the range.

(c) *Variation of Air Temperature.*

The temperature co-efficient shall not exceed 0·1 per cent. per degree centigrade at any load between full load and one-quarter of full load at any power factor between unity and 0·5 (lagging).

(d) *Variation due to Stray Fields.*

The change in the rate of registration of the meter when subjected to the magnetic field defined below shall not exceed 1·5 per cent. at any load between full load and one-quarter of full load at unity power factor.

The magnetic field shall be produced by a coil one metre in diameter having 100 ampere-turns. The meter shall be placed in the centre of the coil and the plane of the coil shall be vertical and perpendicular to the plane containing the back of the meter case.

The currents in the meter current-circuit and in the magnetising coil shall be (i) in phase, (ii) 60° apart with the current in the magnetising coil leading.

Variation due to Heating by Main Current.

The change in the rate of registration of the meter from the time the marked current is switched on to the main circuit to the time at which the rate of registration becomes constant at that current shall not exceed 0·3 per cent. at unity power factor and 0·5 per cent. at 0·5 power factor (lagging). The total errors in the rate of registration shall not exceed those set out in the preceding paragraph headed "(a) *Limits of Error.*"

(f) *Variation due to Heating by Voltage Circuit.*

The change in the rate of registration of the meter from the time the marked voltage is switched on to the voltage circuit to the time at which the rate of registration becomes constant at that voltage shall not exceed 0·75 per cent. at any load from one and one quarter times full load to one quarter of full load at unity power factor.

If the meter is marked for a range of voltage, the requirements of this paragraph shall apply to the highest voltage in the range.

(g) *Variation of Frequency.*

A variation of 5 per cent. above or below the marked frequency shall not cause a change in the rate of registration of more than 0·5 per cent. at unity power factor and 1·0 per cent. at 0·5 power factor (lagging).

(h) *Non-Registration with Current alone.*

A meter shall not register with its voltage circuit open when the marked current is flowing in the main circuit.

(i) *Registering Mechanism.*

(i) Meters intended for long-period "dial tests" shall be fitted with registering mechanisms complying with Clause 35 of British Standard Specification No. 37–1930, except that the three dials of highest denominations may be omitted.

(ii) Meters intended for tests other than long-period "dial tests" shall be provided with registering mechanisms of the pointer type, and sufficient dials shall be provided to indicate at least 50 revolutions of the rotor. The last dial shall be divided into 100 parts and its diameter and the rotational speed of the pointer shall jointly be so proportioned that at full load at unity power factor, the pointer tip shall traverse the scale at a speed of not less than 100 inches per minute. A divided meter disc complying with these requirements will be acceptable in lieu of the last dial above referred to.

(j) *Instability of Errors.*

Meters shall not exhibit any instability exceeding 0·2 per cent. at any load between one and one quarter times full load and one quarter of full load when the testing conditions are maintained constant.

(k) *General.*

A meter shall comply in all other respects with the requirements of British Standard Specification No. 37—1930 as far as they apply to meters of the "Substandard Grade," except that meters having a marked current of one ampere may be approved.

(l) *Polyphase Rotating Meters.*

Substandard Polyphase Rotating Meters shall comply with the preceding requirements as far as they are applicable.

[NOTE.—It is laid down in Appendix B in connection with the testing of meters that the load on a Substandard Rotating Meter shall not be less than one quarter of its full load. In these circumstances, it is not intended in the generality of cases to require that Substandard Rotating Meters of the small current rating of one ampere (see paragraph (k) above) should comply with the limits of error specified in paragraph (a) above at loads below 10 per cent. of the marked current (*i.e.* below 0·1 ampere).]

4.—SPECIFICATION FOR CURRENT TRANSFORMERS.

Current Transformers for use with Substandard Wattmeters or Substandard Watthour Meters shall comply in every respect with British Standard Specification No. 81–1936 for Class A.L. transformers, except that Current Transformers having a rated burden of 3 volt-amperes may be approved.

5. SPECIFICATION FOR SUBSTANDARD ALTERNATING CURRENT VOLTMETERS.

(a) *Type.*

Voltmeters shall have scales not less than 5 inches long, knife-edged pointers and anti-parallax mirrors.

(b) *Polarity Effect (with direct current).*

Voltmeters when used with direct current shall not exhibit any change of correction greater than 0·5 per cent. at the full scale point due to reversal of polarity.

(c) *AC/DC Changeover.*

The corrections on alternating current at the declared frequency and on direct current shall not differ by more than 0·3 per cent. The correction on direct current shall be taken as the mean of two values obtained with opposite polarities.

(d) *General.*

Alternating current voltmeters shall comply in all other respects with British Standard Specification No. 89-1929 for Substandard Voltmeters.

6.—SPECIFICATION FOR ALTERNATING CURRENT CIRCUIT CONTROL APPARATUS.

The circuit control apparatus for use in connection with the testing of alternating current meters shall be such that the peak factor of the voltage wave form of the main supply is not varied by more than 3 per cent.

[NOTE.—Apart from this requirement in respect of Alternating Current Circuit Control Apparatus, it is not proposed to lay down a definite specification for the control apparatus to be used in Testing Stations. It is expected, however, that the control apparatus will be such as to give suitable regulation for the Method of Testing adopted at the Station, and the Meter Examiners will be required to satisfy themselves on this point.]

7.—SPECIFICATION FOR SUBSTANDARD DIRECT CURRENT AMMETERS AND VOLTMETERS.

(a) *Type.*

Direct Current Ammeters and Voltmeters may be of any type but shall have scales not less than 5 inches long, knife-edged pointers and anti-parallax mirrors, and shall comply with the limits of error specified in British Standard Specification No. 89-1929 for sub-standard-grade permanent-magnet moving-coil instruments.

(b) *Level Error.*

The change of correction due to a variation of 1 degree from the level position in any direction shall not exceed 0·15 per cent. of full scale reading. Any change of zero due to the variation of level shall be corrected before each test is made.

(c) *Stray Field Error.*

The change of correction due to a constant magnetic field of 1 C.G.S. unit having any direction relative to the instrument shall not exceed 0·5 per cent. at the full scale point.

(d) *Self-heating Error.*

The change of correction due to the application for half an hour of rated voltage to voltmeters, or rated current to ammeters, shall not exceed 0·2 per cent.

(e) *Polarity Effect.*

Instruments of types in which the direction of deflection is independent of the polarity of the applied current or voltage shall exhibit no change of correction due to reversal of polarity greater than 0·1 per cent. at the full scale point.

(f) *Mechanical Defects.*

Instruments shall be free from mechanical imperfections such, for example, as bent or unduly thick pointers or unduly stiff zero-adjusters.

(g) *Instability of Corrections.*

Instruments shall not exhibit any instability exceeding 0·1 per cent. of full scale reading when the testing conditions are maintained constant.

(h) *General.*

Instruments shall comply in all other respects with British Standard Specification No. 89-1929 for Substandard-grade instruments except that the voltage drop on ammeter shunts for full scale reading may have any value.

8.—SPECIFICATION FOR SUBSTANDARD ELECTROLYTIC AMPERE-HOUR METERS.

Substandard Electrolytic Ampere-hour Meters shall be of the mercury-deposition type. Maximum reading shall be obtained in less than 250 hours at rated current. The scale shall be readable to an accuracy of 0·3 per cent. of full scale. The error of the meter at any scale point between half-scale and full-scale shall not exceed 0·5 per cent. when determined at any current between one-quarter of rated current and full rated current. The temperature co-efficient of the meter shall not exceed 0·1 per cent. per degree Centigrade.

9.—SPECIFICATION FOR STANDARD CLOCKS.

Ship's Chronometers employed for checking stop watches shall be provided with a seconds hand the tip of which shall move in steps of not less than 0·5 millimetre. Pendulum Clocks employed for the same purpose shall comply with the foregoing requirement

unless the pendulum is visible. The chronometer or clock shall be adjusted so that its error does not exceed 30 seconds in 24 hours at any temperature between 10° C. and 30° C. Mains driven synchronous electric clocks shall not be employed.

10. SPECIFICATION FOR SUBSTANDARD STOP WATCHES.

Stop watches or chronograph watches shall have dials readable to 0·05 second. Dials having divisions of 0·1 second will be acceptable provided that the length of a divison is not less than 1 millimetre and that a suitably thin pointer is employed.

The error developed by the watches shall not exceed 0·15 per cent. of the interval measured at any temperature from 10° C. to 30° C. inclusive, and with the main-spring in any condition between fully wound and half fully wound.

The tests shall be made with the watch in the horizontal (dial up) position.

The combined errors introduced in starting and stopping the watch shall not exceed 0·05 second.

Mains driven synchronous stop clocks or stop watches shall not be employed as Time Substandards.

[NOTE.—Suitable timing devices other than stop-watches or chronograph watches may be submitted for approval as time substandards.]

APPENDIX B.

METHODS OF METER TESTING AND ACTUAL TESTS.

[NOTE.—The following are the Methods of Meter Testing and Actual Tests for the time being approved by the Electricity Commissioners for the purposes of the certification of meters by Meter Examiners.]

FOR MOTOR METERS.

Methods of Testing.

Method A.

Long-period dial tests using Substandard Rotating Meters.

The load on any Substandard Rotating Meter to be not less than one-quarter of or more than one and one-quarter times its full load. The duration of any such test to correspond to not less than ten complete revolutions of the pointer of the last dial of the meter under test.

Method B.

(a) *Tests (other than long-period dial tests) using Substandard Rotating Meters.*

The load on any Substandard Rotating Meter to be not less than one-quarter of or more than one and one-quarter times its full load. The duration of any such test to correspond to the number of complete revolutions of the disc of the meter under test ascertained as follows, namely, by multiplying 40 by the percentage of the marked current of the meter at which the test is being made and dividing by 100; provided that the duration of any test shall correspond to not less than five complete revolutions and need not be greater than a period corresponding to 25 complete revolutions.

(b) *One long-period dial test.*

To be made in accordance with and of duration not less than that prescribed under Method A.

Method C.

(a) *Tests by Substandard Indicating Instruments and Stop Watch.*

The load on any Substandard Indicating instrument to be such as to give a reading of not less than 40 per cent. of its full scale reading. The duration of any such test to correspond to not less than three complete revolutions of the disc of the meter under test, or not less than 100 seconds, whichever be the longer period.

(b) *One long-period dial test.*

To be made in accordance with and of duration not less than that prescribed under Method A.

[NOTE.—Method C alone to be used for testing direct current motor meters.]

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Actual Tests.

1. Every motor meter to be tested—

(*a*) at the lowest percentage (or fraction) of its marked current specified in the limits of error for meters of its class allowed under the Electricity (Supply) Acts ;

(*b*) at one intermediate load ; and

(*c*) at the highest percentage (or fraction) of its marked current specified in the aforesaid limits of error ;

Provided that in cases where the tests are carried out in accordance with Method B or Method C, the prescribed long-period dial test shall be at one of the loads specified for the three foregoing tests and shall be additional to such tests.

Provided also that in testing any watthour meter, the voltage circuit of the meter and the voltage circuits of the Substandard Rotating instruments used for testing the meter must be energised for a period of at least one hour prior to the making of the actual test.

2. Every alternating current meter also to be tested at its marked current and marked voltage at 0·5 power factor (lagging), subject to a tolerance of plus or minus 10 per cent. in the power factor.

3. Every watthour meter also to be tested for " creep " with its main circuit open and with a voltage of 10 per cent. in excess of its marked voltage applied to its voltage circuit.

4.—(*a*) A three-wire direct current or single-phase alternating current meter may be tested as a two-wire meter with the current circuits of the two elements of the meter in series and the voltage circuits in parallel.

(*b*) Every three-wire direct current or single-phase alternating current meter to be tested for balance of the elements (in the case of watthour meters with the voltage circuits energised at the marked voltage)—

(i) with the marked current flowing in either of the two current circuits of the meter and no current flowing in the other current circuit ; and

(ii) with half the marked current flowing in both current circuits.

5.—(*a*) Every polyphase meter to be tested as such on a circuit of the type for which the meter was designed :

Provided that polyphase meters for 3-phase 4-wire circuits may be tested as 3-phase 3-wire meters without current in the neutral wire.

(*b*) Every polyphase meter to be tested for balance of the elements with the voltage circuits of all the elements energised at the marked voltage with the marked current flowing in the current circuit of one element and no current flowing in the other current circuit or circuits ; such test to be carried out on each of the elements at unity power factor and also at 0·5 power factor (lagging), subject in the latter case to a tolerance of plus or minus 10 per cent. in the power factor.

[NOTE.—For testing polyphase meters for 3-phase 3-wire circuits, it will be permissible to use either one polyphase substandard wattmeter or substandard rotating meter, or two single-phase substandard instruments.

For testing polyphase meters for 3-phase 4-wire circuits, it will be permissible, to use either one 3-element substandard wattmeter or substandard rotating meter or three single-phase substandard instruments. If the meter is tested as a 3-wire meter in accordance with paragraph 5 (*a*) above it will be permissible to use either one two-element substandard wattmeter or substandard rotating meter or two single-phase substandard instruments.]

FOR ELECTROLYTIC AMPERE-HOUR METERS.

To be tested against a Substandard Electrolytic Meter, the load on the meter under test to be three-quarters of its full load. The duration of any test to be not less than 100 hours. The error (if any) after approximately 50 hours, and the error (if any) at the time of syphoning, also to be recorded.

METERS OPERATED IN CONJUNCTION WITH TRANSFORMERS OR SHUNTS.

Every meter intended for use with a transformer or shunt to be tested with such transformer or shunt and with the connecting leads between the meter and such transformer or shunt.

ELECTRICITY SUPPLY (METERS) ACT, 1936.

Electricity Commission,
Savoy Court,
Strand,
London, W.C.2.

June, 1937.

The accompanying Explanatory Memorandum has been prepared by the Electricity Commissioners for the information and assistance of Authorised Undertakers and others who are concerned with the examination, testing and regulating of electricity meters with a view to the certification thereof under the Electricity Supply (Meters) Act, 1936 (*a*).

The Memorandum refers to the provisions of the Approval issued by the Electricity Commissioners on June 4th, 1937, embodying particulars of the Standard and Sub-standard Apparatus for use in Meter Testing Stations, and to the general procedure contemplated by the Electricity Commissioners in connection with the testing and certification of meters.

EXPLANATORY MEMORANDUM CONCERNING THE TESTING OF ELECTRICITY METERS; THE APPARATUS APPROVED FOR USE IN METER TESTING STATIONS; AND THE PROCEDURE CONTEMPLATED BY THE ELECTRICITY COMMISSIONERS IN CONNECTION WITH THE CERTIFICATION OF ELECTRICITY METERS UNDER THE ELECTRICITY SUPPLY (METERS) ACT, 1936.

1. By Section 1 of the Electricity Supply (Meters) Act, 1936 (hereinafter referred to as "the Act of 1936"), Meter Examiners appointed by the Electricity Commissioners under the Act of 1936 are charged with the examination and certifying of meters used or intended to be used in connection with the supply of electricity by authorised undertakers. The Section provides that the Meter Examiners shall comply with any Directions given by the Electricity Commissioners as to the exercise and performance of their powers and duties.

2. The principal provisions concerned with the examination and certification of meters and with the settlement of disputes as to the correctness of meters are those contained in Sections 49 to 51 and Section 57 of the Schedule to the Electric Lighting (Clauses) Act, 1899 (or corresponding provisions in Acts or Orders which do not incorporate the said Schedule), as amended by subsequent Acts (hereinafter referred to as "the Schedule").

3. By Section 49 of the Schedule, which relates to the ascertainment of the value of the supply by means of an appropriate meter, the expression "value of the supply" is defined as meaning the amount of energy supplied by the undertakers to any ordinary consumer or the electrical quantity contained in the supply (according to the method by which the undertakers elect to charge). The expression appears to be intended to connote the electrical (and not the financial) value of the supply according to whether the supply is measured as energy (kilowatt hours), or as quantity (ampere hours) at a declared constant voltage. Similarly, Sections 50, 51 and 57 of the Schedule are also concerned with meters for ascertaining the "value of the supply," that is to say, with the ascertainment of the amount of electrical energy or the quantity of electricity supplied to ordinary consumers.

4. These provisions are not extended to the supply of electricity to particular consumers under special agreements who, as a class, are distinguished from ordinary consumers in the definition of the expression "general supply" in Section 1 of the Schedule. Supplies to particular consumers often involve special metering equipment, sometimes embodied in switchgear; and the special agreements generally contain clauses dealing with the provision of meters and with the settlement of any disputes as to the accuracy thereof.

5. Prior to the passing of the Act of 1936, the powers and duties connected with the examination and certification of meters and the settlement of disputes as to the

(*a*) 29 Halsbury's Statutes 133.

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correctness of meters were exerciseable by Electric Inspectors appointed under the individual Acts or Orders of authorised undertakers. The power of appointment rested initially with the individual local authorities for each district in an area of supply where they were not the undertakers. Where an Electric Inspector was not appointed by the local authority, or where the local authority were themselves the undertakers, an Electric Inspector could be appointed by the Electricity Commissioners but only on the application of a consumer or of the undertakers.

6. The Act of 1936 provides that the powers and duties referred to in the preceding paragraph shall be exercised by Meter Examiners appointed by the Electricity Commissioners under that Act instead of by Electric Inspectors, except that in the case of the Administrative County of London the settlement of disputes as to the correctness of meters remains the duty of Electric Inspectors appointed under the provisions of the Acts or Orders of the undertakers concerned. In effect, the Act of 1936 repeals the powers formerly possessed by local authorities (not being undertakers) of appointing Electric Inspectors for the examination and certification of meters, subject to the preceding qualification as regards the Administrative County of London.

7. With regard to the certification of meters, in virtue of Section 50 of the Schedule an electricity meter is considered "duly certified" if it is certified by a Meter Examiner appointed under the Act of 1936 to be—

(*a*) capable of ascertaining the value of the supply within such limits of error as may (as respects meters of the class to which the meter belongs) be allowed by the Electricity Commissioners; and

(*b*) of a construction and pattern approved by the Electricity Commissioners (or by the Board of Trade prior to 1920).

8. It will be observed that in so far as the statutory duties of Meter Examiners in connection with the certification of meters are concerned with the accuracy of a meter, they are confined to the question whether the meter is capable of ascertaining the value of the supply within certain limits of error. Such duties do not extend to an examination or certification of the accuracy of any attachments for other purposes, such as prepayment mechanism or two-part tariff attachments associated with a meter.

9. The limits of error at present allowed by the Electricity Commissioners are the same as those which were prescribed by the Board of Trade in 1913, and have been continued in force by the Electricity Commissioners since their appointment in 1920. These limits of error relate to direct current meters and to single-phase alternating current meters. The Electricity Commissioners have under consideration the question of modifying the present limits of error and of prescribing new limits covering all types of meters, including polyphase meters. A separate communication will be addressed to all authorised undertakers on this matter in due course.

10. A schedule of meters of constructions and patterns which were being manufactured at the end of 1936, or which had been manufactured at any time during the ten years up to that date, and have been approved under the Electricity (Supply) Acts has already been circulated by the Electricity Commissioners to all authorised undertakers. In addition, there are in use meters of types which were approved in earlier years but are no longer manufactured; while further constructions and patterns have been approved since the end of 1936.

11. Meters (whether already in use or new) of constructions and patterns which have *not* hitherto been approved should not be submitted to Meter Examiners for certification unless and until the construction and pattern has been approved under the Electricity (Supply) Acts. The Electricity Commissioners understand that manufacturers of various existing types of meters which have not hitherto been approved or of types which have been modified subsequent to an approval are taking steps in cases where they consider it warranted to submit specifications, drawings and pattern meters to the National Physical Laboratory for examination and test with a view to making application for an approval under the Electricity (Supply) Acts.

12. By Section 2 of the Act of 1936 and subject to the qualifications therein, it is the duty of authorised undertakers to provide and maintain in proper condition such

suitable apparatus as may be prescribed or approved by the Electricity Commissioners for the examination, testing and regulating of meters used or intended to be used in connection with the supply of electricity, and to afford to Meter Examiners all necessary facilities for the use of the said apparatus for the purpose of the exercise and performance of their powers and duties in relation to such meters.

13. By reason of the qualifications in Section 2 of the Act of 1936, it is not made obligatory upon every authorised undertaker to provide suitable apparatus for the testing of meters. For example, the Act enables voluntary arrangements to be made with the approval of the Electricity Commissioners for the provision of such apparatus and for the examination, testing and regulating of meters by one authorised undertaker on behalf of others; and also empowers the Electricity Commissioners to require such arrangements to be made between authorised undertakers on such terms and conditions as may, in default of agreement, be settled by them.

14. Particulars of the apparatus approved by the Electricity Commissioners as Standard and Substandard Apparatus for use in Meter Testing Stations for the purposes of Section 2 of the Act of 1936, are set out in an Approval dated June 4th, 1937. The details of the Approval were settled by the Electricity Commissioners after consultation with representatives of the Electricity Supply Associations and of Manufacturers of apparatus of the kinds involved.

15. The Approval specifies the requirements as to construction and performance with which all Standard and Substandard Apparatus acquired after June 1st, 1937 (referred to as " new apparatus "), must comply to secure approval. The Approval does *not* embody a definite specification of requirements as to the construction and performance of *existing* apparatus contained in Testing Stations on June 1st, 1937, but due regard will be had to the specified requirements for new apparatus before existing apparatus can secure approval (see paragraph 6 (*a*) of the Approval).

16. The Approval is so worded that it is *not* made compulsory for every Testing Station to be provided with the *whole* of the approved Standard and Substandard Apparatus, or to carry out the retesting of the whole or any portion of its own Substandard Apparatus (see paragraphs 3 and 7 of the Approval). For example, the provision of a Standard Direct Current Potentiometer is optional, although such apparatus will require to be provided in the larger Testing Stations which undertake the periodical retesting of their own Substandard Apparatus and possibly that belonging to smaller neighbouring testing stations where arrangements to that effect are made.

17. The type and number of Substandard instruments required in a particular Testing Station will depend upon the methods of meter testing adopted in the Station (see paragraph 21 below), and also upon the types and numbers of meters to be dealt with; but in every case a Testing Station will require to be provided with at least one suitable Substandard Voltmeter. Additional instruments used for rough adjustments of loads do not require approval.

18. The Approval also provides that existing apparatus contained in Testing Stations on June 1st, 1937, and new apparatus may be brought into use as Standard or Substandard Apparatus for meter testing purposes on a temporary or continuing basis if approved by the Electricity Commissioners after the observance of certain procedure (see paragraphs 4 and 6 of the Approval). With regard to existing apparatus which may not comply in all respects with the requirements as to performance laid down for new apparatus but may nevertheless be considered suitable for use for the time being on a continuing basis, the Electricity Commissioners contemplate that their approval in such cases will be for a limited period such as five years.

19. Provision is made in the Approval whereby it is open to the Electricity Commissioners to prescribe or approve a modified or other specification of requirements in respect of Standard or Substandard Apparatus either generally or in individual cases (see paragraph 9 of the Approval).

20. The Meter Examiners will be directed to satisfy themselves from time to time that the apparatus in Testing Stations is properly maintained and in proper functioning order, and for this purpose they may make such check tests as they may consider

necessary. It will not form part of the statutory duties of Meter Examiners to carry out any of the periodical retestings prescribed in paragraph 7 of the Approval.

21. The Approval sets out the methods of meter testing and the actual meter tests for the time being approved by the Electricity Commissioners for the purposes of the certification of meters by Meter Examiners (see Appendix "B" to the Approval). The Electricity Commissioners may in appropriate cases modify the methods of testing or actual tests for the time being approved or may approve other methods and tests, such for example as the separate testing of meters and their transformers or shunts. This may or may not involve a modified Approval in respect of apparatus.

22. The general procedure contemplated by the Electricity Commissioners with regard to the testing of meters at the various Testing Stations by or on behalf of authorised undertakers and the subsequent certification of the meters by Meter Examiners is as follows:—

(i) The meters will be tested at the Testing Stations in accordance with the aforesaid approved methods of meter testing, or such modifications thereof as may be allowed in particular cases.

(ii) The meters when tested and before being eligible for certification will require to be duly sealed by or on behalf of the undertakers in a manner approved by the Electricity Commissioners. The question of an approved form of Seal or manner of sealing is under consideration and a communication on this matter will be sent to all authorised undertakers in due course.

(iii) Particulars of each meter and the results of the tests set out in a form approved by the Electricity Commissioners will then require to be submitted to the Meter Examiners for examination (see paragraph 23 below).

(iv) If and when a Meter Examiner is satisfied (*a*) as the result of such examination and after such tests as he may deem necessary or as he may be directed by the Electricity Commissioners to make, that the meters have passed the tests for the time being in force in relation to the Testing Station; (*b*) that the meters are duly sealed; and (*c*) that the meters comply with the two requirements previously mentioned (see paragraph 7 above), the Meter Examiner will be entitled to certify the meters. The certificate will be given in a form prescribed by the Electricity Commissioners.

23. Specimen copies of the Forms for the time being approved by the Electricity Commissioners in which the description of a meter and particulars of the tests thereon made at the Testing Station by or on behalf of the undertakers are to be submitted to Meter Examiners with a view to certification of the meter, are in course of preparation and will be circulated to all authorised undertakers. The Electricity Commissioners wish to emphasise the necessity for uniformity in the style and size of the Forms and desire all undertakers to adopt Forms strictly in accord with the specimens.

ELECTRICITY COMMISSION.

ELECTRICITY SUPPLY (METERS) ACT, 1936.

SUPPLEMENTARY NOTES IN AMPLIFICATION OF THE EXPLANATORY MEMORANDUM CONCERNING THE TESTING OF ELECTRICITY METERS, ETC., ISSUED BY THE ELECTRICITY COMMISSIONERS IN JUNE, 1937, AND FORWARDED TO ALL AUTHORISED UNDERTAKERS WITH A COVERING LETTER DATED JUNE 10TH, 1937.

(i) *Limits of Error.*

1. With regard to paragraph 9 of the Explanatory Memorandum, the Electricity Commissioners have, in consultation with representatives of the principal Supply Associations and Meter Manufacturers, brought under review the permissible limits of error for the various kinds of D.C. and A.C. meters—both old and new—including prepayment and polyphase meters; and for the varying conditions of temperature and possible loading in excess of the marked current under which they may operate when in actual service.

2. The new prescribed limits namely an error not exceeding 2½ per cent. plus or 3½ per cent. minus at any load at which the meter may be operatihg have been fixed with due regard to these matters and are applicable to all meters submitted for certification without requiring any compensating allowances for varying conditions.

(ii) *Constructions and Patterns of Meters.*

3. With regard to paragraphs 10 and 11 of the Explanatory Memorandum, the Electricity Commissioners have had under consideration the question whether or not their approval could be given to the construction and pattern of certain specific types of meters which are not at present approved.

4. Under the provisions of Section 3 of the Electricity Supply (Meters) Act, 1936 (*a*), meters installed prior to the appointed day, to be fixed for the purposes of that Act, are deemed for all purposes to be proper meters for ascertaining the value of supplies until first disconnected and removed after the beginning of the appointed day or at the expiration of 10 years from the beginning of that day whichever first occurs.

5. With a view to enabling any authorised undertakers concerned to make suitable arrangements in due course for replacing by meters of an approved type any existing meters which will not become approved types, the following particulars indicate the types of meters which the Electricity Commissioners are not prepared to approve.

(a) *Commutator Ampere-hour and Watthour Meters.*

The Electricity Commissioners are advised that these meters though theoretically sound in principle would in the majority of cases not be able to comply with the tests specified in British Standards Specification No. 37. The Electricity Commissioners will not be prepared to consider these types of meter for approval either as regards existing meters or meters for future manufacture unless they can comply with the said tests laid down by B.S.S. No. 37.

(b) *Single phase meters with two current windings for single phase three-wire circuits.*

(c) *Single phase meters with two current windings for three phase three-wire circuits.*

The Electricity Commissioners are advised that meters of these types are unsound in principle, and they are not prepared to approve the types either as regards existing meters or meters for future manufacture.

(d) *Double Circuit or "power and light" meters.*

The Electricity Commissioners are advised that meters of this type which do not record the actual number of units consumed under all conditions, are not capable of ascertaining the value of the supply within the meaning of Section 49 of the Schedule to the Electric Lighting (Clauses) Act, 1899. It would not therefore be competent for such meters to be certified by a Meter Examiner. The Electricity Commissioners are accordingly not prepared to consider this type of meter for approval either as regards existing meters or meters for future manufacture.

(e) *Two element three-phase four wire meters.*

The Electricity Commissioners are prepared to consider giving approval to this type of meter as regards existing meters but not for future manufacture.

(f) *Non-standard connections and other details.*

The Electricity Commissioners are not prepared to approve for future manufacture types of meters with non-standard connections. They would be prepared however, to consider for approval types of meters which are sound in principle and of good performance, although differing from British Standards Specification No. 37 in regard to other constructional details of a minor character.

(iii) *Standard and Substandard Apparatus.*

6. In paragraph 18 of the Explanatory Memorandum, reference was made to the procedure laid down in the Approval of Apparatus dated June 4th, 1937, for the bringing into use on a temporary or continuing basis of Standard and Substandard Apparatus for meter testing purposes. In accordance with the requirements of Paragraph 6 of the Approval, many instruments have already been submitted to the

(*a*) 29 Halsbury's Statutes 133.

National Physical Laboratory for examination and for report to the Electricity Commissioners.

7. As a result of consideration of such Reports the Electricity Commissioners consider it desirable to draw attention to the necessity for care in the handling and operation of such instruments and in avoiding their use or storage in unsuitable (*e.g.* damp) conditions.

8. It is anticipated that instruments of the non-shielded type may be submitted for examination and report. As these instruments are liable to errors due to stray fields, the Electricity Commissioners may find it necessary when deciding to approve any such instrument for use on a continuing basis to attach qualifying conditions.

9. With regard to Standard Direct Current Potentiometers, the Electricity Commissioners appreciate that it may be difficult in certain circumstances to obtain accurate results by the use of a single potentiometer for the periodical testing of Substandard Indicating Wattmeters as prescribed in paragraph 7 of the Approval of Apparatus. For such testing, the Electricity Commissioners have decided to allow as from the date of these Supplementary Notes of the use of a substandard voltmeter with a twelve-inch scale in conjunction with a potentiometer. The necessary addition will be incorporated in the next reprint of the Approval of Apparatus.

10. With regard to the procedure laid down in the Approval of Apparatus dated June 4th, 1937, for the bringing into use on a temporary basis of Standard and Substandard Apparatus, application for approval to the use of such apparatus on a temporary basis should be made on forms which have been issued by the Electricity Commissioners. The forms should be completed in duplicate and should be forwarded to the Electricity Commissioners as soon as possible.

11. It will be appreciated that any apparatus in respect of which a certificate of approval is issued either under paragraph 4 or 6 of the Approval of Apparatus dated June 4th, 1937, will thereupon become subject to the requirements of paragraph 7 of the said Approval with regard to the periodical re-testing of standard and substandard apparatus.

(iv) *Methods of Meter Testing: Actual Tests.*

12. With regard to paragraph 21 of the Explanatory Memorandum, it has been necessary to make certain amendments in the Methods of Testing and Actual Tests set out in Appendix "B" to the Approval of Apparatus dated June 4th, 1937, partly as a consequence of the simplified form of the new prescribed limits of error, and of the omission therefrom of any specific reference to percentages or fractions of the marked current. Such fractions were referred to in the former limits of error.

13. The necessary amendments will be incorporated in the next reprint of the Approval of Apparatus dated June 4th, 1937; but in the meanwhile the Electricity Commissioners have approved as from the date of these Supplementary Notes of the following alterations on pages 14 and 15 of the Approval of Apparatus, namely:—

(i) *Method C.*

In place of paragraph (b) substitute the following amplified paragraph:—

(b) *One long-period dial test.*

In the case of alternating current meters—to be made in accordance with and of a duration not less than that prescribed under Method A.

In the case of direct current motor meters—to be of a duration not less than that prescribed under Method A.

(ii) *Actual Tests.*

In place of paragraphs 1 (*a*) and 1 (*c*) on pages 14 and 15, substitute the following paragraphs:—

(*a*) At 5 per cent. of its marked current, or in the case of a direct current meter having a marked current of less than 10 amperes, at 10 per cent. of its marked current.

(*c*) At 100 per cent. of its marked current, or in the case of an alternating current meter, at 100 or 125 per cent. of its marked current.

14. Attention is drawn to the requirement prescribed in paragraph (*a*) of Method C of the Methods of Testing, namely, that the load on any Substandard instrument is to be such as to give a reading of not less than 40 per cent. of its full scale reading. This requirement applies irrespective of the length of the scale of the Substandard instrument.

15. In connection with the actual tests of each meter to be carried out and recorded by authorised undertakers, allowance must necessarily be made for some margin in repeating particular tests. Having regard to the new prescribed limits of error the Electricity Commissioners would not expect meters to be submitted for certification if their recorded error as ascertained in the Testing Station is in excess of 2 per cent. plus or 3 per cent. minus.

(v) *Sealing of Meters.*

16. With regard to paragraph 22 (ii) of the Explanatory Memorandum, the Electricity Commissioners have in contemplation that the sealing of meters will be undertaken by the Meter Examiners at the time of certification, but the arrangements in that behalf are not yet finally settled. The question of the provision of a special seal for use by the authorised undertakers in cases where mechanical adjustments have to be made to prepayment meters whilst on circuit is also under consideration. A further communication will be addressed to all authorised undertakers on these matters in due course.

(vi) *Forms for Meter Tests.*

17. With regard to paragraphs 22 (iii) and 23 of the Explanatory Memorandum, it will be necessary for all authorised undertakers to make the necessary arrangements for the printing of their own Forms. Separate Forms will require to be provided for the different classes of meters, in accordance with the Specimen Forms issued by the Electricity Commissioners.

18. It is also essential that the Forms to be submitted to the Meter Examiners in connection with the certification of meters should *conform in all respects* with the Specimen Forms not only as regards *size of sheet* style and details of printing and *number of meters* to be recorded on each Form but also as regards the *colours* for the different Forms and the position and distance apart of the *perforations* for filing purposes. The co-operation of all undertakers is specially requested in this matter.

19. The Forms will require to be completed *in duplicate* for submission to the Meter Examiners. One completed copy of each Form will be subsequently retained by the Testing Station when signed by the Meter Examiner as evidence of certification. The other completed copy will be retained by the Meter Examiner and transmitted to the Electricity Commissioners for the purposes of record and for use in levying the fees chargeable.

20. It is necessary that each Testing Station should number its Forms (after completion) *consecutively*, irrespective of the type or types of Forms which may be submitted to the Meter Examiner at any one time (except as indicated below). The numbering of the Forms would continue throughout the year until December 31st, and then be recommenced on January 1st for the succeeding year.

21. The special Form coloured pink recording the mechanical adjustments made to prepayment meters on circuit should be consecutively numbered separately from the other Forms and for the same period (January 1st to December 31st).

22. With regard to the completion of the Forms at the Testing Station it should be noted—

(i) that the Serial Number of the meter of which particulars are given should be the maker's number. There would be no objection, however, to the inclusion in the Form of any additional number which the undertakers may have assigned to the meter for their own purposes.

(ii) that the headings of certain columns make provision for the insertion at the Testing Station of the percentage of the marked current at which the various tests are made. (*See* paragraph 13 above.)

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(vii) *Certification of Meters.*

23. It is necessary to ensure that when the appointed day is fixed for the purposes of the Act, the organisation for the testing and certification of meters is already in effective operation throughout the Country so that undertakers will be in possession of stocks of certified meters and thus in a position to comply with the provisions of the Act without inconvenience to themselves or to prospective consumers.

24. The Electricity Commissioners have discussed and agreed with the principal Supply Associations that, with the above ends in view, the Meter Examiners should commence the actual certification of meters prior to the appointed day, involving the payment by authorised undertakers of such certification fees as may be prescribed under Section 1 of the Act.

25. In the general interests it is desirable that all necessary steps should be taken to enable certification to be started as soon as possible and the Electricity Commissioners accordingly ask for the fullest co-operation of all authorised undertakers in bringing into practical operation the provisions of the Electricity Supply (Meters) Act.

Electricity Commission.
September 14th, 1937.

S. R. & O., 1938, No. 484.

THE ELECTRICITY SUPPLY (METERS) ACT, 1936 (APPOINTED DAY) ORDER, 1938. DATED APRIL 20TH, 1938.

Whereas by Subsection (1) of Section 1 of the Electricity Supply (Meters) Act, 1936 (*a*), it is, *inter alia*, enacted that not later than the appointed day the Electricity Commissioners shall appoint and thereafter keep appointed a sufficient number of competent and impartial persons as meter examiners.

And whereas by Section 4 of the said Act "the appointed day" means such day as the Minister of Transport may by order appoint.

Now therefore the Minister of Transport in exercise of the powers so conferred upon him and of all other powers enabling him in that behalf hereby orders as follows:—

1. The appointed day for the purposes of Subsection (1) of Section 1 of the said Act shall be the first day of July, One Thousand Nine Hundred and Thirty-Eight.

2. The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order as it applies for the purpose of the interpretation of an Act of Parliament.

3. This Order may be cited as "The Electricity Supply (Meters) Act, 1936 (Appointed Day) Order, 1938."

Given under the Seal of the Minister of Transport this twentieth day of April, One Thousand Nine Hundred and Thirty-Eight.

(L.S.) 10517
W.D.D.

SIDNEY J. PAGE,
An Assistant Secretary.

S. R. & O., 1938, No. 513.

THE ELECTRICITY SUPPLY (METERS) ACT, 1936 (APPOINTED DAY) ORDER (NO. 2), 1938. DATED MAY 2ND, 1938.

Whereas by the Electricity Supply (Meters) Act, 1936 (Appointed Day) Order, 1938 (*b*), it is ordered that the appointed day for the purposes of subsection (1) of

(*a*) 29 Halsbury's Statutes 133.
(*a*) S. R. & O., 1938, No. 484, *supra*.

Section 1 of the Electricity Supply (Meters) Act, 1936 (*a*), shall be the first day of July, 1938, and it is desirable that the same day should also be appointed for the purpose of ascertaining the meters to which Section 3 of the said Act applies.

Now, therefore, the Minister of Transport in exercise of the powers conferred upon him by the said Act and of all other powers enabling him in that behalf hereby orders as follows:—

1. The first day of July, 1938, shall be the appointed day for the purposes of sub-section (3) of Section 3 of the said Act, as well as for the purposes of sub-section (1) of Section 1 of that Act.

2. The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order as it applies for the purpose of the interpretation of an Act of Parliament.

3. This Order may be cited as "The Electricity Supply (Meters) Act, 1936 (Appointed Day) Order (No. 2) 1938," and this Order and the Electricity Supply (Meters) Act, 1936 (Appointed Day) Order, 1938, may together be cited as "The Electricity Supply (Meters) Act, 1936 (Appointed Day) Orders, 1938."

Given under the Seal of the Minister of Transport this second day of May, One thousand nine hundred and thirty-eight.

(L.S.)

SIDNEY J. PAGE,
An Assistant Secretary.

ELECTRICITY SUPPLY (METERS) ACT, 1936.

FURTHER EXPLANATORY NOTES CONCERNING THE TESTING AND CERTIFICATION OF ELECTRICITY METERS, ETC.

Appointed Day.

1. The Minister of Transport has fixed July 1st, 1938, as the Appointed Day for the purposes of the Electricity Supply (Meters) Act, 1936 (*a*).

Obligations of Undertakers.

2. The attention of all Undertakers is drawn to the fact that the transitional provisions of Section 3 of the Act of 1936 which apply to all meters (other than certified meters or meters which are the subject of special agreements with consumers) installed on the premises of a consumer before the appointed day (in this paragraph referred to as existing meters), will not apply to meters installed after the beginning of that day, including any existing meters which are disconnected and removed after that day and subsequently reused. All meters (other than meters which are the subject of special agreements) installed on the premises of ordinary consumers after the appointed day should therefore be certified.

3. By the appointed day it is therefore essential that all Undertakers should have made provision for the examination testing and regulating of meters in accordance with subsection (1) of Section 2 of the Act of 1936, or alternatively, should have come to an arrangement (approved by the Electricity Commissioners) with some other Undertakers or person under subsection (2) of Section 2. Any Undertakers who have not yet completed such provision or arrangement should at once get in touch with the Area Meter Examiner (*b*).

4. The attention of those Undertakers who have not yet submitted meters for certification on a voluntary basis is directed to paragraphs 23 to 25 of the Supplementary Notes dated September 14th, 1937, and to paragraphs 1 to 4 of the Further Notes dated December, 1937.

(*a*) 29 Halsbury's Statutes 133.
(*b*) See letter of December 7th, 1939, *post*, p. 2788.

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5. Furthermore, such Undertakers should take the earliest possible steps to bring their meter testing apparatus and organisation into full use so as to gain experience and enable any practical and technical difficulties which may be found to arise to be overcome and thus ensure that testing up to certification stage is working smoothly and efficiently to the Undertakers full requirements.

6. In this connection the Electricity Commissioners wish to emphasise that the provision of standard and sub-standard instruments and accessories in accordance with the Approval of Apparatus dated June 4th, 1937, is not in itself sufficient to ensure a high standard of accuracy in testing and consistent results. Control apparatus and sundry equipment should be designed for the particular purpose of meter testing and should be of a first class standard of manufacture. The employment of efficient and fully trained personnel is essential and those engaged on the periodical calibration and checking of sub-standard apparatus should be specially selected for their proficiency in testing.

7. Experience shows that greater care is necessary in recording particulars on the certification forms and that closer attention should be paid to submitting meters which are at least 0·5 per cent. within the percentage limits of error allowed, for the reasons given in paragraph 15 of the Supplementary Notes dated September 14th, 1937. Inattention to these matters has resulted in the avoidable rejection of meters which have been submitted for certification. It would also appear that some Undertakers may find it necessary to devote more time and care than they have hitherto done in re-conditioning meters taken off circuit if such meters are to be brought to the standard required for certification.

8. As it will not be practicable for all undertakings or testing stations to be visited by a Meter Examiner on the appointed day for the purpose of certifying the meters which the Undertakers will require for installation on consumers premises on and after the appointed day, the Undertakers should take the necessary steps to ensure that they are in a position to submit meters for certification in adequate time *before* the appointed day in order that stocks of certified meters may be available.

Approved Apparatus.

9. Before apparatus can be brought into use for the purpose of testing meters to be submitted for certification, such apparatus must have been approved either for use on a temporary basis under paragraph 4 of the Approval of Apparatus, etc., dated June 4th, 1937, or for use on a continuing basis under paragraph 6 of that Approval.

Sealing of Meters.

10. Attention is also drawn to paragraphs 8 to 14 of the Explanatory Notes dated December, 1937, in regard to the sealing of meters submitted for certification, and in particular to paragraph 11 concerning the notification to the Chief Meter Examiner of the name and status of the officer charged with responsibility for the custody, issue and use of the sealing instruments at a testing station, and paragraph 13 as to the requirement that the prescribed form of seal must be used after March 1st, 1938.

Fees.

11. As indicated by the Electricity Commissioners in their letter of December 8th, 1937, and in paragraph 15 of the Explanatory Notes dated December, 1937, they have prescribed that the fee for the examination and/or certification of meters shall for the time being and until further notice be 3*d.* (three pence) for each meter examined and/or certified.

12. In paragraph 16 of the said Explanatory Notes it was stated that during the period of voluntary certification prior to the appointed day a fee would not be charged for the re-certification of prepayment meters and electrolytic meters where necessitated by the breaking of their seals while on circuit for minor adjustments not affecting the electrical registration or for re-setting. The Electricity Commissioners have since decided not to prescribe a fee for the re-certification of such meters for a period of twelve months from the appointed day. The position will be further considered at the end of that period.

Electrolytic Meters.

13. It has been represented to the Electricity Commissioners that if electrolytic meters are sealed before certification, the seals will in the majority of cases require to be broken again for the purpose of fixing the meters on consumers' premises owing to the holes for the fixing screws being within the meter, and that it is necessary to reset such meters on installation in the consumers' premises. After consideration of certain suggestions which have been made, the Electricity Commissioners see no practical alternative but to require such meters to be sealed before certification and for a pink certification form to be completed for the purpose of re-certification when the seals of such meters are broken on installation in the consumers' premises.

Approved Constructions and Patterns of Meters.

14. As indicated in paragraph 7 of the Explanatory Notes issued in June, 1937, with the Approval of Apparatus, an electricity meter in order to be eligible for certification must be of a construction and pattern approved by the Electricity Commissioners (or by the Board of Trade prior to 1920).

15. In paragraph 5 of the Supplementary Notes dated September, 1937, it was pointed out that there were certain types of meters which the Electricity Commissioners were not prepared to approve. During the last few months the Electricity Commissioners have approved the pattern and construction of the majority of types of meter which are at present in use, including, on reconsideration, ampere-hour and watt-hour meters of the commutator type.

16. If Undertakers are in doubt as to whether any of the meters which they still use are of an approved pattern and construction they can obtain information on this point either from the Meter Examiners or by communicating direct with the particular manufacturer concerned. In many cases the Electricity Commissioners in approving a particular pattern of meter have limited such approval to existing meters and have not extended it to meters for future manufacture.

17. Furthermore in the case of ampere-hour and watt-hour meters of the commutator type, it has been the practice of the Electricity Commissioners to attach a further condition to their approvals to the effect that such meters shall cease to be of an approved pattern and construction (and therefore not eligible for certification) at the expiration of a period of ten years from the appointed day.

18. The Electricity Commissioners have received representations from certain Undertakers who have in use a large number of double coil meters (a type which has not hitherto been approved by the Electricity Commissioners) that hardship would be caused if such meters could not be submitted for certification and re-used even as single coil meters once they have been disconnected and removed from consumers' premises after the appointed day.

19. The Electricity Commissioners understand that it would be feasible for one of the coils to be cut out so that the meter could be used as a single coil meter directly registering kilowatt hours. After consideration of all the circumstances, the Electricity Commissioners are prepared to consider for approval modified meters which register kilowatt hours directly on the dials (but *not* meters involving the use of a multiplying factor to arrive at the number of kilowatt hours consumed). Any approval which may be given would, however, only apply to existing meters and not to meters for future manufacture. Meter manufacturers have been informed that if they desire to obtain approval of the Electricity Commissioners for this type of meter on the basis of a single coil meter they should communicate with the National Physical Laboratory accordingly.

20. Another question concerning meters which has been brought to the notice of the Electricity Commissioners is whether an approved type of meter ceases to be an approved type in cases where the manufacturers name-plate is covered or replaced by a plate bearing the name of another firm. The Electricity Commissioners feel that in future the practice of covering or replacing the manufacturer's name-plate should be discontinued, as the name of the makers to whom the approval has been given should be identifiable by the Meter Examiners in connection with any certification of a meter. They are advised, however, and are prepared to agree, that existing

ELECTRIC LIGHTING AND POWER

meters of an approved type continue to be so approved if they continue to bear the name of the manufacturer to whom the approval for that type was issued notwithstanding that the name is obscured by another plate, but provided that the obscuring plate may be easily removed for inspection of the inscription beneath. The Electricity Commissioners also understand that in certain cases Undertakers themselves fix name-plates, etc., to meters after purchase. In such cases care should be taken that this is done in such a manner as not to cause damage to the meter.

Standard and Substandard Apparatus.

21. In paragraph 9 of the Supplementary Notes of September 14th, 1937, the Electricity Commissioners indicated that for the periodical testing of substandard indicating wattmeters, the use of a substandard voltmeter with a 12-in. scale in conjunction with a potentiometer would be allowed; and a Specification for such voltmeters was included in the Further Notes dated December, 1937.

22. In this connection it was brought to the notice of the Electricity Commissioners that prior to the publication of that Specification, certain Undertakers had ordered substandard direct current voltmeters of the dynamometer (and not the moving coil) type. Where construction was too far advanced when the Specification was issued for the order to be cancelled, the Electricity Commissioners are prepared to consider such instruments for approval subject to their complying with the Specification in Appendix "A" hereto.

23. Representations have been made by the owners of certain testing stations that for the purpose of voltage measurement in the testing of substandard wattmeters they should be allowed to make use of existing potentiometers which do not comply in all respects with the Specification for Standard Apparatus. The Electricity Commissioners will be prepared to consider for approval re-conditioned potentiometers for this limited use subject to their complying with the Specification in Appendix "B" hereto and to the owners of the testing station complying with the Methods of Use prescribed in Appendix "C" hereto.

24. A "Voltage Standardiser" for use in conjunction with a standard potentiometer in the calibration of substandard watt-meters has recently been brought to the notice of the Electricity Commissioners, and a report with regard to this Instrument has been received from the National Physical Laboratory. The Electricity Commissioners will be prepared to consider such "Voltage Standardisers" for approval subject to their complying with the Specification set out in Appendix "D" hereto.

25. It is necessary to emphasise that both substandard potentiometers and substandard direct current (dynamometer and moving coil) voltmeters must be calibrated on each occasion immediately before use at the voltage for which they are to be used and held to that voltage during use.

Testing of Disputed Meters.

26. The Electricity Commissioners have had under consideration the procedure to be adopted in connection with the testing of disputed meters in cases where the Undertakers or consumers make application under Section 3 of the Act of 1936 or under Section 57 of the Schedule to the Electric Lighting (Clauses) Act, 1899 (or corresponding provision in Acts or Orders) to have a dispute determined by a Meter Examiner. The matter has formed the subject of a preliminary discussion with representatives of the Supply Associations, but the Electricity Commissioners are not yet in a position to make a general announcement as to the methods of testing to be observed in such cases.

Electricity Commission.

June 17th, 1938.

APPENDIX A.

SPECIFICATION FOR SPECIAL DIRECT CURRENT VOLTMETERS (DYNAMOMETER TYPE) FOR USE WITH POTENTIOMETERS.

The Voltmeter shall comply—

(i) with the Specification for Special Direct Current Voltmeters (Moving Coil Type) set out in the Schedule to the Explanatory Notes dated December, 1937, exclusive of Clause " (a) Type " thereof, and

(ii) with the following additional requirements, namely—

(a) *Polarity Effect.*

The instrument shall exhibit no change of correction due to reversal of polarity greater than 0·1 per cent. at the full scale point.

(b) *Conditions of Use.*

The Voltmeter shall be connected across the voltage supply to the wattmeters under test. At the commencement of any set of observations, the voltage shall be set to the required value by means of the Potentiometer. The reading of the Voltmeter shall then be observed. Throughout the remainder of the tests the voltage shall be held to that particular voltmeter reading. The Voltmeter shall not be disconnected or reversed without rechecking from the Potentiometer.

APPENDIX B.

SPECIFICATION FOR SUBSTANDARD POTENTIOMETER FOR D.C. VOLTAGE MEASUREMENT.

(a) *Range.*

The potentiometer shall have a range of at least 0 to 1·5 volts.

In the slide-wire type one division of the slide-wire shall correspond to 0·001 volt or less and shall have a length of not less than 2 millimetres. In the non-slide-wire type, one step of the lowest reading dial shall correspond to 0·0005 volt or less.

(b) *Accuracy.*

No section of the potentiometer shall depart from its nominal resistance at a temperature of 20° C. by an amount sufficient to cause an error exceeding 0·001 volt.

(c) *Construction.*

A rheostat or rheostats providing smooth and adequate adjustment of the potentiometer current shall be fitted.

A selector switch giving a choice of not less than two external circuits shall be fitted unless an independent section is provided for balancing against the standard cell.

(d) *General.*

A substandard potentiometer shall be used in conjunction with an approved standard cell and an approved voltage dividing resistance having such ranges that the voltage applied to the potentiometer terminals in any test is not less than 0·75 volt; and its use shall be limited to the maintenance of constant voltage on the voltage terminals of wattmeters during calibration.

If any exposed material used for insulating purposes is of a type which is adversely affected by light, a plate shall be fitted to the potentiometer embodying an instruction to the effect that the potentiometer is to be protected from light when not in use.

Ordinary black ebonite will be regarded as material of this type.

APPENDIX C.

METHOD OF USE OF AUXILIARY VOLTMETER OR SUBSTANDARD POTENTIOMETER IN CONJUNCTION WITH A STANDARD POTENTIOMETER.

(a) *Calibration of wattmeter employing an auxiliary direct current voltmeter.*

The voltmeter and an approved voltage dividing resistance shall be connected to the voltage terminals of the wattmeter. Prior to the calibration the voltage shall be set to the required value by means of the standard potentiometer one pair of circuit terminals of which are connected to the appropriate terminals of the voltage dividing resistance. The reading of the voltmeter under these conditions shall be observed and thereafter during the calibration the voltage shall be maintained at the value corresponding to this reading while the standard potentiometer is switched over to measure the current through the current coils of the wattmeter under test.

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(b) *Calibration of wattmeter employing a substandard potentiometer.*

An approved voltage dividing resistance shall be connected to the voltage terminals of the wattmeter. The substandard potentiometer and one pair of circuit terminals of the standard potentiometer shall be connected to the appropriate terminals of the voltage dividing resistance. Prior to the calibration the voltage shall be set to the required value by means of the standard potentiometer. The substandard potentiometer shall be balanced under these conditions and the reading observed. Thereafter during the calibration the voltage shall be maintained at the value corresponding to this reading while the standard potentiometer is switched over to measure the current through the current coils of the wattmeter under test.

APPENDIX D.

SPECIFICATION FOR "VOLTAGE STANDARDISER" FOR USE IN CONJUNCTION WITH STANDARD POTENTIOMETER.

The term "Voltage Standardiser" in this specification refers to a piece of apparatus the object of which is to enable the direct current voltage employed in the calibration of wattmeters to be maintained accurately at a known value. The "Voltage Standardiser" thus serves the same purpose as a standard potentiometer used with a voltage dividing resistance, but whereas the latter can normally be used at any voltage up to the highest rated voltage of the dividing resistance, the "Voltage Standardiser" can be used only at the relatively few fixed voltages for which it is designed.

(a) *General.*

The "Voltage Standardiser" may be either of the constant current or of the constant resistance type. In the constant current type the resistance shall be not less than 50 ohms per volt and not more than 100 ohms per volt. In the constant resistance type the current taken from the line on any range shall be not less than one milliampere and not more than 20 milliamperes.

(b) *Standard Cell.*

The "Voltage Standardiser" shall be used in conjunction with a standard cell having an electromotive force not less than 1·01815 international volts and not greater than 1·01835 international volts at a temperature of 20° C.

Neither of the two cells referred to in paragraph 1 (*f*) of Appendix A to the Approval of Apparatus dated June 4th, 1937, shall be used for this purpose.

(c) *Accuracy.*

The error in the ratio of voltage division shall not exceed 0·02 per cent. at rated voltage on any range. In the absence of an adjustment to allow for variations in the electromotive force of the standard cell, it shall be assumed for the purpose of testing to this clause that the "Voltage Standardiser" will be used with a standard cell having an electromotive force of 1·01825 international volts.

(d) *Construction.*

Any exposed material used for insulating purposes shall be of a type which is not adversely affected by exposure to light. Ordinary black ebonite will not be regarded as suitable.

ELECTRICITY COMMISSION.

ELECTRICITY SUPPLY REGULATIONS, 1937.

Notification of Failures of Supply.

SIR,—The Electricity Commissioners have had under consideration the provisions of Regulation 21 (*c*) of the above-mentioned Regulations concerning the notification to them by authorised undertakers of failures of supply of such kind as may from time to time be required to be notified.

The present prescribed Form of Notice and also the nature of the failures of supply at present required to be notified are set out in Appendix B to the Explanatory Notes dated December, 1936, which were issued with the said Regulations.

It appeared to the Commissioners expedient that the existing requirements, namely, that undertakers should only notify complete failures of supply affecting the whole of their undertaking, should be extended and that undertakers should be

required to notify certain other kinds of failure of supply. The matter formed the subject of discussion with representatives of the principal Electricity Supply Associations, and the Commissioners have given careful consideration to the various suggestions put forward as to the nature of the other kinds of failures which should be notified.

As a result, the Commissioners have decided, in pursuance of the provisions of Regulation 21 (*c*), to require for the time being the notification of failures of supply of the kinds specified in the Notes under the prescribed Form of Notice enclosed herewith, the Form of Notice itself being the same as that set out in Appendix B to the Explanatory Notes dated December, 1936.

The revised requirements apply to all undertakers and have effect as from April 1st, 1939.

* * * * * *

I am, Sir,
Your obedient Servant,
R. T. G. FRENCH,
Secretary.

Electricity Commission,
Savoy Court,
Strand, London, W.C.2.
29*th March*, 1939.

FORM OF NOTICE.

(of Failure of Supply.)

Authorised Undertakers .....

Act or Order .....

Location of Failure (Borough, District or Parish) .....

* Nature of Failure (See Notes below) .....

Date and Duration of Failure. Date ..... From .....

To .....

Cause of Failure .....

Other Details .....

(*Signed*).....
Electrical Engineer.

Date. .....

* *Notes.*—The Electricity Commissioners require notification of failures of supply of the following kinds:

(1) Any complete failure of supply, of whatever duration, affecting the whole of the undertaking;

(2) Any failure, of whatever duration, of a supply of electricity in bulk whether given or received by the undertakers;

(3) Any failure of supply for a period of one hour or more on any part of the high voltage system of the undertakers which affects transforming or converting plant having in the aggregate an installed capacity of 1,000 kws. or more, the aggregate installed capacity to include only the capacity of the plant required for the final transformation or conversion to consumers' voltages;

(4) Any other failure of supply for a period of more than twelve hours on any part of the high voltage system of the undertakers.

If within the three months previous to any failure of supply reported under headings (3) or (4) there have been other failures of supply to the same body of consumers of less than the duration specified in those headings, brief particulars of such other failures should also be included in a report submitted under those headings.

These requirements will have effect as from April 1st, 1939, and will continue to apply unless and until varied by the Electricity Commissioners; and are in substitution for the requirements specified in the note at the head of the Form of Notice set out in Appendix B to the Explanatory Notes, dated December, 1936, which were issued with the Electricity Supply Regulations, 1937.

Electricity Commission,
Savoy Court,
Strand, W.C.2
March, 1939.

ELECTRIC LIGHTING AND POWER

ELECTRICITY SUPPLY (METERS) ACT, 1936.

SIR,—The Electricity Commissioners desire me to refer to the penultimate paragraph of their letter of August 25th (A.950/785/7) concerning the procedure to be adopted with regard to the certification of electricity meters under war emergency conditions.

As it is essential that these statutory obligations should be performed on the most economical basis, from the point of view of man power and other considerations, the Commissioners have decided that the testing and certification of all new meters (other than those already in the possession of undertakings) shall be undertaken in the Meter Manufacturers' own Testing Stations. This new arrangement will come into operation as and when each Meter Manufacturer intimates that he is in a position to undertake the testing of his meters for certification.

New meters already in the possession of undertakings, and meters on circuit brought in for repair and certification, will for an interim period continue as far as practicable to be dealt with as at present and the Meter Examiners will endeavour to visit testing stations as and when required on the general basis of their usual itineraries until it is seen how the situation develops.

Testing station owners will, however, appreciate the necessity for limiting travelling to a minimum and they are accordingly asked to keep in close touch with Meter Examiners and to inform them when sufficient meters are ready for certification, or whether projected visits could be postponed in cases where sufficient stocks of certified meters are in hand.

Owing to other demands on staff for various reasons it may not prove practicable to continue to operate all existing testing stations. Undertakers operating testing stations are therefore urged to explore the possibility of coming to an arrangement with another undertaker whose testing station is likely to continue in operation, for the testing and certification of meters taken off circuit.

Where testing station owners require meters to be certified as a matter of urgency and it is not practicable for a meter examiner to visit the testing station, the certificates (in duplicate) should be posted to the examiner. Provided the recorded tests show results within the prescribed limits of error, the meter examiner will have discretion to certify the meters; and the signed certificates will be returned to the testing station owners. This procedure must only be adopted in exceptional cases.

While duplicate certificate forms will continue to be made out by testing station owners, the present practice of forwarding one of the forms to Savoy Court will be discontinued. To facilitate the accounting arrangements in connection with the recovery of the certification fees, each meter examiner will at the conclusion of a visit to a testing station prepare a summarised statement of the number of meters examined and/or certified. This Summary Form will be signed by the meter examiner and by a responsible officer of the testing station.

In the exceptional cases where meters are certified by post, the meter examiner will not be in a position to obtain a signature by an officer of the testing station on the Summary Form, but will forward a copy of the summary to the owners of the testing station when returning the certificates.

With regard to the approval of testing apparatus in pursuance of Section 2 of the Electricity Supply (Meters) Act, 1936, and for the purposes of the Approval of Apparatus dated June 4th, 1937, all existing apparatus which has already been approved on a continuing or a temporary basis will continue to be so approved so long as it complies with the requirements specified in the said Approval of Apparatus dated June 4th, 1937.

New apparatus proposed to be used on a continuing basis must be submitted to the National Physical Laboratory for examination, in accordance with paragraph 6 of the Approval of Apparatus. If the owners receive a satisfactory certificate from the National Physical Laboratory the Commissioners will regard the apparatus covered by such certificate as approved by them from the date of the certificate, and a separate approval will not be issued by the Commissioners as hitherto.

This decision will also apply to apparatus which has already been submitted to the National Physical Laboratory for examination. Any such apparatus approved on the foregoing basis will continue to be so approved so long as it complies with the requirements specified in the Approval of Apparatus.

The position will be further reviewed as the situation develops and the Commissioners feel sure that they can rely on the co-operation of all testing station owners in carrying into effect these and any other emergency arrangements for meter certification which may be found to be necessary.

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I am, Sir,
Your obedient Servant,
R. T. G. FRENCH,
Secretary.

Electricity Commission,
Savoy Court,
Strand, W.C.2.
7th December, 1939.

ELECTRICITY SUPPLY REGULATIONS, 1937.

Notification of Failures of Supply.

Reference A.950/768.

SIR,—The Electricity Commissioners desire me to refer to the provisions of Regulation 21 (*c*) of the above-mentioned Regulations and to the revised requirements with regard to the notification of failures of supply dealt with in their circular letter of March 29th, 1939.

After a further review of the position from a War Emergency point of view and in the light of experience gained since the revised requirements came into operation, the Commissioners have decided, in pursuance of the provisions of Regulation 21 (*c*), to require, for the time being, the notification of failures of supply of the kinds specified on the attached Form of Notice.

The revised requirements apply to all undertakers and have effect as from October 1st, 1939.

* * * * * *

I am, Sir,
Your obedient Servant,
R. T. G. FRENCH,
Secretary.

Electricity Commission,
Savoy Court,
Strand, W.C.2.
29th September, 1939.

FORM OF NOTICE.
(of Failure of Supply.)

Authorised Undertakers .....

Act or Order .....

Location of Failure (Borough, District or Parish) .....

* Nature of Failure (See Notes below) .....

Date and Duration of Failure. Date.....From .....

To.....

Cause of Failure .....

Other Details .....

(*Signed*).....
Electrical Engineer.

Date.....

* *Notes.*—The Electricity Commissioners require notification of failures of supply of the following kinds:

(1) Any complete failure of supply, for a period of one hour or more, affecting the whole of the undertaking;

(2) Any failure, for a period of one hour or more, of a supply of electricity in bulk whether given or received by the undertakers;

(3) Any failure of supply, for a period of two hours or more, on any part of the high voltage system of the undertakers which affects transforming or converting plant

ELECTRIC LIGHTING AND POWER

having in the aggregate an installed capacity of 1,000 kws. or more, the aggregate installed capacity to include only the capacity of the plant required for the final transformation or conversion to consumers' voltages;

(4) Any other failure of supply, for a period of more than twelve hours, on any part of the high voltage system of the undertakers;

(5) Any failure of supply, of whatever duration, due to damage to the works of the undertakers consequent upon hostile attack.

These requirements will have effect as from October 1st, 1939, and will continue to apply unless and until varied by the Electricity Commissioners; and are in substitution for the requirements previously prescribed.

Electricity Commission,
Savoy Court,
Strand, W.C.2.
September, 1939.

EMPLOYMENT OF WORKMEN.

S. R. & O., 1932, No. 43.

THE UNEMPLOYMENT INSURANCE (EXCEPTED SUBSIDIARY EMPLOYMENTS AND INCLUSION) SPECIAL ORDER, 1931, DATED NOVEMBER 26TH, 1931, MADE BY THE MINISTER OF LABOUR UNDER THE UNEMPLOYMENT INSURANCE ACT, 1920.*

The Minister of Labour by virtue of the powers conferred by paragraph (*j*) of Part II of the First Schedule to and Section 4 of the Unemployment Insurance Act, 1920, and of all other powers in that behalf with the approval of the Treasury, hereby makes the following Special Order:—

1. The employments of the several classes set forth in the First Schedule hereto are specified as being of such a nature that they are ordinarily adopted as subsidiary employments only, and not as the principal means of livelihood, and are excepted employments within the meaning of the Unemployment Insurance Acts, 1920–1931 (*a*), (hereinafter referred to as the "Acts").

2. The persons specified in the Second Schedule hereto shall be included among the persons employed within the meaning of the Acts.

3. The several Orders specified in the Third Schedule hereto are hereby revoked, but such revocation shall not affect any right, privilege, obligation or liability acquired, accrued or incurred under any of those orders.

4.—(i) The Interpretation Act, 1889, applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(ii) This order may be cited as the Unemployment Insurance (Excepted Subsidiary Employments and Inclusion) Special Order, 1931, and shall be deemed to have effect from the fourth day of January, 1932.

Signed by order of the Minister of Labour this twenty-sixth day of November, 1931.

T. W. PHILLIPS,
Deputy Secretary of the Ministry of Labour.

* This Special Order having lain before both Houses of Parliament for twenty days in accordance with Section 36 (2) of the Unemployment Insurance Act, 1920, duly came into force.

(*a*) 20 Halsbury's Statutes 656; 24 Halsbury's Statutes 570. Repealed; see now the Unemployment Insurance Acts, 1935–1939; 28 Halsbury's Statutes 499; 29 Halsbury's Statutes 1034; 31 Halsbury's Statutes 807; 32 Halsbury's Statutes 741. This Order is saved by s. 114 of the 1935 Act.

* * * * * *

SCHEDULES.

FIRST SCHEDULE.

EXCEPTED SUBSIDIARY EMPLOYMENTS.

(NOTE.—*Persons employed in any of the employments which are marked in this Schedule with an asterisk are, when employed in the circumstances described in the Second Schedule, included among the persons employed within the meaning of the Acts.*)

I.

EMPLOYMENT IN CONNEXION WITH RELIGIOUS WORSHIP, ETC.

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II.

EMPLOYMENT UNDER THE CROWN, ETC.

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III.

EMPLOYMENT UNDER LOCAL AUTHORITIES, ETC.

Employment, ordinarily involving less than twenty-eight hours' service weekly, by any local or other public authority, as a person employed to act in relief of gymnasium or lavatory attendants, or of attendants at a park, playground, or other public open space.

* Employment in England and Wales, involving less than twenty-eight hours' service weekly, by a local or other public authority, or by any company or body responsible for the lighting of any borough, or other local area, as lamp lighter or extinguisher, whether the employment does or does not include the duty of cleaning or keeping in order the lamps.

Employment, involving part-time service only, by a local education authority or by the managers of a public elementary school or, in Scotland, by a local or other public authority or by the managers of a State-aided school, in the cleansing of drains, cesspools, pits or offices in or about any such school.

Employment, involving attendance on Sundays only, by a local education authority or, in Scotland, by a local or other public authority, in relief of a school keeper in a public elementary school or, in Scotland, a State-aided school or by the managers of a public elementary school or, in Scotland, a State-aided school, in relief of the school keeper in the school.

Employment, involving part-time service only, by a local education authority, or, in Scotland, by a local or other public authority, or by the managers of a public elementary school or, in Scotland, a State-aided school as a supervisor of meals provided in accordance with the Education Act, 1921 (*a*), and the Education (Scotland) Act, 1908.

* Employment, involving occasional service only as a macebearer.

Employment in the capacity of:—

(*a*) Special Constable;

*(*b*) Town Crier.

Employment, involving part-time service only, in the capacity of:—

(*a*) Member of a fire brigade;

(*b*) Probation Officer under the Probation of Offenders Act, 1907 (*b*).

Employment in England and Wales, involving part-time service only, as Fishery Officer under any of the following authorities or bodies:—

(*a*) Local fisheries committees constituted under the Sea Fisheries Regulation Acts, 1888 to 1894;

(*b*) Boards of conservators constituted under the Salmon and Freshwater Fisheries Act, 1923 (*c*);

(*c*) Boards of salmon conservators having the powers of a local fisheries committee under the Sea Fisheries Regulation Acts, 1888 to 1894.

Employment, involving part-time service only, in any of the following capacities:—

Caretaker of a burial ground, cemetery or crematorium in England and Wales under the control of a burial authority within the meaning of the Burial Acts, 1852 to 1906, and the Cremation Act, 1902 (*d*);

(*a*) 7 Halsbury's Statutes 130.
(*b*) 11 Halsbury's Statutes 365.
(*c*) 8 Halsbury's Statutes 780.
(*d*) 2 Halsbury's Statutes 281.

EMPLOYMENT OF WORKMEN

Caretaker of a burial ground, churchyard, or crematorium in Scotland under the control of the Statutory Local Authority;

Caretaker of a cemetery or crematorium in England and Wales constructed under any special Act of Parliament;

Caretaker of a water works in England and Wales under the control of a local authority or other water undertaker, and in Scotland under the control of a local public authority or other water undertaker.

IV.

EMPLOYMENT UNDER LIGHTHOUSE AUTHORITY, ETC.

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V.

EMPLOYMENT IN CONNEXION WITH AGRICULTURE.

VI.

EMPLOYMENT IN THEATRES, ETC.

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VII.

MISCELLANEOUS EMPLOYMENTS.

Employment as secretary or clerk of a society, club, committee, philanthropic institution, school or other similar body or institution, where personal service is ordinarily required only occasionally or outside the ordinary hours of work.

Employment in the performance of clerical duties after 6 p.m. or otherwise outside the ordinary hours of work.

* * * * * *

Employment as a caretaker in respect of which no wages are paid, or other money payments are made, either by the employer or by any other person.

Employment, involving part-time service only, in the capacity of:—

(*a*) Member of a town band;

(*b*) Political agent;

(*c*) Water bailiff, *i.e.*, a person employed to protect a river, lake, loch, or watercourse from pollution or trespass;

(*d*) Caretaker of ancient monuments.

Employment, involving part-time service only, in reading to the blind.

* Employment, involving part-time service only, in attendance upon old age pensioners or persons in receipt of outdoor relief, where the employer is not the person to whom attendance is given.

Employment, involving part-time service only, as a sick visitor by or on behalf of an Approved Society or other body providing benefits to its members during sickness, or a branch of any such society or body.

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SECOND SCHEDULE.

Inclusion of persons employed in those classes of employment marked with an asterisk in the First Schedule hereto when employed in the circumstances herein described.

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(6) Any person employed in England and Wales by a local or other public authority, or by any company or body responsible for the lighting of any borough or other local area, as lamp lighter or extinguisher. (7) Any person employed in employment involving occasional service only as a mace bearer. (8) Any person employed in the capacity of town crier.	Where the person so employed is otherwise ordinarily employed by the authority, company, or other body or person to whom the service is rendered.

* * * * * *

(13) Any person employed in employment involving part-time service only in attendance upon old age pensioners or persons in receipt of outdoor relief, where the person so employed is otherwise ordinarily employed in the service of the same employer. EMPLOYMENT OF WORKMEN

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THIRD SCHEDULE.

REVOCATION.

The Unemployment Insurance (Subsidiary Employments) Special Order, 1925 (S. R. & O., 1925 (No. 1323), p. 1646).

The Unemployment Insurance Inclusion Order, 1925 (S. R. & O., 1925 (No. 1367), p. 1650).

The Unemployment Insurance Inclusion (Amendment) Order, 1930 (S. R. & O., 1930 (No. 296), p. 1874).

S. R. & O., 1932, No. 501.

THE NATIONAL HEALTH INSURANCE (SUBSIDIARY EMPLOYMENTS) ORDER, 1932,* DATED MAY 3RD, 1932, MADE BY THE NATIONAL HEALTH INSURANCE JOINT COMMITTEE AND THE MINISTER OF HEALTH, ACTING JOINTLY, UNDER PARAGRAPH (*m*) OF PART II OF THE FIRST SCHEDULE TO THE NATIONAL HEALTH INSURANCE ACT, 1924 AND BY THE SAID JOINT COMMITTEE ACTING ALONE UNDER THE PROVISO TO SECTION 1 (2) OF THE SAID ACT.

The National Health Insurance Joint Committee and the Minister of Health, in pursuance of the powers conferred on them by paragraph (*m*) of Part II of the First Schedule to the National Health Insurance Act, 1924 (*a*) (hereinafter referred to as "the Act"), and of all other powers enabling them in that behalf, and the said Joint Committee, in pursuance of the powers conferred on them by the proviso to sub-section (2) of Section 1 of the Act, and of all other powers enabling them in that behalf, and with the approval of the Treasury, hereby make the following Order:—

1. The employments of the several classes set forth in the First Schedule hereto are specified as being of such a nature that they are ordinarily adopted as subsidiary employments only and not as the principal means of livelihood.

2. Persons engaged in the several classes of employment specified in the Second Schedule hereto, under the conditions therein mentioned, shall be included amongst the persons employed within the meaning of the Act.

3. The National Health Insurance (Subsidiary Employments) Consolidated Order, 1924 (*b*), and the National Health Insurance (Subsidiary Employments) Amendment Order, 1930 (*c*), are hereby revoked, but without prejudice to any right, privilege, obligation or liability acquired, accrued or incurred under either of those Orders.

4.—(1) This Order may be cited as the National Health Insurance (Subsidiary Employments) Order, 1932.

(2) This Order shall not apply to Scotland or Northern Ireland.

(3) The Interpretation Act, 1889, applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

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* This Special Order having lain before both Houses of Parliament in accordance with Section 94 (6) of the National Health Insurance Act, 1924, came into force on June 23rd, 1932. It supersedes the Provisional Special Order which was made on the 12th day of December, 1931 (S. R. & O., 1931, No. 1030).

(*a*) 20 Halsbury's Statutes 567. Repealed; see now National Health Insurance Act, 1936, Sched. I, Part II, para. (*m*); 29 Halsbury's Statute 1191. This Order is saved by s. 228 of the 1936 Act.

(*b*) S. R. & O., 1925, No. 423.

(*c*) S. R. & O., 1931, No. 172.

EMPLOYMENT OF WORKMEN

SCHEDULES.

FIRST SCHEDULE.

Classes of employment specified as being of a subsidiary nature only and, therefore, excluded from being employment within the meaning of the Act.

(NOTE.—*Persons engaged in any of the classes of employment which are marked in this Schedule with an asterisk are, when engaged under the conditions mentioned in the Second Schedule, included amongst the persons employed within the meaning of the Act.*)

I.

EMPLOYMENT IN CONNECTION WITH RELIGIOUS WORSHIP, ETC.

* * * * * *

II.

EMPLOYMENT UNDER THE CROWN, ETC.

* * * * * *

III.

EMPLOYMENT UNDER LOCAL AUTHORITIES, ETC.

Employment, ordinarily involving less than twenty-eight hours' service weekly, by any local or other public authority, as a person employed to act in relief of gymnasium or lavatory attendants or of attendants at a park, playground, or other public open space.

* Employment, involving less than twenty-eight hours' service weekly, by a local or other public authority, or by any company or body responsible for the lighting of any borough or other local area, as lamp-lighter or extinguisher, whether the employment does or does not include the duty of cleaning or keeping in order the lamps.

Employment, involving part-time service only, by a local education authority or by the managers of a public elementary school in the cleansing of drains, cesspools, pits or offices in or about any such school.

Employment, involving attendance on Sundays only, by a local education authority in relief of a school keeper in a public elementary school or by the managers of a public elementary school in relief of the school keeper in the school.

Employment, involving part-time service only, by a local education authority or by the managers of a public elementary school as a supervisor of meals provided in accordance with the Education Act, 1921 (*a*).

* Employment, involving occasional service only, as a macebearer.

Employment in the capacity of :—

(*a*) Special constable ;

* (*b*) Town crier.

Employment, involving part-time service only, in the capacity of :—

(*a*) Member of a fire brigade ;

(*b*) Probation officer under the Probation of Offenders Act, 1907 (*b*).

Employment involving part-time service only, as fishery officer under any of the following authorities or bodies :—

(*a*) Local fisheries committees constituted under the Sea Fisheries Regulation Acts, 1888 to 1894 ;

(*b*) Boards of conservators constituted under the Salmon and Freshwater Fisheries Act, 1923 (*c*) ;

(*c*) Boards of salmon conservators having the powers of a local fisheries committee under the Sea Fisheries Regulation Acts, 1888 to 1894.

Employment, involving part-time service only, in any of the following capacities :—

Caretaker of a burial ground, cemetery or crematorium under the control of a burial authority within the meaning of the Burial Acts, 1852 to 1906, and the Cremation Act, 1902 (*d*) ;

(*a*) 7 Halsbury's Statutes 130.
(*b*) 11 Halsbury's Statutes 365.
(*c*) 8 Halsbury's Statutes 780.
(*d*) 2 Halsbury's Statutes 281.

Caretaker of a cemetery or crematorium constructed under any Special Act of Parliament;

Caretaker of a waterworks under the control of a local authority or other water undertaker.

IV.

EMPLOYMENT UNDER LIGHTHOUSE AUTHORITY, ETC.

* * * * * *

V.

AGRICULTURAL EMPLOYMENT.

* * * * * *

VI.

EMPLOYMENT IN THEATRE, ETC.

* * * * * *

VII.

MISCELLANEOUS EMPLOYMENTS.

Employment as secretary or clerk of a society, club, committee, philanthropic institution, school, or other similar body or institution, where personal service is ordinarily required only occasionally or outside the ordinary hours of work.

Employment in the performance of clerical duties after 6 p.m. or otherwise outside the ordinary hours of work.

* * * * * *

Employment as a caretaker in respect of which no wages are paid, or other money payments made, either by the employer or by any other person.

Employment, involving part-time service only, in the capacity of:—

(*a*) Member of a town band;

(*b*) Political agent;

(*c*) Water bailiff, *i.e.*, a person employed to protect a river, lake or water-course from pollution or trespass;

(*d*) Caretaker of ancient monuments.

Employment, involving part-time service only, in reading to the blind.

* Employment, involving part-time service only, in attendance upon old age pensioners or persons in receipt of outdoor relief, where the employer is not the person to whom attendance is given.

Employment, involving part-time service only, as a sick visitor by or on behalf of an approved society or other body providing benefits to its members during sickness, or a branch of any such society or body.

SECOND SCHEDULE.

Conditions under which persons engaged in certain of the classes of employment specified in the First Schedule are included amongst the persons employed within the meaning of the Act.

* * * * * *

(6) Any person employed by a local or other public authority, or by any company or body responsible for the lighting of any borough or other local area, as lamp lighter or extinguisher. (7) Any person employed as a mace-bearer or town crier. * * * *	Where the person so employed is otherwise ordinarily employed by the authority, company, or other body or person to whom the service is rendered.

* * * * * *

EMPLOYMENT OF WORKMEN

(13) Any person in attendance upon old age pensioners or persons in receipt of outdoor relief, where the person so employed is otherwise ordinarily engaged in the service of the same employer.

Given under the Official Seal of the National Health Insurance Joint Committee this 3rd day of May, One thousand nine hundred and thirty-two.

(L.S.)

V. H. COLEMAN,
Acting Secretary to the National Health Insurance Joint Committee.

Given under the Official Seal of the Minister of Health this 3rd day of May, One thousand nine hundred and thirty-two.

(L.S.)

W. A. ROBINSON,
Secretary, Ministry of Health.

We consent.

A. LAMBERT WARD,
WALTER J. WOMERSLEY,
Two of the Lords Commissioners of His Majesty's Treasury.

S. R. & O., 1935, No. 1075.

THE NATIONAL HEALTH INSURANCE (SUBSIDIARY EMPLOYMENTS) ORDER, 1935, BEING A PROVISIONAL SPECIAL ORDER, DATED OCTOBER 23RD, 1935, MADE BY THE NATIONAL HEALTH INSURANCE JOINT COMMITTEE AND THE MINISTER OF HEALTH, ACTING JOINTLY, UNDER PARAGRAPH (*m*) OF PART II OF THE FIRST SCHEDULE TO THE NATIONAL HEALTH INSURANCE ACT, 1924.

The National Health Insurance Joint Committee and the Minister of Health, acting jointly, hereby certify under subsection (7) of Section 94 of the National Health Insurance Act, 1924, as extended by Section 17 of the National Health Insurance Act, 1928 (*a*), that it is expedient that this Order should come into operation forthwith, and in pursuance of the powers conferred on them by paragraph (*m*) of Part II of the First Schedule to the National Health Insurance Act, 1924 (hereinafter referred to as "the Act") (*b*), and of all other powers enabling them in that behalf hereby make the following Order to come into operation immediately as a Provisional Order:—

1.—(1) This Order may be cited as the National Health Insurance (Subsidiary Employments) Order, 1935.

(2) This Order shall not apply to Scotland or Northern Ireland.

(3) The Interpretation Act, 1889, applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2. Employment, involving part-time service only, under a Local Savings Committee of the National Savings Committee in the capacity of clerk, secretary or organizer or in the performance of clerical duties for such a Committee, is hereby specified as being of such a nature that it is ordinarily adopted as subsidiary employment only and not as the principal means of livelihood.

Given under the official seal of the National Health Insurance Joint Committee this 23rd day of October nineteen hundred and thirty-five.

(L.S.)

E. C. MOFFREY,
Secretary to the National Health Insurance Joint Committee.

Given under the official seal of the Minister of Health this 23rd day of October nineteen hundred and thirty-five.

(L.S.)

GEORGE CHRYSTAL,
Secretary, Ministry of Health.

(*a*) 20 Halsbury's Statutes 470, 577.
(*b*) See note (*a*), *ante*, p. 2793.

EMPLOYMENT OF WORKMEN

S. R. & O., 1935, No. 1109.

THE UNEMPLOYMENT INSURANCE (SUBSIDIARY EMPLOYMENTS) ORDER, 1935, DATED NOVEMBER 8TH, 1935, MADE BY THE MINISTER OF LABOUR UNDER THE UNEMPLOYMENT INSURANCE ACT, 1935.

Whereas it is provided by paragraph 11 of Part II of the First Schedule to the Unemployment Insurance Act, 1935, (hereinafter referred to as "the Act") that employment of any class which may be specified in a Special Order made under the National Health Insurance Acts, 1924–1932 and declared by the Minister of Labour (hereinafter referred to as "the Minister") to apply for the purposes of the Act as being of such a nature that it is ordinarily adopted as subsidiary employment only and not as the principal means of livelihood shall be an excepted employment for the purposes of the Act;

Now therefore the Minister hereby makes the following Order:—

1. Employments of the classes specified in the Special Orders made under the National Health Insurance Act, 1924 (*a*), set out in the Schedule hereto are hereby declared by the Minister to be employments of such a nature that they are ordinarily adopted as subsidiary employments only and not as the principal means of livelihood, and the said Special Orders are hereby declared by the Minister to apply for the purposes of the Act.

2.—(1) This Order may be cited as the Unemployment Insurance (Subsidiary Employments) Order, 1935, and shall come into force on the eleventh day of November, 1935.

(2) The Interpretation Act, 1889, applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Signed by Order of the Minister of Labour this eighth day of November, 1935.

T. W. PHILLIPS,
Secretary of the Ministry of Labour.

SCHEDULE.

SPECIAL ORDERS MADE UNDER THE NATIONAL HEALTH INSURANCE ACT, 1924.

1. The National Health Insurance (Subsidiary Employments) Order, 1935 (S. R. & O., 1935, No. 1075) [*ante*, p. 2796].
2. The National Health Insurance Employments (Exclusion and Inclusion) Amendment Order (Scotland), 1935 (S. R. & O., 1935, No. 1065).

S. R. & O., 1936, No. 337.

THE UNEMPLOYMENT INSURANCE (EMPLOYMENT UNDER PUBLIC OR LOCAL AUTHORITIES AND TEMPORARY POLICE EMPLOYMENT) (EXCLUSION) REGULATIONS, 1936, DATED APRIL 9TH, 1936, MADE BY THE MINISTER OF LABOUR UNDER THE UNEMPLOYMENT INSURANCE ACT, 1935.

Whereas the Minister of Labour (hereinafter referred to as "the Minister") made the Unemployment Insurance (Employment under Local and Public Authorities) (Exclusion) Order, 1921, and the Unemployment Insurance (Temporary Police) (Exclusion) Special Order, 1929, and it is expedient to revoke the said Orders;

And whereas by virtue of the provisions of subsections (5) and (6) of section 114 of the Unemployment Insurance Act, 1935, the said Orders have effect as if they were Regulations duly made under the said Act;

And whereas the provisions of section 104 of the said Act have been duly complied with;

Now therefore the Minister, by virtue of the powers conferred on him by section 104 of and paragraph 3 of Part I of the First Schedule to the said Act, and of all other powers in that behalf, hereby makes the following Regulations:—

(*a*) 20 Halsbury's Statutes 470. See note (*a*), *ante*, p. 2793.

EMPLOYMENT OF WORKMEN

1.—(1) These Regulations may be cited as the Unemployment Insurance (Employment under Public or Local Authorities and Temporary Police Employment) (Exclusion) Regulations, 1936, and shall come into force on the date hereof.

(2) The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(3) The Orders set out in the First Schedule hereto are hereby revoked but such revocation shall not affect any right, privilege, obligation or liability acquired, accrued or incurred under those Orders, or anything done or to be done thereunder.

2.—(1) In these Regulations, unless the context otherwise requires:—

"The Act" means the Unemployment Insurance Act, 1935;

"Police Force" has the same meaning as in the Police Pensions Act, 1921 (*a*).

(2) Unless the context otherwise requires, any reference in these Regulations to the Unemployment Insurance Act, 1935, shall be construed as a reference to that Act as amended by any order or subsequent enactment.

3. There shall be excluded from the employments that are employments within the meaning of the Act, the employments set out in the Second Schedule hereto.

Signed by Order of the Minister of Labour this ninth day of April, 1936.

T. W. PHILLIPS,
Secretary of the Ministry of Labour.

SCHEDULES

FIRST SCHEDULE.

The Unemployment Insurance (Employment under Local and Public Authorities) (Exclusion) Order, 1921 (S. R. & O., 1921 (No. 339), p. 1386).
The Unemployment Insurance (Temporary Police) (Exclusion) Special Order, 1929 (S. R. & O., 1929 (No. 589), p. 1388).

SECOND SCHEDULE.

A.—Employment under any public or local authority—

1. As a chaplain or other minister of religion.
2. As a duly qualified medical practitioner.
3. As an unpaid officer of any public or local authority.
4. Under a contract of apprenticeship without money payment.
5. Otherwise than as an officer or servant of a public or local authority, not being employment specified in paragraphs 1 and 2 of Part 1 of the First Schedule to the Act.
6. In England or Wales as—
   (*a*) a coroner or deputy coroner;
   (*b*) a public analyst;
   (*c*) a public vaccinator;
   (*d*) superintendent registrar or deputy superintendent registrar, registrar or deputy registrar of births and deaths, or registrar or deputy registrar of marriages.
7. In Scotland as—
   (*a*) an analyst;
   (*b*) a public prosecutor;
   (*c*) assessor;
   (*d*) registrar or assistant registrar of births and deaths and marriages.

B.—Employment in a temporary capacity as a member of a police force where the person so employed was not normally before such employment an employed person. This employment does not include employment as a special constable.

(*a*) 12 Halsbury's Statutes 873.

EMPLOYMENT OF WORKMEN

S. R. & O., 1937, No. 447.

THE UNEMPLOYMENT INSURANCE (SUBSIDIARY EMPLOYMENTS) ORDER, 1937, DATED MAY 6TH, 1937, MADE BY THE MINISTER OF LABOUR UNDER THE UNEMPLOYMENT INSURANCE ACT, 1935.

Whereas it is provided by paragraph 11 of Part II of the First Schedule to the Unemployment Insurance Act, 1935 (hereinafter referred to as "the Act") that employment of any class which may be specified in a special order made under the National Health Insurance Act, 1936, and declared by the Minister of Labour (hereinafter referred to as "the Minister") to apply for the purposes of the Act as being of such a nature that it is ordinarily adopted as subsidiary employment only and not as the principal means of livelihood shall be an excepted employment for the purposes of the Act;

Now therefore the Minister hereby makes the following Order:—

1.—(1) This Order may be cited as the Unemployment Insurance (Subsidiary Employments) Order, 1937, and shall come into force on the date hereof.

(2) The Interpretation Act, 1889, applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2. Employment of the class specified in the National Health Insurance (Subsidiary Employments) Order, 1937, made under the National Health Insurance Act, 1936 (being employment involving part-time service only by a registration officer under the Representation of the People Acts as an assistant designated or appointed for the purpose of the preparation of the register of electors and of the jurors book) is hereby declared by the Minister to be employment of such a nature that it is ordinarily adopted as subsidiary employment only and not as the principal means of livelihood, and the said Special Order is hereby declared by the Minister to apply for the purposes of the Act.

Signed by order of the Minister of Labour this sixth day of May, 1937.

T. W. PHILLIPS,
Secretary of the Ministry of Labour.

S. R. & O., 1937, No. 684.

THE NATIONAL HEALTH INSURANCE (SUBSIDIARY EMPLOYMENTS) ORDER, 1937, BEING A PROVISIONAL SPECIAL ORDER, DATED MARCH 13TH, 1937, MADE BY THE NATIONAL HEALTH INSURANCE JOINT COMMITTEE AND THE MINISTER OF HEALTH, ACTING JOINTLY, UNDER PARAGRAPH (*m*) OF PART II OF THE FIRST SCHEDULE TO THE NATIONAL HEALTH INSURANCE ACT, 1936.

No. 442.

The National Health Insurance Joint Committee and the Minister of Health, acting jointly, hereby certify under subsection (7) of section 168 of the National Health Insurance Act, 1936, that it is expedient that this order should come into operation forthwith and, in pursuance of the powers conferred by paragraph (*m*) of part II of the first schedule to that Act and of all other powers enabling them in that behalf, hereby make the following order to come into operation immediately as a provisional order:—

1.—(1) This order may be cited as the National Health Insurance (Subsidiary Employments) Order, 1937.

(2) This order shall not apply to Scotland or Northern Ireland.

(3) The Interpretation Act, 1889, applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

2. Employment, involving part-time service only, by a registration officer under the Representation of the People Acts as an assistant designated or appointed for the

EMPLOYMENT OF WORKMEN

purpose of the preparation of the Register of Electors and of the Jurors Book is hereby specified as being of such a nature that it is ordinarily adopted as subsidiary employment only and not as the principal means of livelihood.

Given under the official seal of the National Health Insurance Joint Committee this thirteenth day of March nineteen hundred and thirty-seven.

(L.S.) E. C. MOFFREY,
Secretary to the National Health Insurance Joint Committee.

Given under the official seal of the Minister of Health this thirteenth day of March nineteen hundred and thirty-seven.

(L.S.) GEORGE CHRYSTAL,
Secretary, Ministry of Health.

S. R. & O., 1937, No. 1061.

THE NATIONAL HEALTH INSURANCE (EMPLOYMENT UNDER LOCAL AND PUBLIC AUTHORITIES) ORDER, 1937.* SPECIAL ORDER, DATED SEPTEMBER 15TH, 1937, MADE BY THE NATIONAL HEALTH INSURANCE JOINT COMMITTEE AND THE MINISTER OF HEALTH, ACTING JOINTLY, UNDER PARAGRAPH (*d*) OF PART I OF THE FIRST SCHEDULE TO THE NATIONAL HEALTH INSURANCE ACT, 1936.

439.

The National Health Insurance Joint Committee and the Minister of Health, acting jointly, in pursuance of the powers conferred on them by paragraph (*d*) of Part I of the First Schedule to the National Health Insurance Act, 1936 and of all other powers enabling them in that behalf, hereby make the following order :—

1.—(1) This order may be cited as the National Health Insurance (Employment under Local and Public Authorities) Order, 1937.

(2) This order shall not apply to Scotland or Northern Ireland.

(3) In this order "the Act" means the National Health Insurance Act, 1936, as amended by any subsequent enactment.

(4) The Interpretation Act, 1889, applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

2. Employment of any class specified in the Schedule to this order under any local or other public authority shall be deemed not to be employment within the meaning of the Act.

3. The National Health Insurance (Employment under Local and Public Authorities) Order, 1924 (*a*), and the National Health Insurance (Employment under Local and Public Authorities) Amendment Order, 1930 (*b*), are hereby revoked but without prejudice to anything duly done or suffered, or to any right, privilege, obligation or liability acquired, accrued or incurred, thereunder.

SCHEDULE.

Employment—

(1) as chaplain or other minister of religion;

(2) as a duly qualified medical practitioner;

(3) as a coroner or deputy coroner;

(4) as a public analyst;

(5) as a public vaccinator;

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* This order having been laid before both Houses of Parliament for thirty days in accordance with Section 168 (6) of the National Health Insurance Act, 1936, came into force on the twenty-fifth day of November, 1937.

(*a*) S. R. & O., 1925, No. 324.

(*b*) S. R. & O., 1930, No. 314.

(6) as superintendent registrar or deputy superintendent registrar, registrar of births and deaths or deputy registrar of births and deaths, or registrar of marriages or deputy registrar of marriages;

(7) under a contract of apprenticeship without money payment;

(8) as an unpaid officer of any local or other public authority;

(9) otherwise than as an officer or servant of a local or other public authority, not being an employment specified in Part I (*a*), (*b*), (*c*), (*e*) or (*f*) of the First Schedule to the Act.

Given under the official seal of the National Health Insurance Joint Committee this fifteenth day of September, nineteen hundred and thirty-seven.

(L.S.) E. C. MOFFREY,
Secretary, National Health Insurance Joint Committee.

Given under the official seal of the Minister of Health this fifteenth day of September nineteen hundred and thirty-seven.

(L.S.) GEORGE CHRYSTAL,
Secretary, Ministry of Health.

EXPLOSIVES.

S. R. & O., 1924, No. 1129.

ORDER OF SECRETARY OF STATE (NO. 11), DATED SEPTEMBER 20, 1924, MAKING BYE-LAWS AS TO THE CONVEYANCE OF EXPLOSIVES ON ROADS, AND IN CERTAIN SPECIAL CASES.

Whereas by Part I. (section 37) of the Explosives Act, 1875 (*a*) (hereinafter referred to as the Act), it is provided that a Secretary of State may from time to time make and when made rescind, alter or add to bye-laws for regulating the conveyance, loading, and unloading of gunpowder, in any case in which bye-laws made under any other provision of the Act do not apply, and in particular for declaring or regulating all or any of the matters thereinafter following:

And whereas by Part II. (section 39) of the Act it is declared that, subject to the provisions subsequently in Part II. of the Act contained, Part I. of the Act relating to gunpowder shall apply to every other description of explosive in like manner as if the provisions of such Part I. were re-enacted in such Part II. with the substitution of that description of explosive for gunpowder:

Now, therefore, in pursuance of the aforesaid provisions of the Act, I, one of His Majesty's Principal Secretaries of State, hereby order that the following bye-laws shall be observed with respect to the conveyance, loading, or unloading of gunpowder and other explosives, elsewhere than (1) in any harbour, (2) on any railway or canal with respect to which bye-laws regulating the conveyance, loading, or unloading of explosives may be made under section 36 of the Act, or (3) at any wharf or dock with respect to which bye-laws regulating the loading or unloading of explosive have been made under section 36 of the Act.

1. Explosive shall not be conveyed in a carriage or boat whilst carrying or plying for public passengers, unless the quantity be less than 5 lbs., and all due precautions be taken for the prevention of accidents by fire or explosion; provided that there shall not be conveyed in any such carriage or boat any explosive of the 5th (Fulminate) class, or any explosive of the 3rd division of the 6th (Ammunition) class, or any explosive of the 1st division of the 7th (Firework) class; and

* * * * * *

3. Explosive shall not be deposited in any receptacle or place appropriated for refuse and shall not be handed or forwarded to any dustman or other person employed

(*a*) 8 Halsbury's Statutes 385.

EXPLOSIVES

in the removal of refuse, nor shall explosive be conveyed in any carriage or boat appropriated for the removal of refuse.

4. . . . In the event of any breach (by any act or default) of any of the foregoing bye-laws, or any attempt to commit such breach:

(*a*) The explosive in respect of which, or being in the carriage or boat in respect of which the offence is committed, may be forfeited; and

(*b*) The person committing the offence shall be liable to a penalty not exceeding in the case of the first offence £10, and in the case of the second offence, or any subsequent offence, £20, and also the following persons, viz.:—the owner of the carriage or boat in respect of which, or containing the explosive in respect of which, the offence is committed, the person in charge of such carriage, and the person owning such explosive—shall each be liable to a similar penalty, unless he proves that he had supplied proper means and issued proper orders for the observance, and used due diligence to enforce the observance of these bye-laws.

Wherever in these bye-laws an explosive is distinguished as belonging to a particular class or division of a class, reference is made to the classification of explosives contained in an Order in Council made in pursuance of section 106 of the Act.

This Order shall come into force on the date hereof from which date the Orders of Secretary of State Nos. 4, 4A, 4B, 4C, shall be deemed to be rescinded.

ARTHUR HENDERSON.

WHITEHALL.
20th September, 1924.

FACTORIES.

S. R. & O., 1938, No. 487.

THE FACTORIES (CLEANLINESS OF WALLS AND CEILINGS) ORDER, 1938, DATED MAY 5TH, 1938, MADE BY THE SECRETARY OF STATE UNDER THE FACTORIES ACT, 1937.

In pursuance of the powers conferred upon me by Section 1 of the Factories Act, 1937 (*a*), and of all other powers enabling me in that behalf, I hereby make the following Order.

1. Paragraph (*c*) of Section 1 of the Act shall not apply to the classes or descriptions of factory or parts of factories specified in the First Schedule to this Order:

Provided that the said paragraph (*c*) shall continue to apply—

(i) as respects factories or parts of factories specified in Part A of the said Schedule, to workrooms in which the amount of cubic space allowed for every person employed in the room is less than 500 cubic feet;

(ii) as respect factories or parts of factories specified in Part B of the said Schedule, to workrooms in which the amount of cubic space allowed for every person employed in the room is less than 2,500 cubic feet;

(iii) to engine-houses, fitting shops, messrooms, cloakrooms, lavatories, and sanitary conveniences; and

(iv) to such parts of walls, sides and tops of passages and staircases as are less than 20 feet above the floor or stair.

2. Sub-paragraph (iii) of paragraph (*c*) of Section 1 of the Act shall, in its application to workrooms in which lace making by machine is carried on and in which the amount of cubic space allowed for every person employed in the room is not less than 800 cubic feet, be varied and have effect as if for the words "fourteen months" in the said sub-paragraph there were substituted the words "twenty-six months":

Provided that the inside walls and partitions and ceilings or tops of the room shall be thoroughly swept not less than ten months or more than fourteen months after

(*a*) *Ante*, p. 1489.

they were last whitewashed or colourwashed, and particulars showing the dates of such sweeping shall be entered in or attached to the general register.

3. Sub-paragraph (iii) of paragraph (*c*) of Section 1 of the Act shall not apply to walls, partitions, sides, ceilings or tops which have been painted with at least two coats of a washable water paint as defined in this Order and which are repainted with at least one coat of such paint at least once in every period of three years and are washed at least once in every period of fourteen months:

Provided that the name of the paint used and the name and address of the makers of the paint, together with a certificate, in the Form prescribed in the Second Schedule to this Order, from the makers of the paint, and the dates of the original painting and of each washing and repainting, shall be entered in or attached to the general register.

4. In this Order a washable water paint means a washable water paint which when finished for use contains—

(i) at least half its weight of solid pigment containing not less than twenty-five parts by weight of zinc sulphide as zinc white (lithopone) in each hundred parts by weight of solid pigment; and

(ii) at least ten parts by weight of oil and varnish to each hundred parts by weight of solid pigment.

5. If it appears to the inspector for the district that any part of a factory to which, by virtue of this Order, any of the provisions in paragraph (*c*) of Section 1 of the Act do not apply or apply as varied by this Order, is not being kept in a clean state, he may, by written notice, require the occupier to whitewash or colourwash, wash, or paint or varnish the same, and in the event of the occupier failing to comply with such requisition within two months from the date of the notice this Order shall cease to apply to such part of a factory unless and until the inspector for the district otherwise determines.

For the purposes of paragraph 5 of this Order references to the inspector for the district shall, as respects any factory or part thereof in which the provisions of paragraph (*c*) of Section 1 of the Act are enforceable by a district council, be construed as references to the medical officer of health of that council.

6. This Order may be cited as the Factories (Cleanliness of Walls and Ceilings) Order, 1938, and shall come into force on July 1st, 1938.

7. As from July 1st, 1938, the Orders made by the Secretary of State on November 2nd, 1903, July 1st, 1911, April 19th, 1912, granting special exceptions from the provisions of Subsection (3) of Section 1 of the Factory and Workshop Act, 1901, are hereby revoked.

SAMUEL HOARE,
One of His Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
5th May, 1938.

SCHEDULES.

FIRST SCHEDULE.

PART A.

Blast furnaces.
Iron mills.
Copper mills.
Stone, slate and marble works.
Brick and tile works in which unglazed bricks or tiles are made.
Cement works.
Chemical works.
Gas works.

FACTORIES

The following parts of factories :—

Rooms used for the storage of articles in which no process is regularly carried on.

Parts in which dense steam is continuously evolved in the process.

Parts in which pitch, tar, or like material is manufactured or is used to a substantial extent, except in a brush works.

The part of a glass factory known as the glass house.

Rooms in which graphite is manufactured or is used to a substantial extent in any process.

Parts in which coal, coke, oxide of iron, ochre, lime, or stone is crushed or ground.

Parts of walls, partitions, ceilings or tops of rooms which are at least 20 feet above the floor.

Ceilings or tops of rooms in print works, bleach works, or dye works, with the exception of finishing rooms or warehouses.

PART B.

Shipbuilding works.
Gun factories.
Engineering works.
Electric generating or transforming stations.
Frame dressing rooms of lace factories.
Foundries other than foundries in which brass casting is carried on.
Factories in which sugar is refined or manufactured.
Coach and motor body works.
Those parts of factories where unpainted or unvarnished wood is manufactured.

SECOND SCHEDULE.

It is hereby certified that the washable water paint made by $\frac{\text{me}}{\text{us}}$ and known as .....will when finished for use in accordance with the directions given (below / (on the label attached to each tin)) comply with the definition of washable water paint in the Factories (Cleanliness of Walls and Ceilings) Order, 1938.

Name and address of Firm .....

.....

Date..... Signature.....

S. R. & O., 1938, No. 611.

THE SANITARY ACCOMMODATION REGULATIONS, 1938, DATED JUNE 24TH, 1938, MADE BY THE SECRETARY OF STATE UNDER SECTION 7 OF THE FACTORIES ACT, 1937.

In pursuance of Section 7 of the Factories Act, 1937 (*a*), and of all other powers enabling me in that behalf I hereby make the following Regulations :—

1. These Regulations shall apply to all factories as defined in Section 151 of the said Act and to electrical stations to which subsection (1) of Section 103 of the Act applies.

2. In cases where females are employed there shall be at least one suitable sanitary convenience for every 25 females.

3. In cases where males are employed there shall be at least one suitable sanitary convenience (not being a convenience suitable merely as a urinal) for every 25 males :

Provided that in the case of factories where the number of males employed exceeds 100 and sufficient urinal accommodation is also provided, it shall be sufficient if there is one such convenience as aforesaid for every 25 males up to the first 100, and one for every 40 thereafter.

(*a*) *Ante*, p. 1493.

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Provided further that in the case of a factory where the number of males employed exceeds 500, not being a factory constructed, enlarged or converted for use as a factory after June 30th, 1938, it shall be sufficient to provide one such convenience as aforesaid for every 60 males if sufficient urinal accommodation is also provided and if the Medical Officer of Health issues a certificate (which shall be kept attached to the general register so long as it remains in force) that in his opinion the arrangements at the factory are such that this proviso may properly be applied to the factory. Any such certificate shall be liable at any time to be revoked by the Medical Officer of Health by notice in writing.

4. In calculating the number of conveniences required by these Regulations, any odd number of persons less than 25, or 40, as the case may be, shall be reckoned as 25 or 40.

5. Every sanitary convenience shall be sufficiently ventilated, and shall not communicate with any workroom except through the open air or through an intervening ventilated space:

Provided that in the case of workrooms in use prior to January 1st, 1903, and mechanically ventilated in such manner that air cannot be drawn into the workroom through the sanitary convenience, an intervening ventilated space shall not be required.

6. Every sanitary convenience (other than a convenience suitable merely as a urinal) shall be under cover and so partitioned off as to secure privacy, and shall have a proper door and fastenings. Urinals shall be so placed or so screened as not to be visible from other parts of the factory where persons work or pass.

7. The sanitary conveniences shall be so arranged as to be conveniently accessible to the persons employed at all times while they are at the factory.

8. In cases where persons of both sexes are employed, the sanitary conveniences for each sex shall be so placed or so screened that the interior shall not be visible, even when the door of any convenience is open, from any place where persons of the other sex have to work or pass; and, if the conveniences for one sex adjoin those for the other sex, the approaches shall be separate. The conveniences for each sex shall be indicated by a suitable notice.

9. These Regulations may be cited as the Sanitary Accommodation Regulations, 1938, and shall come into force on July 1st, 1938, and shall be without prejudice to the requirements in subsection (1) of Section 7 of the Act that the conveniences shall be maintained and kept clean and that effective provision shall be made for lighting the conveniences.

10. As from July 1st, 1938, the Sanitary Accommodation Order of February 4th, 1903, is hereby revoked.

SAMUEL HOARE,
One of His Majesty's Principal Secretaries of State.

Whitehall.
24th June, 1938.

S. R. & O., 1938, No. 488.

THE LOCAL AUTHORITIES (TRANSFER OF ENFORCEMENT) ORDER, 1938, DATED MAY 5TH, 1938, MADE BY THE SECRETARY OF STATE UNDER SECTION 8 OF THE FACTORIES ACT, 1937.

1. In pursuance of the powers conferred upon me by subsection (2) of Section 8 of the Factories Act, 1937 (*a*), I hereby direct that the provisions of Sections 1, 2, 3, 4 and 6 of the Act, being provisions enforceable by the district council as respects factories in which mechanical power is not used, shall not be enforced by the district council in the case of any such factory in respect of which special provision is made by any of the regulations of the Secretary of State specified in the Schedule to this Order, against risk of injury to health.

(*a*) *Ante*, p. 1495.

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2. This Order may be cited as the Local Authorities (Transfer of Enforcement) Order, 1938, and shall come into force on July 1st, 1938.

SAMUEL HOARE,
One of His Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
5th May, 1938.

SCHEDULE.

The Regulations of June 19th, 1903, for file-cutting by hand. (S. R. & O., Rev. 1904, IV, Factory and Workshop, p. 61 (1903, No. 507).)
The Regulations of December 12th, 1905, for the sorting, willeying, washing, combing and carding of certain materials. (S. R. & O., 1905 (No. 1293), p. 90.)
The Regulations of December 20th, 1907, for processes involving the use of horsehair from China, Siberia or Russia. (S. R. & O., 1907 (No. 984), p. 152.)
The Regulations of June 20th, 1908, for the casting of brass. (S. R. & O., 1908 (No. 484), p. 333.)
The Regulations of December 18th, 1908, for the vitreous enamelling of metal or glass. (S. R. & O., 1908 (No. 1258), p. 336.)
The Regulations of June 30th, 1909, for the tinning of metal hollow-ware, iron drums and harness furniture. (S. R. & O., 1909 (No. 720), p. 301.)
The Regulations of January 2nd, 1913, for the manufacture and decoration of pottery. (S. R. & O., 1913 (No. 2), p. 131.)
The Indiarubber Regulations, 1922. (S. R. & O., 1922 (No. 329), p. 268.)
The Chemical Works Regulations, 1922. (S. R. & O., 1922 (No. 731), p. 255.)
The Electric Accumulator Regulations, 1925. (S. R. & O., 1925 (No. 28), p. 337.)
The Vehicle Painting Regulations, 1926. (S. R. & O., 1926 (No. 299), p. 537.)
The Chromium Plating Regulations, 1931. (S. R. & O., 1931 (No. 455), p. 424.)
The Asbestos Industry Regulations, 1931. (S. R. & O., 1931 (No. 1140), p. 410.)
The Pottery (Silicosis) Regulations, 1932. (S. R. & O., 1932 (No. 393), p. 472.)

S. R. & O., 1911, No. 394.

THE HOME WORK ORDER OF THE 10TH APRIL, 1911.

In pursuance of sections 107, 108, and 110 of the Factory and Workshop Act, 1901 (*a*), I hereby make the following Order :—

1. Section 107 (relating to lists of out-workers) and section 108 (relating to employment in unwholesome premises) shall apply to the following classes of work :—
The making, cleaning, washing, altering, ornamenting, finishing, and repairing of wearing apparel ;
The making up, ornamenting, finishing and repairing of table linen, bed linen or other household linen (including in the term linen articles of cotton or cotton linen mixtures) and any processes incidental thereto ;
The making, ornamenting, mending, and finishing of lace and of lace curtains and nets ;
The making of curtains and furniture hangings and any processes incidental thereto ;
Cabinet and furniture making and upholstery work ;
The making of electro-plate ;
The making of files ;
The manufacture of brass and of any articles or parts of articles of brass (including in the term brass any alloy or compound of copper with zinc or tin).
Fur-pulling ;
The making of iron and steel cables and chains ;
The making of iron and steel anchors and grapnels ;
The making of cart gear, including swivels, rings, loops, gear buckles, mullin bits, hooks, and attachments of all kinds ;

(*a*) 8 Halsbury's Statutes 572. Repealed ; see now ss. 110 and 111 of the Factories Act, 1937, *ante*, pp. 1511 and s. 153 of the P. H. A., 1936, *ante*, p. 420, respectively.

The making of locks, latches, and keys;
The making or repairing of umbrellas, sunshades, parasols, or parts thereof;
The making of artificial flowers;
The making of nets other than wire nets;
The making of tents;
The making or repairing of sacks;
The covering of racquet or tennis balls;
The making of paper bags;
The making of boxes or other receptacles or parts thereof made wholly or partially of paper, cardboard, chip, or similar material;
The making of brushes;
Pea picking;
Feather sorting;
The carding, boxing, or packeting of buttons, hooks and eyes, pins, and hair pins;
The making of stuffed toys;
The making of baskets;
And any processes incidental to the above.

2. Section 110 (relating to the prohibition of home work in places where there is infectious disease) shall apply to the following classes of work:—

The making, cleaning, washing, altering, ornamenting, finishing, and repairing of wearing apparel and any work incidental thereto (as in the said section specified);
The making up, ornamenting, finishing and repairing of table linen, bed linen or other household linen (including in the term linen articles of cotton or cotton and linen mixtures) and any processes incidental thereto;
The making, ornamenting, mending, and finishing of lace and of lace curtains and nets;
The making of curtains and furniture hangings and any processes incidental thereto;
Upholstery work;
Fur-pulling;
The making or repairing of umbrellas, sunshades, parasols, or parts thereof;
The making of artificial flowers;
The making of nets other than wire nets;
The making of tents;
The making or repairing of sacks;
The covering of racquet or tennis balls;
The making of paper bags;
The making of boxes or other receptacles or parts thereof made wholly or partially of paper, cardboard, chip, or similar material;
The making of brushes;
Pea picking;
Feather sorting;
The carding, boxing, or packeting of buttons, hooks and eyes, pins, and hair pins;
The making of stuffed toys;
The making of baskets;
And any processes incidental to the above.

3. The lists of out-workers required to be kept by section 107 and the copies thereof shall be kept and made in the form and manner and with the particulars shown in the schedule hereto.

4. This Order may be referred to as the Home Work Order of the 10th April, 1911.

5. The Home Work Order of the 23rd May, 1907, is hereby revoked.

SCHEDULE.

LIST OF OUT-WORKERS.

A correct list of out-workers employed in the following classes of work—

(1) the making, cleaning, washing, altering, ornamenting, finishing, and repairing of wearing apparel;

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(2) the making-up, ornamenting, finishing and repairing of table linen, bed linen, or other household linen (including in the term linen articles of cotton or cotton and linen mixtures) and any processes incidental thereto;
(3) the making, ornamenting, mending, and finishing of lace and of lace curtains and nets;
(4) the making of curtains and furniture hangings and any processes incidental thereto;
(5) cabinet and furniture making and upholstery work;
(6) the making of electro-plate;
(7) the making of files;
(8) the manufacture of brass and of any articles or parts of articles of brass (including in the term brass any alloy or compound of copper with zinc or tin).
(9) fur-pulling;
(10) the making of iron and steel cables and chains;
(11) the making of iron and steel anchors and grapnels;
(12) the making of cart gear, including swivels, rings, loops, gear buckles, mullin bits, hooks, and attachments of all kinds;
(13) the making of locks, latches, and keys;
(14) the making or repairing of umbrellas, sunshades, parasols, or parts thereof;
(15) the making of artificial flowers;
(16) the making of nets other than wire nets;
(17) the making of tents;
(18) the making or repairing of sacks;
(19) the covering of racquet or tennis balls;
(20) the making of paper bags;
(21) the making of boxes or other receptacles or parts thereof made wholly or partially of paper, card board, chip, or similar material;
(22) the making of brushes;
(23) pea picking;
(24) feather sorting;
(25) the carding, boxing, or packeting of buttons, hooks and eyes, pins, and hair pins;
(26) the making of stuffed toys;
(27) the making of baskets;
and any processes incidental to the above;

must be kept in the form and with the particulars specified below in the factory or workshop or place from which the work is given out, and must be open to inspection by H.M. inspectors and the officers of the local authority; and a copy of the list signed and dated and corrected up to that date must be forwarded to the local authority of the district on or before the first day of February and on the first day of August in each year.

In order that the list may be correct, the name of any person newly taken into employment should be immediately entered, and the name of any person ceasing to be employed should be immediately struck out.

* * * * * *

S. R. & O., 1912, No. 158.

THE HOME WORK ORDER OF THE 9TH FEBRUARY, 1912.

(This order added the following classes of work, viz.:—The Manufacture of Chocolates or Sweetmeats, and any work incidental thereto, to those in the Home Work Order of April 10th, 1911, *supra*).

S. R. & O., 1913, No. 91.

THE HOME WORK ORDER OF THE 20TH JANUARY, 1913.

This order added the following classes of work, viz.:—

1. The making or filling of cosaques, Christmas crackers, Christmas stockings or similar articles or parts thereof, and any work incidental thereto.

2. The weaving of any textile fabric, and any process incidental thereto, to those in the Home Work Order of April 10th, 1911, *supra*.

S. R. & O., 1929, No. 1119.

THE HOME WORK ORDER OF THE 19TH NOVEMBER, 1929.

This order added the following class of work, viz.: the manufacture of lamp-shades other than lamp-shades made wholly of metal or glass or stone, to those in the Home Work Order of April 10th, 1911, *supra*.

FIRE BRIGADES.

S. R. & O., 1926, No. 232.

FIRE BRIGADE PENSIONS.

RULES, DATED 8TH MARCH, 1926, MADE BY THE SECRETARY OF STATE FOR THE HOME DEPARTMENT, WITH REGARD TO APPEALS UNDER SECTION 10 (8) OF THE FIRE BRIGADE PENSIONS ACT, 1925.

1. In these Rules—

(i) "The Act" means the Fire Brigade Pensions Act, 1925 (*a*).

(ii) "Appeal" means an appeal under section 10 (8) of the Act.

(iii) "Appellant" means a serving or retired professional fireman who gives notice to the local authority of his desire to appeal under section 10 (8) of the Act.

(iv) "The local authority" means the local authority on whose behalf a serving or retired professional fireman is examined by a medical practitioner for the purposes of section 10 of the Act, and includes any officer authorised by the local authority to act on their behalf in the matters referred to therein.

(v) "Referee" means the independent person nominated by the Secretary of State for the purposes of section 10 (8) of the Act.

2. Every opinion given by the medical practitioner selected by the local authority on any question referred to him under section 10 of the Act shall be stated in writing; and if the serving or retired professional fireman to whom the opinion relates applies, within 14 days of his being informed of the decision of the local authority, for a copy of that opinion, it shall be supplied to him by the local authority; and he shall be entitled to appeal against the opinion so given, if, within 14 days after the copy of the opinion has been sent to him, or such longer period as the local authority may fix, he gives notice in writing to the local authority of his desire to appeal. Any such notice shall be accompanied by a written statement of the grounds on which he desires to appeal against the opinion of the medical practitioner.

3. On receipt of such notice and statement, the local authority shall within 7 days forward to the Secretary of State two copies thereof and of the opinion which is the subject of the appeal, with particulars of the name of the appellant and the place where he resides.

4. When a referee has been nominated by the Secretary of State to act for the purposes of the appeal and has received from the Secretary of State copies of the documents referred to in the preceding paragraph, he shall as soon as may be appoint a time and place for proceeding with the consideration of the appeal, and shall send notice thereof in writing to the local authority and to the appellant.

(*a*) Printed in a later volume.

FIRE BRIGADES

Provided that where the referee is satisfied that the appellant is unable to travel, the place appointed shall be that at which the appellant resides.

5. The appellant and the local authority, on receipt of notice of the appointment of the referee, may forward to him in writing any further statements relative to the subject of the appeal which they may respectively desire to submit, and any such statements, if received by the referee before the appointed date, shall be considered by him. Where any such statements are forwarded to the referee a copy thereof shall at the same time be supplied by the local authority to the appellant, or by the appellant to the local authority, as the case may be.

6.—(*a*) It shall be the duty of the appellant to attend at the time and place appointed and, if he is a serving professional fireman, he shall be given such leave as may be necessary to enable him to attend. He shall submit himself to any medical examination which the referee may desire to make or may direct to be made.

(*b*) The medical practitioner whose opinion is the subject of the appeal, or any other duly qualified medical practitioner selected by the local authority, and a duly qualified medical practitioner chosen by the appellant may also attend.

7. In the event of failure of the appellant to attend at the time and place appointed, the referee may forthwith decide on the matter referred to him upon such information as shall then be available: provided that where the absence of the appellant is shown to the satisfaction of the referee to be unavoidable he shall, and on any other grounds he may at his discretion, adjourn the proceedings and resume them at such time and place as he may appoint, giving due notice to the local authority and to the appellant.

8. The referee shall notify his decision in writing to the local authority and to the appellant.

9. For the purposes of any appeal to which these Rules apply, the referee shall be entitled to fees and allowances as follows:—

(*a*) For deciding on the question referred to him in the appeal and for all duties performed in connection therewith, three guineas:

(*b*) Where for the purposes of the appeal the referee is compelled to travel to a place distant more than two miles from his residence, in addition to the above fee, five shillings for each mile beyond two, and up to ten, miles distant from such residence, and thereafter one shilling for each mile distant therefrom:

(*c*) The amount of any fees or expenses incurred by him with the approval of the Secretary of State in respect of any expert assistance which, in a case involving special difficulty, he may consider it necessary to obtain.

10.—(*a*) Except as hereinafter provided, all fees and allowances payable to the referee who acts for the purposes of the appeal and all expenses of the medical practitioner whose opinion is the subject of the appeal or of any other duly qualified medical practitioner selected by the local authority shall be paid by the local authority out of the fire brigade pension fund; and all expenses incurred by the appellant in attending before the referee at the time and place appointed and all fees or expenses of any medical practitioner chosen by the appellant shall be paid by the appellant.

(*b*) Where the referee decides in favour of the local authority, the local authority may, unless the referee otherwise directs, require the appellant to pay towards the costs of the appeal such sum as they may think fit, not exceeding the total amount of any fees and allowances payable by the local authority to the referee in respect of the appeal, and such sum shall be recoverable from him by the local authority, and may, if the local authority so direct, be deducted from any pay or pension due or which may become due to him. Any such sum shall be paid into the fire brigade pension fund.

(*c*) Where the referee decides in favour of the appellant, the local authority shall, unless the referee otherwise directs, refund to the appellant a sum equal to the amount of any personal expenses actually and reasonably incurred by him in respect of his attendance before the referee and, if a medical practitioner chosen by him has attended before the referee, the amount of any reasonable fees and expenses paid by

the appellant in respect of such attendance: and any such sum shall be paid out of the fire brigade pension fund.

(*d*) If any question arises whether the decision is in favour of the local authority or of the appellant, it shall be determined by the referee.

(*e*) Where no fire brigade pension fund is established by the local authority, the payments directed in paragraphs (*a*), (*b*) and (*c*) of this rule to be made into or out of the fire brigade pension fund shall be made into or out of the district or other fund from which the expenses of the fire brigade are defrayed.

11. These Rules shall have effect as from the 1st April, 1926.

W. JOYNSON-HICKS,
One of His Majesty's Principal Secretaries of State.

S. R. & O., 1939, No. 592.

THE FIRE BRIGADE PENSIONS REGULATIONS, 1939,* DATED MAY 30TH, 1939, MADE BY THE MINISTER OF HEALTH UNDER SECTION 17 (4) (*a*) OF THE FIRE BRIGADES ACT, 1938.

The Minister of Health, in exercise of the powers conferred on him by paragraph (*a*) of subsection (4) of section 17 of the Fire Brigades Act, 1938 (*a*), and of all other powers enabling him in that behalf, hereby makes the following Regulations.

1. These Regulations may be cited as the Fire Brigade Pensions Regulations, 1939.

2.—(1) In these Regulations the following expressions have the respective meanings hereby assigned to them:—

"the Act of 1938" means the Fire Brigades Act, 1938;

"the Act of 1925" means the Fire Brigade Pensions Act, 1925 (*b*);

"the Act of 1922" means the Local Government and other Officers' Superannuation Act, 1922 (*c*).

(2) The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3. Any person who, being at the passing of the Act of 1938 the holder of a post by virtue of which he was or was being treated as subject to the Act of 1922, became by virtue of section 17 of the Act of 1938 a professional fireman and who, by reason of his not exercising his option under subsection (3) of that section, becomes a person to whom the Act of 1925 applies and is deemed to have applied as from the passing of the Act of 1938 shall be entitled to reckon as a period of approved service for the purpose of the grant of pensions, allowances and gratuities under the Act of 1925 three-quarters of the aggregate length of the following periods of service, namely—

(*a*) the total period of all service with any local authority which immediately before the passing of the Act of 1938 he was entitled to reckon as contributing service for the purposes of the Act of 1922; and

(*b*) one half the total period of all (if any) service with any local authority which immediately before the passing of the Act of 1938 he was entitled to reckon as non-contributing service for the purposes of the Act of 1922:

Provided that if any such previous service was part-time service the period thereof shall be treated as though it were whole-time service for a proportionately reduced period.

Given under the official seal of the Minister of Health this thirtieth day of May, nineteen hundred and thirty-nine.

(L.S.)

S. F. S. HEARDER,
Assistant Secretary, Ministry of Health.

* These Regulations supersede the provisional regulations dated the sixteenth day of December, 1938.

(*a*) 31 Halsbury's Statutes 585.

(*b*) Printed in a later volume.

(*c*) 10 Halsbury's Statutes 863.

FOOD AND DRUGS

FOOD AND DRUGS.

See also DISEASES AND HOSPITALS, *ante*; MILK AND DAIRIES, *post*; AND SLAUGHTER HOUSES, *post*.

S. R. & O., 1924, No. 1432.

THE PUBLIC HEALTH (MEAT) REGULATIONS, 1924, DATED DECEMBER 20, 1924, MADE BY THE MINISTER OF HEALTH UNDER THE PUBLIC HEALTH (REGULATIONS AS TO FOOD) ACT, 1907 (*a*).

67,779.

The Minister of Health, in pursuance of his powers under the Public Health (Regulations as to Food) Act, 1907, and of all other powers enabling him in that behalf hereby makes the following Regulations:—

PART I.—GENERAL.

1. These Regulations may be cited as the Public Health (Meat) Regulations, 1924, and shall come into operation on the 1st day of April, 1925.

2.—(1) In these Regulations, unless the context otherwise requires—

"The Minister" means the Minister of Health;

"Local authority" means the Common Council of the City of London, the Council of a Metropolitan Borough, the Council of a Municipal Borough or other Urban District, the Council of a Rural District or the Council of the Isles of Scilly;

"Medical Officer of Health" includes any person temporarily acting in that capacity;

"Inspector" means the Medical Officer of Health or any other officer of a local authority, having under the Acts relating to Public Health or any local Act power to inspect and examine meat intended for the food of man;

"Meat" means the flesh of cattle, swine, sheep, or goats, including bacon and ham and edible offal and fat, which is sold or intended for sale for human consumption, and "animal" means any animal from which meat is derived;

"Slaughter-house" means such part of a slaughter-house, as defined in section 4 of the Public Health Act, 1875 (*b*), as is used for the slaughtering of animals or the dressing or hanging of carcases for human consumption;

"Stall" includes any stall, barrow or vehicle from which meat is offered for sale in a street or other open space or in any market place;

"Room" includes a shop, cellar, passage or other space forming the whole or part of a building other than a slaughter-house as above defined;

"Vehicle" includes a railway or other van or waggon and a ship or barge but does not include any separate compartment thereof in which meat is not being conveyed.

(2) The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3. The local authority shall enforce and execute the provisions of these Regulations in their district:

Provided that a port sanitary authority shall also be an authority for enforcing and executing the provisions of Part VI. within their district.

4. The medical officer of health, the sanitary inspector and any other officer of a local authority or port sanitary authority duly authorised by the authority in writing shall for the purpose of ascertaining whether these Regulations are being observed have power at all reasonable times to enter and inspect any slaughter-house, room or other place and any stall or vehicle to which these Regulations apply.

(*a*) As to these regulations, see a Circulor dated June 12th, 1925. They are kept alive by the Food and Drugs Act, 1938: see note (*d*) to s. 57 thereof, *ante*, p. 1393.

(*b*) 13 Halsbury's Statutes 626, repealed by the Public Health Act, 1936, and replaced by s. 100 thereof, *ante*, p. 1448.

5. A person shall, if so required, give to any officer of a local authority acting in the execution of these Regulations, all reasonable assistance in his power, and shall, in relation to anything within his knowledge, furnish any such officer with all information he may reasonably require for the purposes of these Regulations.

6. No person who is for the time being suffering from an infectious disease to which the Infectious Disease (Notification) Act, 1889, applies shall take part in the slaughtering of animals intended for human consumption or the handling of meat.

PART II.—SLAUGHTER-HOUSES AND SLAUGHTERING.

7.—(1) This part of these Regulations shall not apply so as to interfere with the operation or effect of the Diseases of Animals Acts, 1894 to 1922, or of any Order, licence or act of the Minister of Agriculture and Fisheries, made, granted or done thereunder.

(2) Articles 8, 9, 10 and 11 of these Regulations shall not apply where the slaughter takes place in a slaughter-house under the management of a local authority.

8. A person shall not slaughter an animal for sale for human consumption unless he has not less than three hours before the time of slaughtering delivered or caused to be delivered to the local authority notice of the day and time and of the place on and at which the slaughtering will take place:

Provided that—

(1) Where it is the regular practice in any slaughter-house to slaughter animals at fixed times on fixed days and written notice of this practice has been given to the local authority special notice under this Article shall not be required to be given in respect of any animal slaughtered in accordance with such practice;

(2) Where by reason of accidental injury, illness, or exposure to infection, it is necessary that an animal should be slaughtered without delay, the provisions of this Article shall be deemed to be satisfied if notice of the slaughter is given to the local authority as soon as reasonably possible, whether before or after the slaughtering takes place.

9. Where on the slaughter of an animal for sale for human consumption it appears that any part of the carcase or internal organs is or may be diseased or unsound the person [by whom or on whose behalf (*a*)] the animal was slaughtered shall forthwith give notice of the fact to the local authority.

10. Except as hereinafter provided, the person [by whom or on whose behalf (*a*)] an animal is slaughtered for sale for human consumption, shall not cause or permit the carcase of the animal, including the mesentery and internal organs other than the stomach, intestines and bladder, to be removed from the place of slaughter until such carcase with its organs has been inspected, or its removal has been authorised, by an inspector of the local authority:

Provided that—

(1) This Article shall not apply in the case of a sheep or in the case of any animal in respect of whose slaughter special notice is not required to be given by reason of proviso (1) to Article 8, unless some part of the carcase or organs appears to be diseased or unsound;

(2) The removal may in any case take place at the expiration of three hours from the time of slaughter or six hours from the delivery of any notice relating thereto under Article 8 or 9 whichever time may be later, save that if such time falls between 7 p.m. on one day and 7 a.m. on the next day, the removal shall not take place before 7 a.m.;

(3) Where the animal was slaughtered by reason of accidental injury and the place of slaughter is unsuitable for the retention of the carcase, the carcase and organs may be removed to some convenient place, but the notice required to be given under Article 8 shall be given to the local authority in whose district that place is situated and [Article 8 and this Article (*a*)] shall have effect as if that place were substituted for the place of slaughter.

(*a*) Words substituted by the Amending Regulations of 1935, *post*, p. 2828.

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11.—(1) The notices to be given to the local authority under Articles 8 and 9 of these Regulations shall be given to such officer and delivered at such address as the local authority may direct and in the absence of any such direction shall be given to the medical officer of health and delivered at his office. The effect of any direction given under this paragraph shall be communicated to the occupier of every slaughter-house in the district and published in one or more local newspapers circulated within the district.

(2) Any such notice, other than a notice of regular slaughtering, may be given orally; and any such notice may be served by letter addressed to the proper officer and delivered at, or prepaid and posted to, the proper address, and in the case of a notice sent by post shall for the purposes of these Regulations be deemed to have been delivered at the time at which it would have been delivered in the ordinary course of the postal service.

12.—(1) No gut-scraping, tripe-cleaning, manufacture or preparation of articles of food for man or for animals, household washing or work of any nature, other than is involved in the slaughter and the dressing of carcases, shall be carried on in any slaughter-house.

(2) No articles shall be stored in any slaughter-house except such implements, appliances, receptacles and other articles as are required for the slaughter of animals and processes directly connected therewith, including the dressing, hanging and storage of carcases, the cleansing of the slaughter-house and the removal of refuse.

13. No person shall blow or inflate with his breath, or in any other manner likely to cause infection or contamination, the carcase or any part of the carcase of any animal slaughtered for human consumption.

14. No person shall use a slaughter-house for the slaughter of any animal which previous to slaughter is not intended for human consumption.

PART III.—MEAT MARKING.

15.—(1) Where a local authority show to the satisfaction of the Minister that they have made suitable arrangements (including the appointment or employment of competent inspectors) for the inspection of animals at the time of slaughter, the Minister may, on the application of the authority, and subject to such conditions, if any, as he may impose, authorise them to use for the purpose and in the manner specified in these Regulations a distinctive mark of a design approved by him and so devised as to indicate the identity of the local authority and of the inspector using the mark.

(2) An inspector of a local authority whose mark has been approved by the Minister shall not affix or impress the same to or on any part of the carcase of an animal slaughtered for the food of man unless he has inspected the whole carcase with the organs in position and such part has appeared to him to be free from disease, sound, wholesome and fit for the food of man.

(3) The local authority and their inspectors shall comply with any directions given by the Minister as to the use of such mark, and they shall not cause the mark to be affixed to or impressed on any carcase except at the request or with the consent of the person having possession of the carcase at the time of inspection.

(4) The Minister may at any time revoke his authorisation of the use of a mark or his approval of a mark adopted as aforesaid.

16. No local authority shall use or permit to be used a mark indicating that the carcase or any part of the carcase of an animal for human consumption has been inspected unless they have been authorised and such mark has been approved by the Minister and such authorisation and approval have not been revoked.

17. No other person other than an inspector of a local authority authorised as aforesaid shall make use of a mark adopted and approved as aforesaid, and no person shall make use of any mark so resembling a mark adopted and approved as aforesaid as to be calculated to deceive.

18.—(1) The local authority may determine the charges (if any) to be made for the marking of carcases either according to the number of carcases marked or on

such other basis as they may think fit, but the charge so determined shall not in any case exceed a sum calculated at the rate of one shilling for each carcase or part of a carcase marked.

(2) Any such charge shall be recoverable summarily as a civil debt from the person requesting or consenting to the marking.

PART IV.—STALLS.

19. A person selling meat or exposing or offering meat for sale from any stall—

(*a*) shall keep his name and address legibly painted or inscribed on such stall in some conspicuous position;

(*b*) shall cause such stall (if not placed in an enclosed and covered market place) to be suitably covered over and to be screened at the sides and back thereof in such a manner as to prevent mud, filth or other contaminating substance being splashed or blown from the ground upon any meat on the stall;

(*c*) shall cause every counter, slab, vessel or other article on or in which meat is placed for sale and all knives and other implements used in connection with the meat to be thoroughly cleansed after use and to be kept at all times in a cleanly condition;

(*d*) shall take all such steps as may be reasonably necessary to guard against the contamination of the meat by flies;

(*e*) shall not place or cause to be placed any meat on, or within eighteen inches of the ground or floor, unless the meat is placed in a closed cupboard or other adequately protected space not less than nine inches from the ground or floor;

(*f*) shall cause all trimmings, refuse and rubbish to be placed in properly covered receptacles kept for the purpose apart from any meat intended for sale.

PART V.—SHOPS, STORES, ETC.

20.—(1) The occupier of any room in which any meat is sold or exposed for sale or deposited for the purpose of sale or of preparation for sale or with a view to future sale, and any person who knowingly lets any room or suffers any room to be occupied for such purpose shall cause the following provisions to be complied with:—

(*a*) No urinal, water-closet, earth-closet, privy, ashpit or other like sanitary convenience shall be within such room or shall communicate directly therewith, or shall be otherwise so placed that offensive odours therefrom can penetrate to such room;

(*b*) No cistern for supplying water to such room shall be in direct communication with or directly discharge into any such sanitary convenience;

(*c*) No drain or pipe for carrying off fæcal or sewage matter shall have any inlet or opening within such room unless it is efficiently trapped;

(*d*) No such room shall be used as a sleeping place, and, so far as may be reasonably necessary to prevent risk of the infection or contamination of any such meat as aforesaid, no sleeping place shall communicate directly with such room.

(*e*) Except in the case of a room used as a cold store, adequate means of ventilation shall be provided.

(2) The occupier of any such room shall not cause or suffer any refuse or filth whether solid or liquid to be deposited or to accumulate therein except so far as may be reasonably necessary for the proper carrying on of the trade or business.

(3) Such occupier shall cause the walls and ceiling of such room to be whitewashed, cleansed or purified as often as may be necessary to keep them in a proper state.

(4) Such occupier and every other person engaged in such room shall observe due cleanliness in regard to such room and all articles, apparatus and utensils therein.

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(5) The occupier of any such room—

(*a*) shall take all such steps as may be reasonably necessary to guard against the contamination of the meat therein by flies and shall cause the meat to be so placed as to prevent mud, filth, or other contaminating substance being splashed or blown thereon;

(*b*) shall not permit any gut-scraping, tripe-cleaning or household washing to be carried on therein;

(*c*) shall cause every counter, slab, vessel or other article on or in which meat is placed for sale and all knives and other implements used in connection with the meat to be thoroughly cleansed after use and to be kept at all times in a cleanly condition;

(*d*) shall cause all trimmings, refuse and rubbish to be placed in properly covered receptacles kept for the purpose apart from any meat intended for sale.

PART VI.—TRANSPORT AND HANDLING.

21.—(1) Every person who conveys or causes to be conveyed any meat in a vehicle—

(*a*) shall cause to be kept clean the inside and covering of the vehicle, the receptacles in which the meat is placed, and such parts of any slings or other implements or apparatus used for loading or unloading as come into contact with the meat or its covering; and

(*b*) if the vehicle is open at the top, back, or sides or if any other commodity is being conveyed therein, shall cause the meat to be adequately protected by means of a clean cloth or other suitable material;

(*c*) shall not permit any live animal to be conveyed in the vehicle at the same time as meat.

(2) A person engaged in the handling or transport of meat—

(*a*) shall not permit any part of the meat to come into contact with the ground; and

(*b*) shall take such other precautions as are reasonably necessary to prevent the exposure of the meat to contamination.

(3) Every person who employs a person to carry meat in or about a market or other place in which meat is sold by wholesale or in or about any place wholly or mainly used for the storage of meat before it is distributed to retailers, shall cause such person while so occupied to wear, and every person while so occupied shall wear, a clean and washable head covering and overall.

(4) This Article shall not apply to any meat which is packed in hampers or other strongly constructed and impervious cases or is adequately wrapped in jute or some other stout fabric.

* * * * * *

S. R. & O., 1925, No. 775, as amended by 1926, No. 1557, and 1927, No. 577.

THE PUBLIC HEALTH (PRESERVATIVES, ETC., IN FOOD) REGULATIONS* MADE BY THE MINISTER OF HEALTH.

Being Regulations made by the Minister of Health on the 4th August, 1925, in the exercise of the powers conferred upon him by the Public Health Act, 1875, the Public Health (London) Act, 1891, the Public Health Act, 1896, the Public Health

*Printed as amended by Regulations dated 10th December, 1926, and 25th June, 1937. These regulations are kept alive by the Food and Drugs Act, 1938, see note (*a*) to s. 8 thereof, *ante*, p. 1317.

(Regulations as to Food) Act, 1907, and the Butter and Margarine Act, 1907 (*a*), and of every other power enabling him in that behalf, with the consent of the commissioners of Customs and Excise, so far as they apply to the officers of Customs and Excise.

PART I.

General.

1. These Regulations may be cited as the Public Health (Preservatives, etc., in Food) Regulations (*b*), and shall come into operation on the 1st day of January, 1927: Provided that (*c*) —

(i) the Regulations shall come into operation on the 1st day of July, 1927, so far as they relate to bacon, ham, and egg yolk, and on the 1st day of January, 1928, so far as they relate to butter and cream and to the revocation of such of the provisions of the Public Health (Milk and Cream) Regulations, 1912, and the Public Health (Milk and Cream) Regulations, 1912, Amendment Order, 1917, as relate to cream ; and

(ii) so far as the Regulations prohibit the manufacture for sale or (*d*) sale of an article of food containing any preservative which is necessarily introduced by the use in its preparation of preserved margarine, preserved egg yolk, preserved bacon, preserved ham, preserved cream, or preserved butter, they shall come into operation on the following dates, viz. :—

(*a*) the 1st day of July, 1927, where the preservative has been so introduced by the use of preserved margarine ;

(*b*) the 1st day of January, 1928, where the preservative has been so introduced by the use of preserved egg yolk or preserved cream ; and

(*c*) the 1st day of July, 1928, where the preservative has been so introduced by the use of preserved butter.

(iii) the Regulations shall not apply to the sale of pearl barley until the 1st day of January, 1928 (*e*).

2.—(1) In these Regulations unless the context otherwise requires—

" The Minister " means the Minister of Health ;

" Local Authority " means any local authority authorised to appoint an analyst for the purposes of the Sale of Food and Drugs Acts, 1875 to 1907 (*f*), and " public analyst " means an analyst so appointed ;

" Officer of Customs and Excise " includes any person acting under the authority of the Commissioners of His Majesty's Customs and Excise ;

" Food " means food or drink intended for human consumption ;

" Cream " means that portion of milk rich in milk-fat which has been separated by skimming or otherwise and is intended for human consumption ;

(*a*) So far as the Regulations were made under this Act, which was repealed by the Food and Drugs (Adulteration) Act, 1928 (operating from January 1st, 1929, until October 1st, 1939), they were continued in operation by s. 37 of that Act, and s. 101 (3) of the Food and Drugs Act, 1938, *ante*, p. 1451.

(*b*) Article 3 of the Public Health (Preservatives, etc., in Food) Amendment Regulations, 1926 (S. R. and O., 1926, No. 1557), provides as follows :—

" Copies of the Public Health (Preservatives, etc., in Food) Regulations, 1925, printed under the authority of His Majesty's Stationery Office, may be printed with any additions, omissions, or substitutions directed to be made by these or any other amending Regulations, but with a footnote in each instance referring to such amending Regulations, and the principal Regulations so printed may be cited as the Public Health (Preservatives, etc., in Food) Regulations."

The alterations made by amending Regulations are those referred to in the notes in this print.

(*c*) Amended form of proviso substituted by Regulations of 1926.

(*d*) Words " manufacture for sale or " added by Regulations of 1927.

(*e*) Proviso (iii) added by Regulations of 1927.

(*f*) These Acts were repealed by the Food and Drugs (Adulteration) Act, 1928, and the joint effect of that Act and this definition is that the expression " Local Authority " in these Regulations means a Food and Drugs Authority as defined in that Act (see now s. 64 of the Food and Drugs Act, 1938, *ante*, p. 1402).

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"Preservative" means any substance which is capable of inhibiting, retarding, or arresting the process of fermentation, acidification, or other decomposition of food or of masking any of the evidences of putrefaction; but does not include common salt (sodium chloride), saltpetre (sodium or potassium nitrate), sugars, lactic acid (*a*), acetic acid, or vinegar, glycerine (*b*), alcohol, or potable spirits, herbs, hop extract, spices, and essential oils used for flavouring purposes or any substance added to food by the process of curing known as smoking;

"Thickening substance" means sucrate of lime, gelatine, starch paste or any other substance, which when added to cream is capable of increasing its viscosity but does not include cane or beet sugar;

"Sulphur dioxide" includes sulphites, and "benzoic acid" includes benzoates;

"Sell" includes expose or offer for sale or deposit in any place for the purposes of sale, and "sale" shall be construed accordingly;

"Importer" includes any person who, whether as owner, consignor or consignee, agent, or broker, is in possession of or in anywise entitled to the custody or control of any article of food brought from a place situate outside Great Britain, Ireland, the Channel Islands, and the Isle of Man; and "import" shall be construed accordingly;

(2) Percentages shall be calculated by weight.

(3) Sulphites shall be calculated as sulphur dioxide (SO_2) and benzoates as benzoic acid (C_6H_5COOH).

(4) The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

PART II.

Sale of Articles of Food and Preservatives.

3. The local authority and every officer of a local authority authorised in writing by the authority shall enforce and execute this Part of these Regulations, and for this purpose shall make such inquiries and take such other steps as may seem to them or him to be necessary for securing the due observance of this Part of the Regulations in the district of the local authority.

4.—(1) No person shall manufacture for sale or sell any article of food which contains any added preservative or any added colouring matter being one of those (*c*) specified in Part II. of the First Schedule to these Regulations:

Provided that—

(i) any article of food specified in Part I. of the said Schedule may contain preservative of the nature and in the proportion therein specified;

(ii) where an article of food specified in Part I. of the said Schedule otherwise than in item 4 thereof (*d*) is used in the preparation of any other article of food, the latter article may contain any preservative necessarily introduced by the use of the former article, but the total proportion of any one preservative contained in any article of food specified in that Part of the Schedule shall not exceed the proportion therein specified.

(iii) The provisions of this Article shall not apply so as to prohibit the presence of sulphur dioxide in any article of food other than meat if it is shown either—

(*a*) that the article not being an article specified in Part I. of the said Schedule is intended to be used in the preparation of an article which is so specified, or

(*b*) that the article being itself an article so specified, other than fruit or fruit pulp, is intended to be so treated before it is sold or exposed

(*a*) Words "lactic acid" added by Regulations of 1927.
(*b*) Word "glycerine" added by Regulations of 1926.
(*c*) Words "any added colouring matter being one of those" substituted by Regulations of 1927 for words "any of the colouring matters."
(*d*) Words "otherwise than in item 4 thereof" added by Regulations of 1927.

for sale by retail as to comply with the provisions of the Schedule as regards the proportion of sulphur dioxide contained (*a*).

(2) (*b*) The following provisions shall have effect with respect to any of the articles of food mentioned in paragraph 1 of the Second Schedule to these Regulations which contains any preservative specified in Part I. of the First Schedule as permissible in the case of such article, that is to say—

(*a*) A person who exposes or offers any such article for sale by retail shall at the time when it is so exposed or offered either cause the article to be labelled in accordance with the Rules set out in the said Second Schedule, or cause a notice to the effect that the article contains preservative to be exhibited in a conspicuous place so as to be easily readable by a customer; and

(*b*) A person who sells any such article shall cause it to be labelled in accordance with the said Rules at the time when it is delivered to any purchaser, agent, or broker:

Provided that—

(i) Neither the requirement mentioned in paragraph (*a*) nor that mentioned in paragraph (*b*) shall apply where the article is exposed or offered for sale by retail or delivered to a customer in a hotel, restaurant, or other such place for consumption on the premises; and

(ii) The requirement mentioned in paragraph (*b*) shall not apply where the article is sold by retail and delivered to the purchaser at the vendor's premises or stall if such a notice as is mentioned in paragraph (*a*) is there exhibited as provided in that paragraph.

(3) No person shall sell cream which contains any thickening substance (*c*).

5.—(1) No person shall sell any article which is recommended in any mark or label placed thereon or on its receptacle or container for use as a preservative of, or colouring matter for, any article of food or is described or referred to in any such mark or label in terms likely to lead to its being so used,—

(i) if such use would be contrary to these Regulations; or

(ii) if in the case of a preservative, it is not labelled in accordance with the Rules set out in the Second Schedule to these Regulations.

(2) No person shall on or in connection with the sale of any article or in any advertisement, circular or notice relating thereto recommend it for use as a preservative of, or colouring matter for, any article of food, or describe or refer to it in terms likely to lead to its being so used, if such use would be contrary to these Regulations.

(3) No person shall sell any article which is recommended in any such mark or label as aforesaid for use as a thickening substance for cream or is described or referred to in any such mark or label in terms likely to lead to its being so used, and no person shall on or in connection with the sale of any article or in any advertisement, circular, or notice relating thereto recommend it for use as a thickening substance for cream or describe or refer to it in terms likely to lead to its being so used.

6.—(1) Any officer authorised by the Minister and any officer of the local authority acting in the execution of these Regulations shall have power to enter at all reasonable times any premises where articles to which these Regulations apply are prepared, packed, labelled, or stored.

(2) The officer may take samples of any such article or of any substance used or capable of being used in the preparation of any such article and of any labels designed to be affixed to any such article or to any package or other receptacle containing such article, but shall if so required make reasonable payment for any samples so taken.

(3) Where a sample is taken of an article to which these Regulations apply, the Sale of Food and Drugs Acts, 1875 to 1907, shall apply as if the officer were an officer authorised to procure samples thereunder; and where an analysis is required for the purposes of these Regulations, the provisions of section 14 of the Sale of Food and

(*a*) Proviso (iii) added by Regulations of 1927, and see new proviso (iv) added by Regulations of 1940, *post*, p. 4099.

(*b*) Amended form of (2) substituted by Regulations of 1926.

(*c*) See new Article 4 (4) added by Regulations of 1940, *post*, p. 4099.

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Drugs Acts, 1875, as amended by section 13 of the Sale of Food and Drugs Act, 1899, shall apply (*a*).

7. Where it appears to any authority or officer whose duty it is to enforce these Regulations that an article has been sold within the district of the authority contrary to the provisions of Article 4 or 5 of these Regulations, the authority or officer may, instead of or in addition to taking proceedings against the seller, take proceedings against any previous seller of the article notwithstanding that the sale by such previous seller took place outside the district of the authority, and for the purpose of any such proceedings the sale by the previous seller shall be deemed to have taken place within the district of the authority and the proceedings may be taken either before a court having jurisdiction within that district or before a court having jurisdiction in the place where the sale actually took place.

PART III.

Importation of Articles of Food.

8.—(1) Subject to any directions given by the commissioners of Customs and Excise after consultation with the Minister, the officers of Customs and Excise shall have power to enforce and execute this Part of these Regulations and may take such samples as may be necessary of consignments of imported articles to which these Regulations apply.

(2) Where an officer of Customs and Excise takes a sample for the purpose of analysis he shall send the sample or a portion thereof to the Government Chemist, and either the officer or the Government Chemist shall send a portion of the sample to the importer.

9.—(1) The following authorities and any officers authorised by them in writing shall also have power to enforce and execute this Part of these Regulations, namely:—

(*a*) Where the article of food is landed from a ship or aircraft in a place which is not within the jurisdiction of a port sanitary authority, or where the article is imported in a vehicle and the Customs examination of that vehicle is deferred with the consent of the commissioners of Customs and Excise until the vehicle reaches a place outside such jurisdiction, the council of the borough (including the City of London and a metropolitan borough) or urban or rural district in which such place is situated.

(*b*) In every other case, the port sanitary authority.

(2) Every officer authorised as aforesaid may take such samples as may be necessary of consignments of imported articles to which these Regulations apply, and where he takes a sample for the purpose of analysis he shall send the sample or a portion thereof to a public analyst and either the officer or the analyst shall send a portion of the sample to the importer.

(3) Where the duties of an officer of Customs and Excise with regard to the examination of a cargo or consignment comprising an article of food have not been wholly discharged, a sample of that article shall not be taken without his consent, but every officer of Customs and Excise shall afford such facilities as the circumstances require for the taking of samples in pursuance of this Article.

10. If in any case the Commissioners of Customs and Excise or a port sanitary authority or other authority executing this Part of these Regulations are of opinion that an offence against this Part of these Regulations has been committed, they shall communicate to the Minister for his information the name of the importer and such other facts as they may possess or may obtain as to the destination of the consignment.

11.—(1) No person shall import into England or Wales any article of food intended for sale which contains any added preservative or any added colouring matter

(*a*) By reason of the provisions of the Food and Drugs (Adulteration) Act, 1928, the effect of this sub-division is that where a sample is taken of an article to which the Regulations apply, that Act applied as if the officer were a sampling officer thereunder; and where an analysis is required for the purposes of the Regulations, the provisions of sub-s. (1) of s. 18 of that Act applied; see now Food and Drugs Act, 1938, s. 70, *ante*, p. 1410.

being one of those (*a*) specified in Part II. of the First Schedule to these Regulations: Provided that—

(i) any article of food specified in Part I. of the said Schedule may contain preservative of the nature and in the proportion therein specified;

(ii) where an article of food specified in Part I. of the said Schedule otherwise than in item 4 thereof (*b*) is used in the preparation of any other article of food, the latter article may contain any preservative necessarily introduced by the use of the former article, but the total proportion of any one preservative contained in any article of food specified in that Part of the Schedule shall not exceed the proportion therein specified.

(iii) (*c*) The provisions of this Article shall not apply so as to prohibit the presence of sulphur dioxide in any article of food other than meat if it is shown either—

(*a*) that the article not being an article specified in Part I. of the said Schedule is intended to be used in the preparation of an article which is so specified; or

(*b*) that the article being itself an article so specified, other than fruit or fruit pulp, is intended to be so treated before it is sold or exposed for sale by retail as to comply with the provisions of the Schedule as regards the proportion of sulphur dioxide contained (*d*).

(2) No person shall import into England or Wales any cream intended for sale which contains any thickening substance (*e*).

PART IV.

Miscellaneous.

12. The provisions of these Regulations with respect to prohibiting any preservative or colouring matter or thickening substance in articles of food and requiring the labelling of certain articles of food and of articles sold as preservatives shall not apply in the case of any article which is intended to be exported or re-exported or (*f*) intended for use as ships' stores.

13.—(1) In any proceedings under these Regulations the certificate of the Government Chemist or the public analyst, as the case may be, of the result of the chemical examination of a sample shall be sufficient evidence of the facts therein stated unless the defendant requires that the person who made the examination be called as a witness.

(2) In any proceedings under these Regulations, where the fact that any article has been dealt with contrary to these Regulations has been proved, if the respondent desires to rely upon the exceptions or provisions contained in these Regulations with reference to such article being sold for consumption on the premises or being intended for export or re-export or for use as ships' stores it shall be incumbent upon him to prove that the article was so sold or was intended for export or re-export or for use as ships' stores.

14. A person shall, if so required, give to any officer of Customs and Excise or of any local authority who is acting in the execution of these Regulations all reasonable assistance in his power, and shall, in relation to anything within his knowledge, furnish any such officer with all information which he may reasonably require for the purposes of these Regulations including information as to the persons from whom or places from which any article to which these Regulations apply has been obtained and to whom and to which it has been consigned or otherwise disposed of.

15. The Public Health (Milk and Cream) Regulations, 1912, the Public Health (Milk and Cream) Regulations, 1912, Amendment Order, 1917, and so much of the

(*a*) Words " any added colouring matter being one of those " substituted by Regulations of 1927 for words " any of the colouring matters."
(*b*) Words " otherwise than in item 4 thereof " added by Regulations of 1927.
(*c*) Proviso (iii) added by Regulations of 1927.
(*d*) See new proviso (iv) added by Regulations of 1940, *post*, p. 4099.
(*e*) See new Article 11 (3) added by Regulations of 1940, *post*, p. 4099.
(*f*) Words " in the case of butter " omitted in pursuance of Regulations of 1926.

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Public Health (Imported Food) Regulations, 1925, as relates to paragraph (*f*) of the First Schedule thereto are hereby revoked, but without prejudice to any proceedings begun or other action taken in pursuance of any of those Regulations.

SCHEDULES.

THE FIRST SCHEDULE.

PART I.—ARTICLES OF FOOD WHICH MAY CONTAIN PRESERVATIVE AND NATURE AND PROPORTION OF PRESERVATIVE IN EACH CASE:

The articles of food specified in the first column of the following table may contain the preservative specified in the second column in proportions not exceeding the number of parts (estimated by weight) per million specified in the third column:—

Food.	Preservative.	Parts per million.
1. Sausages and sausage meat containing raw meat, cereals and condiments.	Sulphur dioxide.	450
2 (*a*). Fruit and fruit pulp (not dried) for conversion into jam or crystallised glacé or cured fruit as defined in items 6 and 7:		
(*a*) Cherries	Do.	3,000
(*b*) Strawberries and raspberries	Do.	2,000
(*c*) Other fruit	Do.	1,500
3. Dried fruit:		
(*a*) Apricots, peaches, nectarines, apples and pears.	Do.	2,000
(*b*) Raisins and sultanas	Do.	750
4. Unfermented grape juice and non-alcoholic wine made from such grape juice if labelled in accordance with the rules contained in the Second Schedule to these Regulations.	Benzoic acid	2,000
5. Other non-alcoholic wines, cordials and fruit juices, sweetened or unsweetened.	Either Sulphur dioxide or Benzoic acid	350 600
6 (*a*). Jam (including marmalade and fruit jelly prepared in the way in which jam is prepared)	Sulphur dioxide.	40
7 (*a*). Crystallised glacé or cured fruit (including candied peel)	Do.	100
7*a* (*a*). Fruit and fruit pulp not otherwise specified in this Schedule	Do.	350
8 (*b*). Sugar (including solid glucose) and cane syrups	Do.	70
8*a* (*b*). Cornflour (maize starch) and other prepared starches	Do.	100

Food.	Preservative.	Parts per million.
9. Corn syrup (liquid glucose).	Sulphur dioxide.	450
10. Gelatine	Do.	1,000
11. Beer	Do.	70
12. Cider	Do.	200
13. Alcoholic wines.	Do.	450
14. Sweetened mineral waters	Either Sulphur dioxide or Benzoic acid	70 120
15. Brewed ginger beer	Benzoic acid	120
16. Coffee extract	Do.	450
17. Pickles and sauces made from fruit or vegetables	Do.	250

(*a*) Amended forms of items 2, 6, and 7 substituted, and new item 7A added, by Regulations of 1926.

(*b*) Amended form of item 8 substituted, and new item 8A added, by Regulations of 1927.

PART II.—COLOURING MATTERS WHICH MAY NOT BE ADDED TO ARTICLE OF FOOD.

1. *Metallic Colouring Matters.*

Compounds of any of the following metals:—

Antimony,	Copper,
Arsenic,	Mercury,
Cadmium,	Lead,
Chromium,	Zinc.

2. *Vegetable Colouring Matter.*

Gamboge.

3. *Coal Tar Colours.*

Number in Colour Index of Society of Dyers and Colourists, 1924.	Name.	Synonyms.
7	Picric acid . .	Carbazotic acid.
8	Victoria yellow .	Saffron substitute; Dinitro-cresol.
9	Manchester yellow .	Naphthol yellow; Martius yellow.
12	Aurantia. . .	Imperial yellow.
724	Aurine . . .	Rosolic acid; yellow coraline.

THE SECOND SCHEDULE.

LABELLING OF ARTICLES OF FOOD CONTAINING PRESERVATIVE AND OF PRESERVATIVES.

1. The articles of food containing preservative to which the Rules as to labelling set out in this Schedule apply are sausages, sausage-meat, coffee extract, pickles, and sauces, and (where the proportion of benzoic acid exceeds 600 parts per million) grape juice and wine.

2.—(1) Where any of the said articles of food contains preservative it shall bear a label on which is printed the following declaration or such other declaration substantially to the like effect as may be allowed by the Minister:—

(a) CONTAIN(S) PRESERVATIVE.

(2) The declaration shall be completed by inserting at (*a*) the word "This" or "These," followed by the name of the food as used in paragraph 1 of this Schedule.

(3) In the case of grape juice or wine to which these Rules apply there shall be added to the declaration the words "and is not intended for use as a beverage."

3.—(1) An article sold as a preservative shall bear a label on which is printed the following declaration or such other declaration substantially to the like effect as may be allowed by the Minister:—

THIS PRESERVATIVE CONTAINS
(a) PER CENT. OF SULPHUR DIOXIDE.

(2) Where the article contains benzoic acid the words "Benzoic Acid" shall be substituted for the words "Sulphur Dioxide."

(3) The declaration shall be completed by inserting at (*a*) in words and figures excluding fractions (*e.g.* "seventy (70)") the true percentage of the sulphur dioxide or benzoic acid present in the article.

4. The prescribed declaration shall in each case be printed in dark block type upon a light-coloured ground within a surrounding line and no other matter shall be printed within

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such surrounding line. The type used shall be not less than one-eighth of an inch in height, or, in the case of grape juice or wine to which these Rules apply, one-sixteenth, of an inch in height.

5. The label shall be securely affixed to the article or be part of or securely affixed to the wrapper or container, and in any case shall be so placed as to be clearly visible. If the article bears a label containing the name, trade mark, or design representing the brand of the article or the name and address of the manufacturer or dealer the prescribed declaration shall on and after the 1st day of July, 1927 (*a*), be printed as part of such label (*b*).

6. No comment on or explanation of the prescribed declaration (other than any direction as to use in the case of a preservative) shall be placed on the label or on the wrapper or container.

S. R. & O., 1934, No. 1342.

THE PUBLIC HEALTH (SHELL-FISH) REGULATIONS, 1934, DATED DECEMBER 7TH, 1934, MADE BY THE MINISTER OF HEALTH UNDER SECTION 130 OF THE PUBLIC HEALTH ACT, 1875, THE PUBLIC HEALTH (LONDON) ACT, 1891, THE PUBLIC HEALTH ACT, 1896 (59 & 60 VICT. C. 19), AND THE PUBLIC HEALTH (REGULATIONS AS TO FOOD) ACT, 1907 (*c*).

The Minister of Health, in the exercise of the powers conferred on him by the Public Health Act, 1875, the Public Health Act, 1896, the Public Health (London) Act, 1891, and the Public Health (Regulations as to Food) Act, 1907, hereby makes the following Regulations :—

1. These Regulations may be cited as the Public Health (Shell-fish) Regulations, 1934, and shall come into operation on the first day of January, 1935.

2.—(1) The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(2) In these Regulations, unless the context otherwise requires :—

"The Minister" means the Minister of Health ;

"Local authority" means a port sanitary authority, the common council of the City of London, the council of a metropolitan borough, the council of a municipal borough and the council of an urban or rural district ;

"District" means, in the case of a port sanitary authority, the district of the port sanitary authority, in the case of any local authority part of whose district is situate in the district of a port sanitary authority, the remainder of the district of the local authority, and in every other case the district of the local authority ;

"Laying" means a foreshore, bed, laying, pond, pit, ledge, float, or other place where shell-fish are taken or deposited ;

"Private laying" means a laying where shell-fish are not habitually taken or deposited except by the owner or by a tenant of the laying, and "tenant" includes any person authorised by the owner or by a tenant to take or deposit shell-fish ;

"Public laying" means a laying which is not a private laying ;

"Sea Fisheries Committee" means a local fisheries committee for a sea fisheries district constituted under the Sea Fisheries Regulation Act, 1888.

3. The Public Health (Shell-fish) Regulations, 1915, are hereby revoked, but without prejudice to any order made or anything done thereunder.

4.—(1) If the medical officer of health of a local authority is in possession of information that any person is suffering, or has recently suffered, from infectious

(*a*) Words "on and after the 1st day of July, 1927," added by Regulations of 1926.

(*b*) In the case of imported food, the provisions of section 16 of the Merchandise Marks Act, 1887 (19 Halsbury's Statutes 832), must also be complied with if the label bears the name or trade mark of a dealer or merchant in the United Kingdom.

(*c*) These regulations are kept alive by the Food and Drugs Act, 1938. See note (*a*) to s. 8 thereof, *ante*, p. 1317.

or other disease attributable to shell-fish, or that the consumption of shell-fish exposed for sale within the district is likely to cause danger to public health, he shall make such enquiries and take all such other steps as are practicable to ascertain the layings from which such shell-fish were derived, and shall report thereon to the local authority.

(2) For the purpose of such enquiries the local authority may require any fishmonger supplying shell-fish in the district to furnish to the medical officer of health within a reasonable time fixed by them, a list of all the layings, so far as he can with reasonable diligence ascertain them, from which his supply of shell-fish has been derived during any period not exceeding six weeks immediately preceding the date of the requisition, together with any information in his possession which will assist the medical officer of health in ascertaining the particular laying or layings from which any suspected shell-fish were derived, and, if the supply or any part of it was obtained through any other fishmonger the local authority may make a similar requisition upon that fishmonger, and a fishmonger on whom a requisition is made under this paragraph shall comply with the requisition.

(3) If any laying from which suspected shell-fish are ascertained to have been derived is situate in the district of the local authority the medical officer of health shall make an investigation with regard to the laying and shall further report to the local authority thereon, furnishing with his report copies of any bacteriological or other reports obtained by him.

(4) If any such laying is not situate in the district of the local authority, they shall send to the local authority within whose district the laying is situate a copy of the report of the medical officer of health and any other information which may be in their possession indicating possible danger to public health from the consumption of shell-fish derived from the laying, and they may, in addition, make such representation as they think fit with regard to the making of an order under these Regulations.

(5) Upon receipt of such information the local authority of the district in which the laying is situate shall instruct their medical officer of health to make an investigation with regard to the laying and to report to them thereon and his report shall be accompanied by copies of any bacteriological or other reports obtained by him.

5.—(1) On receipt of a report of their medical officer of health upon an investigation made by him with regard to a laying situate in their district, the local authority shall take the report into consideration and if they are satisfied that the consumption of shell-fish taken from the laying is likely to cause danger to public health they may make an order in the form set out in the Schedule to these Regulations or a form substantially to the like effect prohibiting the distribution for sale for human consumption of shell-fish taken from the laying, either absolutely or subject to such exceptions and conditions as they may think proper, having regard to the interests of the public health.

(2) At least twenty-one days before making any such order the local authority shall give notice of the proposal to make the order stating the grounds on which the proposal is made, and shall give all persons interested a reasonable opportunity of making representations with regard thereto.

(3) In the case of a private laying such notice shall be served on every owner and tenant of the laying whose name and address can with reasonable diligence be ascertained, and in the case of a public laying it shall be given by means of posters affixed in conspicuous places in the vicinity of the laying or in such other manner as the local authority think best calculated to bring the proposal to the attention of the persons interested. In either case a copy of the notice shall be sent to the Sea Fisheries Committee in whose district the laying is situated.

(4) The local authority shall supply a copy of the report of the medical officer of health to any person interested, on payment of a reasonable sum therefor.

(5) If the local authority decide to make no order, they may allow any person interested any reasonable expenses incurred by him in making representations.

6.—(1) As soon as practicable after an order has been made, the local authority shall—

(*a*) publish in one or more local newspapers circulating within their district and send to the Sea Fisheries Committee in whose district the laying is situated

a notice stating that the order has been made and either setting out the terms of the order or naming a place where a copy of the order may be seen at all reasonable hours;

(*b*) if the order relates to a private laying, serve a like notice, either personally or by post, upon every owner and tenant of the laying whose name and address can with reasonable diligence be ascertained.

(2) Before an order comes into operation, or as soon as practicable thereafter the local authority shall, if the laying is a public laying, and may, if the laying is a private laying, cause warning notices containing a copy of the order or a sufficient statement of its terms and printed in easily legible type to be posted in conspicuous places in the vicinity of the laying.

7. A local authority shall as soon as possible inform the Minister and the Minister of Agriculture and Fisheries of any action taken by them under these Regulations.

8.—(1) If a report made to a local authority by their medical officer of health is made in consequence of a representation made by some other local authority under paragraph (4) of Article 4 of these Regulations, the first-mentioned authority shall as soon as possible inform the other authority what action, if any, they propose to take in consequence of the representation, and if they make an order shall send to the other authority a copy of the order.

(2) The other authority may appeal to the Minister—

(*a*) against a decision of the first-mentioned authority not to make an order; or

(*b*) against the neglect of the first-mentioned authority to make an order within a reasonable time; or

(*c*) if an order has been made by the first-mentioned authority, on the ground that the order does not provide adequate safeguards for the public health.

(3) An appeal against a decision not to make an order or on the ground that the order does not provide adequate safeguards must be made within one month from the receipt by the appellant authority of notice of the decision or of a copy of the order, as the case may be.

(4) Upon consideration of the appeal the Minister may, if he thinks fit, make any such order as the first-mentioned local authority could have made or may vary any order made by that authority, as the case may require, and any order so made or varied shall have effect as if it had been made in that form by the authority.

9.—(1) Any person aggrieved by an order made under Article 5 of these Regulations may appeal to the Minister within 14 days after the publication of notice of the order, or if the appellant has been served with a notice of the order as the owner or tenant of a private laying, within 14 days after the receipt of the notice.

(2) Upon consideration of the appeal the Minister may confirm the order with or without modification or may quash the order, as he thinks fit.

(3) No appeal shall lie under this Article against an order which has been made or varied by the Minister on an appeal made under the last preceding Article.

10.—(1) If at any time a local authority are satisfied, whether upon application made to them by a person interested or otherwise, that an order made by them under these Regulations or under the Regulations hereby revoked may without prejudice to the public health be varied or revoked, they shall forthwith make an order varying or revoking the original order, as the case may require, and shall send a statement of the reasons for the variation or revocation of the order to the Minister and to the Minister of Agriculture and Fisheries and to any local authority who made a representation in regard to any laying to which the original order relates:

Provided that no order which has been made or varied by the Minister on appeal under Article 8 of these Regulations shall be varied or revoked under this Article without the consent of the Minister.

(2) Any person who has made application under this Article for the variation or revocation of an order may appeal to the Minister against a decision of the local authority not to vary or revoke the order or their neglect to do so within a reasonable time, and upon consideration of the appeal the Minister may, if he thinks fit, make

an order varying or revoking the original order and any order so made shall have effect as if it were made by the local authority.

(3) An appeal against a decision not to vary or revoke the order must be made within one month from the receipt by the appellant of notice of the decision.

(4) Article 6 of these Regulations which relates to publication of notice of orders shall apply to a varying or revoking order.

11. An order made under these Regulations shall become operative at such date, not being less than 14 days after publication of the notice that the order has been made, as may be specified in the order or, if an appeal against the order has been made under Article 9 of these Regulations and the order has been confirmed with or without modification, on such date as the Minister may determine.

12. If an order in regard to any laying is in operation, a person shall not contrary to the provisions of the order sell or expose, distribute, or offer for sale or have in his possession for the purpose of sale for human consumption any shell-fish taken from the laying.

13. An order made under these Regulations shall be executed and enforced by the local authority making the order, and their medical officer of health shall make all such enquiries and inspections, whether within or without their district, as may be necessary to secure that the provisions of the order are strictly complied with in the district.

SCHEDULE.

PUBLIC HEALTH (SHELL-FISH) REGULATIONS, 1934.

Order made by the [Insert name of local authority].

In pursuance of the powers conferred on them by the Public Health (Shell-fish) Regulations, 1934, the [*insert name of local authority*] hereby make the following Order :—

1. In this order, " prescribed area " means :—

[*Insert description of area.*]

2. A person shall not sell, or expose or distribute or offer for sale or have in his possession for the purpose of sale for human consumption any [* shell-fish, mussels, cockles] taken from within the prescribed area †, unless such [* shell-fish, mussels, cockles] have been—

(i) subjected to a satisfactory process of cleansing at an establishment which is for the time being approved by the Minister of Health for the purpose ; or

(ii) relaid in pure water for such period and in such places as may from time to time be approved for the purpose by the said Council ; or

(iii) subjected to a process of sterilisation by steam under pressure for at least six minutes in an apparatus which is for the time being approved by the said Council.

3. This Order shall come into operation on the day of 193 .

Given under the common seal of the this day of , 193 .

Given under the official seal of the Minister of Health this seventh day of December, nineteen hundred and thirty-four.

(L.S.) W. A. ROSS,

Assistant Secretary, Ministry of Health.

[*Note.—The Public Health Act*, 1896, *provided by subsection* (3) *of section* 1 *that if any person wilfully neglected or refused to obey or carry out, or obstructed the execution of any regulation made under any of the enactments mentioned in that Act, he should be liable to a penalty not exceeding* £100 *and, in the case of a continuing offence, to a further penalty not exceeding* £50 *for every day during which the offence continues. A similar penalty was provided by Public Health Act*, 1936, *s.* 143 (5).

The power of making regulations under the Public Health Act, 1896, *and the enactments mentioned in that Act was enlarged by the Public Health (Regulations as to Food) Act*, 1907 ; *but see now ss.* 78 *and* 101 (3) *of the Food and Drugs Act*, 1938, *ante, pp.* 1420 *and* 1451.]

* These words should be varied according to circumstances.

† Omit any of the following words which may be unsuitable.

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S. R. & O., 1935, No. 187.

THE PUBLIC HEALTH (MEAT) AMENDMENT REGULATIONS, 1935, DATED MARCH 11TH, 1935, MADE BY THE MINISTER OF HEALTH UNDER THE PUBLIC HEALTH (REGULATIONS AS TO FOOD) ACT, 1907.

The Minister of Health in the exercise of the powers conferred upon him by the Public Health (Regulations as to Food) Act, 1907 and of every other power enabling him in that behalf hereby makes the following regulations that is to say :—

1. These regulations may be cited as the Public Health (Meat) Amendment Regulations, 1935, and these regulations and the Public Health (Meat) Regulations, 1924 (*a*) (hereinafter called "the principal regulations") shall be construed together and may be cited together as the Public Health (Meat) Regulations, 1924 and 1935.

2. These regulations shall come into operation on the date hereof.

3. [*Amends Articles* 9 *and* 10 *of principal regulations, ante, p.* 2813.]

4. Copies of the Public Health (Meat) Regulations, 1924, printed under the authority of His Majesty's Stationery Office may be printed with any additions omissions or substitutions directed to be made by these or any other amending regulations but with a footnote in each instance referring to such amending regulations ; and the principal regulations so printed may be cited as the Public Health (Meat) Regulations.

Given under the official seal of the Minister of Health this eleventh day of March nineteen hundred and thirty-five.

(L.S.) J. N. BECKETT,
Assistant Secretary, Ministry of Health.

S. R. & O., 1937, No. 329.

THE PUBLIC HEALTH (IMPORTED FOOD) REGULATIONS, 1937, DATED APRIL 16TH, 1937, MADE BY THE MINISTER OF HEALTH.

The Minister of Health in the exercise of the powers conferred upon him by the Public Health Act, 1875 the Public Health Act, 1896 the Public Health (Regulations as to Food) Act, 1907 and the Public Health (London) Act, 1936 and of all other powers enabling him in that behalf hereby makes the following regulations, with the consent of the Commissioners of Customs and Excise so far as they apply to the officers of Customs and Excise, that is to say :—

PART I.

Preliminary.

1. These regulations may be cited as the Public Health (Imported Food) Regulations, 1937, and shall come into operation on the [1st day of April, 1938 (*b*)].

2.—(1) In these regulations unless the context otherwise requires :—
"the Minister" means the Minister of Health ;
"officer of Customs and Excise" includes any person acting under the authority of the Commissioners of His Majesty's Customs and Excise ;

(*a*) S. R. & O., 1924, No. 1432, p. 2812 *ante*.

(*b*) Words in square brackets substituted by amending Provisional Regulations dated 2nd December, 1937, now spent.
These regulations are kept alive by the Food and Drugs Act, 1938, see note (*a*) to s. 8 thereof, *ante*, p. 1317.

" sanitary authority " means a port health authority and the council of a borough or urban or rural district which includes or abuts or any part of a Customs port which part is not within a port health district ;

" district " means the district of a sanitary authority and in the case of a sanitary authority other than a port health authority includes the waters of any Customs port abutting on any part of their district so far as such waters are not within a port health district ;

" medical officer of health " includes any duly qualified medical practitioner and any assistant officer appointed or employed by a sanitary authority to act in the execution of these regulations ;

" local authority " means the council of a borough or urban or rural district, not being a sanitary authority within the meaning of these regulations and includes the common council of the City of London and the council of a metropolitan borough ;

" ship " includes a vessel or boat ;

" master " used in relation to a ship includes the officer or other person for the time being in charge or command of the ship ;

" British Islands " means Great Britain and Ireland, the Channel Islands and the Isle of Man ;

" oversea " means brought from a place situate elsewhere than in the British Islands ;

" article of food " means an article of food whether oversea or not which, as part of the cargo of a ship or aircraft is brought to, or delivered or landed at a place within England or Wales either as a place of actual or appointed destination, or as a place of deposit for the purpose of transmission to a place of actual or appointed destination elsewhere in the British Islands ;

" importer " includes any person who, whether as owner, consignor or consignee, agent or broker, is in possession of or in anywise entitled to the custody or control of any article of food ; and " import " shall be construed accordingly ;

" export " means remove to a place not in the British Islands ;

" animal " includes a bull cow ox heifer calf ram ewe wether lamb goat kid boar sow and hog ;

" pig " includes a boar sow and hog ;

" meat " means the flesh or other edible part of an animal and includes meat which has been cured or smoked but save as aforesaid does not include meat which has been cooked or otherwise treated or prepared ;

" meat product " means any of the articles specified in the second schedule to these regulations ;

" prohibited meat " means any of the kinds of oversea meat specified in the first schedule to these regulations ;

" competent authority " means an authority having power under the laws in force in any country to examine articles of food and to certify as to their fitness for human consumption ;

" official certificate " means a certificate label mark stamp or other voucher which is affixed by a competent authority to any oversea meat or meat product or to a package containing any such meat or meat product and is for the time being recognised by the Minister as showing—

(*a*) that the meat to which it relates or the meat from which the meat product to which it relates was prepared, was derived from animals inspected ante and post mortem and passed in accordance with criteria satisfactory to the Minister ; and

(*b*) that all necessary precautions for the prevention of danger to public health were taken in the dressing or preparing and packing of the meat or meat product.

(2) The recognition of an official certificate for the purpose of these regulations shall be effected by means of a notice published in the *London Gazette* which shall specify the conditions (if any) subject to which the certificate is recognised ; and any such notice may be varied or revoked by a subsequent notice published in the *London Gazette*.

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(3) The Interpretation Act, 1889 applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. From the date of commencement of these regulations, the Public Health (Imported Food) Regulations, 1925 and the Public Health (Imported Food) Amendment Regulations, 1933 shall be revoked but without prejudice to the effect of any notice certificate proceedings or other thing given issued begun or done in pursuance of such regulations; and all orders made under those regulations or under any regulations revoked thereby shall continue in force until altered or revoked as if they were made under these regulations and any reference in any such order to any provisions of the revoked regulations shall have effect as if the reference were to the corresponding provisions of these regulations.

4.—(1) Subject to such provisions of these regulations as prescribe functions to be exercised by the officers of Customs and Excise and by the medical officer of health and any other officer of a sanitary authority, the sanitary authority shall enforce and execute these regulations:

Provided that, if the Minister shall by order so require, the enforcement and execution of these regulations in a metropolitan borough or borough or an urban or rural district or in the City of London shall be undertaken by the local authority and their officers as if the local authority were a sanitary authority within the meaning of these regulations.

(2) If the Minister after due inquiry is satisfied that a sanitary authority or local authority have failed to enforce and execute any of the provisions of these regulations, he may by order appoint some person to execute and enforce such provisions in lieu of the authority and their officers. Any person so appointed shall have such of the functions of the authority under these regulations as may be assigned to him by the order and any expenses reasonably incurred by him in discharging those functions and such remuneration as the Minister may pay to him for his services shall be a debt due from the authority to the Minister.

5. Where a vehicle containing articles of food is landed in Great Britain and with the consent of the Commissioners of Customs and Excise the Customs examination of such vehicle is deferred until the vehicle reaches a place of destination in England or Wales or where articles of food are brought by aircraft, these regulations shall apply to such articles of food with all necessary modifications, including the substitution throughout the regulations of the terms and expressions set out in the second column of the following table for the terms and expressions set out in the first column:—

Terms and expressions used in regulations.	Terms and expressions to be substituted.
Ship	Vehicle or aircraft.
Cargo	Contents of vehicle or aircraft.
Master	Person having charge of vehicle or aircraft.
Sanitary authority	Local Authority (where place of destination or arrival is not within the district of a sanitary authority).
Land	Unload.

PART II.

All food.

6. A person shall not import into England or Wales for sale for human consumption any article of food which has been examined by a competent authority and not found at the time of examination to be fit for human consumption or any article of food in the manufacture or preparation of which any such article as aforesaid has been used.

7.—(1) The medical officer of health may examine any article of food which has been landed within the district and where the circumstances, in his opinion, so require, he may examine an article of food while it is on board a ship within the district or after it has been delivered overside and before it has been landed.

(2) The master of a ship and every person having the custody of any lands or premises within the district shall, at the request of the medical officer of health, afford him access to the ship or to the lands or premises, at any reasonable time, for the examination of an article of food which is on board the ship or which has been deposited on the lands or premises.

(3) The importer, the master of the ship and every person having the custody of any lands or premises shall, at the request of the medical officer of health, afford, by the convenient and suitable arrangement, unpacking or uncovering of so much of the cargo or of any consignment delivered overside or landed or deposited on the lands or premises, as comprises articles of food, all such facilities as the medical officer of health may reasonably require for the examination of the article of food. He shall also afford such other facilities as the medical officer of health may reasonably require for the purposes of these regulations.

(4) Where the medical officer of health has reason to believe that an article of food, which has been landed within the district, is deposited on any lands or premises within the district and access to the lands or premises at a reasonable time, for the examination of the article of food by the medical officer of health, has been refused by the person having the custody of the lands or premises, the medical officer of health may make complaint to a justice.

The justice may thereupon by a warrant authorise the medical officer of health to enter the lands or premises and to search for and examine any article of food deposited thereon.

The person having the custody of the lands or premises named in the warrant shall, at any reasonable time, afford all such facilities as the medical officer of health may reasonably require to enable him, by an assistant or otherwise, to search for and examine the article of food.

(5) Where the duties of an officer of Customs and Excise with respect to the examination of a cargo or consignment comprising an article of food have not been wholly discharged, an examination of the article of food for the purpose of these regulations shall not be made without the consent of such officer but every officer of Customs and Excise shall afford such facilities as the circumstances require for the examination of the article of food in pursuance of these regulations.

8.—(1) The medical officer of health may take a sample from a consignment of articles of food for any purpose of these regulations and, subject to paragraph (2) of this regulation, shall dispose of the sample in such manner as the sanitary authority direct.

(2) Where the medical officer of health who takes a sample from a consignment of articles of food is of opinion that special procedure is necessary for the examination of the articles of food or where, at the request of the importer, the medical officer of health who takes any such sample has recourse to special procedure for the examination of the articles of food, the importer and every person who has the custody or control of the consignment shall afford all such facilities as the medical officer of health may reasonably require for the completion of his examination of the articles of food and, during such time, not exceeding forty-eight hours, as the medical officer of health by notice in writing appoints or during any longer time which he by notice in writing appoints and to which the importer has consented, he shall not, without the permission of the medical officer of health, remove any such articles of food except to any such place as may be specified in the notice.

9.—(1) If, on examination, the medical officer of health is of opinion that an article of food is diseased or unsound or unwholesome or unfit for human consumption, he may himself or by an assistant seize and carry away the article of food or he may by a notice in writing to the importer or to the master of the ship or to any other person having charge of the article of food require that, until it has been dealt with by a justice, it shall not, without the permission of the medical officer of health, be removed from the place of examination or from any other place specified in the notice and in either case the medical officer of health may apply to a justice to deal with the article of food under regulation 15 of these regulations.

(2) Neither the importer nor the master of the ship nor any other person shall, without the permission of the medical officer of health, remove an article of food in

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relation to which a notice has been given in pursuance of this regulation from the place at which the medical officer of health has examined it or such other place as is specified in the notice, until it has been dealt with by a justice and such justice has authorised its removal.

PART III.

Oversea meat and meat products.

10. No prohibited meat shall be imported into England or Wales for sale for human consumption and no meat or meat product shall be so imported without an official certificate.

11.—(1) The officer of Customs and Excise on the arrival of a ship within the district shall ascertain whether the cargo of the ship comprises any oversea meat or meat product.

(2) Where it appears to the officer of Customs and Excise to be desirable that any oversea article of food should be examined by the medical officer of health either with a view to ascertaining whether it comprises any prohibited meat or any meat or meat product without an official certificate or for any other purpose of these regulations he shall by a notice in writing given to the master or to the importer require that until the article has been examined by the medical officer of health it shall not be removed from the place specified in the notice and he shall at the same time inform the medical officer of health of the effect of the notice.

(3) The medical officer of health shall forthwith examine any article of food in respect of which a notice has been given by an officer of Customs and Excise under this regulation, and shall send to that officer a copy of any notice or certificate issued by him under this regulation or a statement in writing of any action taken by him under any other provisions of these regulations in respect of that article of food.

(4) If upon the examination of any oversea article of food the medical officer of health is of opinion that it comprises any prohibited meat or any meat or meat product without an official certificate he shall by a notice in writing forbid its removal for any purpose other than its exportation.

He shall send a copy of every such notice to the sanitary authority.

(5) If upon the examination of any article of food in respect of which the officer of Customs and Excise has given a notice under this regulation the medical officer of health is of opinion either,

(*a*) that it has an official certificate and does not comprise any prohibited meat; or

(*b*) that it is not meat or a meat product.

he shall give a certificate authorising its removal unless he takes action in respect of it under any other provision of these regulations.

12.—(1) The sanitary authority, within twelve hours after the receipt of a copy of a notice by the medical officer of health given in pursuance of paragraph (4) of regulation 11 of these regulations with respect to any oversea meat or meat product, shall give to the importer notice in writing that, unless, within the time specified in the notice not being less than twelve hours after the receipt thereof he gives a written undertaking to export the meat or meat product at his own expense or to prove in proceedings before a justice that it is not intended for sale for human consumption, it will be destroyed or disposed of under the supervision of the medical officer of health by such means and in such a manner as to prevent its being used for human consumption.

(2) If within the time specified in the notice, the sanitary authority have not received such a written undertaking as is described in the notice or if within that time they have received an undertaking that the importer will at his own expense export the meat or meat product and within seven days after the receipt of the undertaking the importer fails to export it, the sanitary authority may cause it to be destroyed or disposed of under the supervision of the medical officer of health by such means and in such a manner as to prevent its being used for human consumption.

(3) Where in pursuance of this regulation the importer has given an undertaking

to prove that any meat or meat product is not intended for sale for human consumption the sanitary authority shall within twenty-four hours after the receipt of the undertaking take steps to obtain the decision of a justice with respect thereto.

13.—(1) Where in pursuance of regulation 11 of these regulations the officer of Customs and Excise or the medical officer of health has given a notice forbidding the removal of any article of food such article of food shall not be removed by any person contrary to the terms of the notice except with the express permission of the officer by whom the notice was given.

(2) A person shall not land any meat or meat product which has been exported in compliance with an undertaking given under these regulations or under any similar regulations then in force in any part of the British Islands.

PART IV.

Judicial proceedings, etc.

14. For the purposes of these regulations an application may be made to any justice having jurisdiction in the district and thereupon subsection (2) of section 28 of the Public Health Acts Amendment Act, 1890 whether that subsection is or is not in force in the district and any provision in any Act of Parliament which applies to a proceeding under or consequent upon that subsection, shall have effect in relation to the proceedings, as if the application were a complaint within the meaning of the said subsection and otherwise subject to the provisions of these regulations.

15.—(1) Where in pursuance of these regulations an application is made to a justice in respect of an article of food and the justice is satisfied :—

(*a*) that the article of food is diseased or unsound or unwholesome, or unfit for human consumption or

(*b*) in the case of any meat or meat product in respect of which an undertaking in that behalf has been given under regulation 12 that the importer has failed to prove that the meat or meat product is not intended for sale for human consumption

he shall condemn the article of food and order it to be destroyed or disposed of under the supervision of the medical officer of health by such means and in such a manner as to prevent its being used for human consumption.

(2) Where on such application the justice is satisfied that the article of food is not intended for sale for human consumption, he shall order the return of such article to the person entitled thereto or the rescission of the notice prohibiting the removal thereof, as the case may require.

(3) The justice shall in every order under this regulation set forth the description of and such other details as will suffice to identify the article of food, together with the name description and address of the importer and of the person to whom it is to be delivered and shall in every order made under paragraph (2) of this regulation state that he is satisfied that the article of food is not intended for sale for human consumption ; and he shall forthwith furnish the sanitary authority with a copy of every order under this regulation.

16. If a difference arises in relation to any subject matter of or to anything done under these regulations, the difference may, on the application of all the parties affected, be referred to the Minister for determination and the Minister may by order determine the difference and such determination shall be final and conclusive.

PART V.

General.

17. Any notice or certificate given by a sanitary authority or a medical officer of health or any undertaking given by an importer under these regulations may be given by properly addressing, prepaying and posting a letter containing the notice certificate or undertaking.

18. Where, in pursuance of these regulations, an article of food is destroyed or otherwise disposed of under the supervision of the medical officer of health, the sanitary authority, before the destruction or other disposal of the article of food, shall

cause the description of and such other details as will suffice to identify the article of food to be duly recorded and shall keep the record in their custody for a period of not less than twelve months.

19. A person shall, if so required, give to the officer of Customs and Excise or the medical officer of health acting in the execution of these regulations, all reasonable assistance in his power and shall, in relation to anything within his knowledge, furnish any such officer with all information he may reasonably require for the purposes of these regulations and a person, in relation to anything within his knowledge and material to any purpose of proceedings in pursuance of these regulations, shall make a true statement and truly answer any question, when required or put by a justice or other competent authority in the course and for any purpose of those proceedings.

20.—(1) The sanitary authority may, with the consent of the Minister, appoint and pay a legally qualified medical practitioner to act in the execution of these regulations, either in the place of or as an assistant to the medical officer of health.

(2) The sanitary authority may also, with the consent of the Minister appoint or employ and pay an assistant officer to act, under the direction of the medical officer of health, in the exercise of any such powers or in the discharge of any such duties of the medical officer of health under these regulations as the sanitary authority assign to the person so appointed.

SCHEDULES.

FIRST SCHEDULE.

PROHIBITED MEAT.

(*a*) Scrap meat, that is to say, meat which consists of scraps, trimmings or other pieces (whether with or without bone) of such shape or in such condition as to afford insufficient means of identification with a definite part of a carcase.

(*b*) Meat comprising the wall of the thorax or abdomen from which there has been detached any part of the pleura or (except in the case of meat derived from a pig) the peritoneum, other than a part necessarily removed in preparing the meat.

(*c*) Meat from which a lymphatic gland, except a gland necessarily removed in preparing the meat, has been taken out.

(*d*) The head of an animal without the submaxillary gland.

SECOND SCHEDULE.

MEAT PRODUCTS.

(*a*) Meat packed in air-tight containers.

(*b*) Cooked or dried meat.

(*c*) Intestines and other parts prepared in the form of sausage casings.

(*d*) Rendered animal fats except in margarine.

(*e*) Pies, sausages and other prepared or manufactured articles of food containing any meat or cooked or dried meat other than fat.

Given under the official seal of the Minister of Health this Sixteenth day of April, nineteen hundred and thirty-seven.

(L.S.)

J. N. BECKETT,
Assistant Secretary,
Ministry of Health.

Signed by order of the Commissioners of Customs and Excise.

W. E. RHYDDERCH,
Assistant Secretary for Customs and Excise.

The Statutes provide for the imposition of a penalty not exceeding £100 (and for a continuing offence a daily penalty not exceeding £50) for wilful refusal or neglect to obey or carry out or for obstructing the execution of these regulations.

See also the Addenda *to this title, post,* p. 4089.

GAS WORKS.

S. R. & O., 1920, No. 2125.

MINISTRY OF HEALTH (TRANSFER OF POWERS AS TO GAS UNDERTAKINGS) ORDER, 1920.

ORDER IN COUNCIL DATED 9TH DAY OF NOVEMBER, 1920.

WHEREAS by subsections (3) and (4) of section 3 of the Ministry of Health Act, 1919, it is provided that His Majesty may from time to time by Order in Council transfer from the Minister of Health to any other government department any of the powers and duties of the Minister which appear to His Majesty not to relate to matters affecting or incidental to the health of the public, and may make such incidental, consequential and supplemental provisions as may be necessary or expedient for the purpose of giving full effect to any transfer of powers or duties by or under that section, and may make such adaptations in the enactments relating to such powers or duties as may be necessary to make exercisable by such other government department and its officers the powers and duties so transferred:

AND WHEREAS the Minister of Health as successor to the Local Government Board exercises and performs certain powers and duties in relation to gas undertakings of local authorities which appear to His Majesty not to relate to matters affecting or incidental to the health of the people:

Now, THEREFORE, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Ministry of Health (Transfer of Powers as to Gas Undertakings) Order, 1920.

2. As from the 16th November, 1920, the powers and duties of the Minister of Health specified in the second column of the schedule to this Order shall be transferred to the Board of Trade, and in relation to the powers and duties so transferred the enactments mentioned in the first column to that schedule shall be construed as if references to the Board of Trade were substituted for references to the Local Government Board.

Schedule.

Enactment.	Powers and duties transferred.
The Gas and Water Works Facilities Act, 1870, and the Gas and Water Works Facilities Act, 1870 (Amendment) Act, 1873, as applied by section 161 of the Public Health Act, 1875.	All powers and duties in relation to gas undertakings of local authorities.
The Public Health Act, 1875, s. 162.	Power to sanction the purchase by an urban authority of a gas company's undertaking.
The Gas (Standard of Calorific Power) Act, 1916.	Power to substitute a standard of calorific power, etc., in respect of gas supplied by a local authority.
The Statutory Undertakings (Temporary Increase of Charges) Act, 1918.	Power to modify statutory provisions regulating charges to be made by local authorities carrying on gas undertakings.

S. R. & O., 1922, No. 187.

THE GAS (SPECIAL ORDERS) RULES, 1922, DATED MARCH 1, 1922, MADE BY THE BOARD OF TRADE WITH RESPECT TO APPLICATIONS FOR SPECIAL ORDERS UNDER SECTION 10 OF THE GAS REGULATION ACT, 1920 (*a*).

I. Applicants for an Order shall publish an advertisement of their intended application once in a local newspaper circulating in the area to which the application relates

(*a*) Printed in a later volume.

GAS WORKS

and also in the *London* or *Edinburgh Gazette* as the case may require. The advertisement shall contain—

(1) the description and address of the applicants;

(2) a statement of the objects of the application including a description of any proposed area of supply, any proposed new works and any land which it is proposed to use for the purpose of gasworks;

(3) an intimation to the effect and (as nearly as may be) in the form of paragraph (1) of Rule V.;

(4) a list of the addresses at which, in accordance with paragraph (4) of Rule II., copies of the Draft Order and of the maps (if any) have been deposited for public inspection;

(5) the address of an office situate within the existing or proposed areas of supply at which copies of the Draft Order may be purchased at a price of not more than one shilling each.

II. On or before the date on which publication of the advertisement is completed, the applicants shall—

(1) serve a copy of the advertisement personally or by registered post on—

(*a*) every authority, company or person supplying or authorised to supply gas within any area proposed to be supplied by the applicants;

(*b*) the owner, lessee and occupier of every dwelling-house situate within 300 yards of any land proposed to be used for the construction of works for the manufacture or storage of gas or the manufacture or conversion of residual products;

(*c*) the owner and lessee of every railway, tramway, or canal along or across which it is proposed to lay any pipes or which it is proposed otherwise to affect or interfere with.

(2) deposit a copy of the advertisement and of the Draft Order—

(*a*) at the office of the local authority of every district wholly or partly within the existing and any proposed areas of supply;

(*b*) at the Home Office (or, where the application relates to Scotland, the Scottish Office), Ministry of Health (or, where the application relates to Scotland, the Scottish Board of Health), Office of Works, Office of Woods and General Post Office, and where the Draft Order affects the Duchy of Lancaster or the Duchy of Cornwall at the office of such Duchy.

(3) deposit a copy of the maps required by paragraphs (5) and (6) of Rule III. (if any) at the Office of the Clerk of the Parliaments, House of Lords and at the Private Bill Office, House of Commons.

(4) deposit, for public inspection, a copy of the Draft Order and of the maps required by paragraphs (5) and (6) of Rule III. (if any)—

(*a*) at an office situate within the existing or proposed areas of supply;

(*b*) at the office of the Clerk of the Peace of every county, riding or division of England and Wales wholly or partly within the existing and any proposed areas of supply;

(*c*) at the office of the principal sheriff clerk for each county in Scotland wholly or partly within the existing and any proposed areas of supply and, where any such county is divided into districts for sheriff court purposes, at the office of the sheriff clerk in each of such districts wholly or partly within the existing and any proposed areas of supply.

(5) deposit a sufficient number of copies of the Draft Order at the office referred to in paragraph (5) of Rule I.

III. The application for an Order shall be made in writing to the Director of Gas Administration, Board of Trade, Great George Street, London, S.W.1. within seven days of the date on which publication of the advertisement is completed and the applicants shall deposit therewith—

(1) a copy of the newspaper and gazette containing the advertisement;

(2) lists of the names and addresses of the authorities, companies and persons

upon whom a copy of the advertisement has been served in accordance with paragraph (1) of Rule II.;

(3) a list of the local authorities with whom a copy of the advertisement and of the Draft Order have been deposited in accordance with paragraph (2) (*a*) of Rule II.;

(4) four copies of the Draft Order;

(5) where it is proposed to authorise the applicants (*a*) to use any lands for the manufacture or storage of gas or the manufacture or conversion of residual products or (*b*) to supply gas in any area in which they are not already authorised to supply gas, an ordnance map on a scale of not less than one inch to the mile showing the situation of the proposed works and of the existing works (if any) and the boundaries of the proposed area of supply and of the area (if any) in which the applicants are already authorised to supply gas;

(6) where it is proposed to authorise the use of any land for the construction of works, an ordnance map on the scale of 25 inches to the mile showing the land to be used;

(7) where the applicants are a local authority and borrowing powers are sought,

(*a*) a statement of the amounts borrowed and authorised to be borrowed (if any) for the purposes of the gas undertaking; and

(*b*) a certified statement showing under separate heads the purposes for which the borrowing powers are sought, and the amount required for each purpose;

where the applicants are not a local authority,

(*a*) a statement of the existing capital and borrowing powers (if any) showing the amounts authorised, raised and expended; and

(*b*) where capital or borrowing powers are sought, a certified statement showing under separate heads the purposes for which the capital or borrowing powers are required and the amount required for each purpose;

(8) a copy of the printed accounts of the undertaking for the half-year or year next before the date of the application;

(9) if the applicants are a company incorporated under the provisions of the Companies Acts, a copy of their memorandum and articles of association and of every registered special resolution of the company;

(10) a list of every special Act of Parliament and Order having the force of an Act relating to the undertaking;

(11) a cheque for £35 payable to the Assistant Secretary for Finance, Board of Trade.

IV. The applicants or their agents shall prove compliance with the provisions of the foregoing rules. Six days' notice will be given of the day and hour at which they shall attend for the purpose at the office of the Board of Trade if so required.

V.—(1) Any local or other public authority, company or person desiring to bring before the Board of Trade any objection to the Draft Order may do so by registered letter addressed to the Director of Gas Administration, Board of Trade, Great George Street, London, S.W.1, and despatched on or before [a date to be stated in the advertisement which shall not be earlier than 30 days after the date on which publication of the advertisement will be completed]. Any such objection shall state:—

(*a*) the specific grounds of objection; and

(*b*) the omissions, additions or modifications asked for.

A copy of the objection shall be forwarded to the applicants for the Order or their agents at the same time as it is sent to the Board of Trade.

(2) No part of the month of August shall be included in calculating the above mentioned period of 30 days.

(3) As soon as practicable after the period allowed for objections has expired, the applicants shall furnish the Board of Trade (*a*) with replies to any objections which have been made and (*b*) with three copies of the Draft Order showing any

GAS WORKS

amendments which the applicants wish to be made therein. A copy of the replies to the objections shall at the same time be sent to the respective objectors.

VI. The applicants shall furnish the Board of Trade with such information and documents as they may require in connection with the application, including:—

(1) Where it is proposed to authorise the use of any lands for the manufacture or storage of gas or the manufacture or conversion of residual products, the deed of conveyance or lease to, or the contract for purchase by, the applicants of all lands to be so used. (These documents will be returned to the applicants when they have been inspected on behalf of the Board of Trade.)

(2) Where the applicants are a company (*a*) applying for capital or borrowing powers or (*b*) proposing to purchase or amalgamate with another undertaking, a certified copy of a resolution approving the application, passed by shareholders or stockholders qualified to vote at ordinary meetings of the company who were present (either in person or by proxy) at a general meeting and who held at least three fourths of the paid up capital of the company represented by the votes at such meeting. A certified copy of the notice convening the meeting should also be furnished.

(3) Where the applicants propose to purchase, or to amalgamate with, another undertaking proof will be required that the purchase or amalgamation is approved by the proprietors of the other undertaking concerned.

VII. In addition to the fee of £35 any extraordinary expenses incurred by the Board of Trade in connection with an inquiry into the application or otherwise shall be payable by the applicants.

VIII. In these rules:—

The expression "the local authority" means, in England and Wales, the council of a county, county borough, urban district and rural district, and in Scotland, the county council and the town council;

The expression "occupier" applies only to ratepayers and to other persons not being ratepayers whose interests in the premises occupied is not less than that of a quarterly tenant.

IX. The Gas Regulation Act (Special Orders) Rules, 1920 (S. R. & O., 1920, No. 2160), are hereby revoked.

S. R. & O., 1922, No. 380.

THE GAS (CHARGES ORDERS) RULES, 1922, DATED APRIL 3, 1922, MADE BY THE BOARD OF TRADE WITH RESPECT TO APPLICATIONS FOR ORDERS UNDER SECTION 1 OF THE GAS REGULATION ACT, 1920.

I. Application to the Board of Trade for an Order under section 1 of the Gas Regulation Act, 1920 (*a*), shall be made to the Director of Gas Administration, Board of Trade, Great George Street, London, S.W.1.

II. The application shall state:

(*a*) the standard or maximum price or prices per therm which the undertakers applying for the Order (hereinafter called "the undertakers") propose shall be substituted (in accordance with the provisions of sub-section (3) of section 1 of the Act) for the standard or maximum price or prices per 1,000 cubic feet authorised by the statutory or other provisions other than an Order issued under the Statutory Undertakings (Temporary Increase of Charges) Act, 1918 (8 & 9 Geo. 5, c. 34), affecting the charges which may be made by the undertakers;

(*b*) the amendments which the undertakers propose shall be made in any other existing statutory or other provisions affecting the charges which may be made for gas supplied by them;

(*a*) Printed in a later volume.

(*c*) the additional charges (if any) which the undertakers desire to be authorised to make in respect of gas supplied by means of prepayment meters.

III. The application shall be accompanied by the following documents :—

(*a*) A schedule (in triplicate) in the prescribed form showing in detail the cost to the undertakers of supplying gas for the periods specified in the form and a copy of the published accounts of the undertakers for the specified periods together with a statement of the price or prices charged for gas during each of those periods.

(*b*) A list of the enactments and other provisions requiring the undertakers to supply gas of any particular illuminating or calorific value.

(*c*) A list of the statutory and other provisions affecting the charges to be made by the undertakers.

IV.—(1) Notice of the application shall be published in the *London* or *Edinburgh Gazette*, as the case may be, and in at least one newspaper circulating within the limits of supply of the undertakers and shall also be served on the local authority. For the purposes of these rules the expression "local authority" shall mean every county, county borough and urban district council the whole or any part of whose area is within or partly within the limits of supply of the undertakers. Where any portion of the city of London is within such limits the notice shall also be served on the common council of the city of London.

(2) The notice shall state the standard or maximum price or prices per 1,000 cubic feet authorised by the enactments and other provisions other than an Order under the Statutory Undertakings (Temporary Increase of Charges) Act, 1918, relating to the undertakers and the prices per therm which the undertakers propose should be substituted therefor ; and also the amendments which the undertakers propose shall be made in any other existing statutory or other provisions affecting the charges which may be made for gas supplied by them and the additional charges per therm which the undertakers desire to be authorised to make in respect of gas supplied by means of prepayment meters.

(3) The notice shall also state that a copy of the application and of all the documents submitted to the Board of Trade therewith may be inspected, free of charge, at the office of the undertakers within the limits of supply during office hours, that representations with regard to the application may be made to the Board of Trade before a date to be fixed in the notice, which shall be not less than 21 days (excluding any part of the month of August) after the date on which the publication and service of the notice will be completed, and that a copy of such representations must at the same time be sent to the undertakers. The notice served on the local authority shall also state that a copy of the application and of all the documents submitted to the Board of Trade therewith may be obtained at the office of the undertakers on payment of the usual charges for copying.

(4) As soon as possible after the publication and service have been completed a marked copy of the *Gazette* and newspaper containing the notice and a certified copy of the notice served on the local authority, endorsed with a list of the councils on which it has been served and the date of service, shall be forwarded to the Board of Trade.

V. After the date mentioned in the notice, the undertakers shall furnish to the Board of Trade their observations on any representations which have been made in accordance with the foregoing Rule IV. (3) and shall send a copy of such observations to the local authority or person making the representations.

VI. The fee payable in connection with the application shall be as specified in the schedule to these rules and a cheque for the appropriate amount, made payable to the Assistant Secretary for Finance, Board of Trade, should accompany the application. In addition any extraordinary expenses incurred by the Board of Trade in connection with a local inquiry into the application or otherwise will be payable by the undertakers.

VII. The rules, dated September 28, 1920, made by the Board of Trade with respect to applications for Orders under section 1 of the Gas Regulation Act, 1920 (S. R. & O., 1920, No. 1826), are hereby revoked.

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Schedule.

SCALE OF FEES FOR ORDERS UNDER SECTION 1 OF THE GAS REGULATION ACT, 1920.

Where the undertakers supplied during the last complete year ended 31st December :—

	£
Up to 100,000,000 c. ft. of gas	10
100,000,000 c. ft. and less than 500,000,000 c. ft. . . .	20
500,000,000 c. ft. and over	30

S. R. & O., 1923, No. 439.

THE GAS (AMENDING ORDERS) RULES, 1923, DATED 16TH APRIL, 1923, MADE BY THE BOARD OF TRADE WITH RESPECT TO APPLICATIONS FOR AMENDING ORDERS UNDER SUB-SECTION (3) OF SECTION 1 OF THE GAS REGULATION ACT, 1920.*

1. Application for an Amending Order for revising the powers of charging authorised by an Order made under section 1 of the Gas Regulation Act, 1920 (*a*), may be made to the Board of Trade by the undertakers of the original Order, or by a local authority, or, where the local authority are the Undertakers, by twenty consumers. The application should be made by letter addressed to the Director of Gas Administration, Board of Trade, Great George Street, S.W.1.

2. When the applicants are themselves the Undertakers the procedure to be followed shall be that prescribed in respect of applications for original Orders in the Gas (Charges Orders) Rules, 1922 (*b*), references therein to a standard or maximum price per thousand cubic feet being read as applying to the standard or maximum price per therm authorised by the original Order. Rules 3 to 6 hereof, both inclusive, shall not then apply.

3. When the Applicants are not the Undertakers, not less than twenty-eight days' preliminary notice (excluding any part of the month of August) of the intended application shall be given in writing by the local authority or twenty consumers as the case may be, to the Undertakers and to all the local authorities in the area of supply of the Undertakers.

4. An application for an Amending Order shall be accompanied by the following documents :—

(*a*) A statement in duplicate, showing by reference in detail to the published accounts of the Undertakers the alterations in the costs of the production and supply of gas by the Undertakers, upon which the application is founded.

(*b*) Proof of the service of the preliminary notices required by Rule 3.

5. The applicants shall, at the time of making the application to the Board of Trade—

(i) inform all the parties upon whom the preliminary notice was served of the fact that an application is being made,

(ii) furnish the said parties with a copy of the statement referred to in Rule 4 (*a*), and

(iii) notify them that any representations may be made to the Board of Trade within twenty-one days (excluding any part of the month of August) and that copies of any such representations should also be sent to the applicants.

6. After expiry of the period referred to in Rule 5 the applicants shall furnish to the Board of Trade their observations on any representations which have been made and shall transmit a copy thereof to the parties making the representations.

*Special Rules, in substitution for these Rules, were made on July 23, 1926, with regard to applications based upon the increased cost of coal due to the stoppage of the coal industry.

(*a*) Printed in a later volume.

(*b*) S. R & O., 1922, No. 380, *ante*, p. 2838.

7. The fee payable in connection with an application for an Amending Order shall be in accordance with the scale specified in the Schedule to these Rules, and a cheque for the appropriate amount made payable to the Assistant Secretary for Finance, Board of Trade, shall accompany the application.

In addition any extraordinary expenses incurred by the Board of Trade in connection with a local inquiry into the application, or otherwise, will be payable by the applicants, but the fee will include the costs which the Board of Trade may incur in connection with the advertisement of the application where the applicants are not the Undertakers.

8. For the purposes of these Rules the term " local authority " shall mean every county, county borough, and urban district council the whole or any part of whose area is within the limits of supply of the Undertakers.

9. These Rules may be cited as the Gas (Amending Orders) Rules, 1923, and shall take effect from the date hereof.

SCHEDULE.

SCALE OF FEES FOR AMENDING ORDERS UNDER SECTION 1 OF THE GAS REGULATION ACT, 1920.

Where the undertakers in respect of whom it is proposed that an Amending Order shall be made supplied during the last complete year ended 31st December :—

	£
Up to 500,000 therms.	10
500,000 therms and less than 2,500,000 therms . .	20
2,500,000 therms and over	30

S. R. & O., 1926, No. 1188.

THE GAS AND WATER ORDERS (COMBINED PURPOSES) PROCEDURE RULES, 1926, DATED 1ST OCTOBER, 1926, MADE BY THE MINISTER OF HEALTH AND THE BOARD OF TRADE UNDER THE GAS AND WATER WORKS FACILITIES ACTS.

Whereas by section 4 of the Gas and Water Works Facilities Act, 1870 (hereinafter referred to as " the Act of 1870 ") it is enacted that Provisional Orders, authorising any gas undertaking or water undertaking under the authority of that Act may be obtained by any company, companies, or person, and by section 5 provision is made with regard to the procedure to be followed in making application for such Provisional Orders ;

And whereas by section 14 of the Gas and Water Works Facilities Act, 1870, Amendment Act, 1873 (hereinafter referred to as " the Act of 1873 ") the Board of Trade were empowered from time to time to make and when made to rescind, annul, or add to rules with respect to the procedure to be had before the Board under the Act of 1870 or the Act of 1873 and matters connected therewith ;

And whereas by the Ministry of Health (Transfer of Powers as to Water Undertakings) Order, 1920, made under section 3 of the Ministry of Health Act, 1919, by His Majesty in Council all the powers and duties of the Board of Trade under the Act of 1870 and the Act of 1873 in relation to water undertakings in England and Wales have been transferred to the Minister of Health, but the Board of Trade still retain the powers and duties vested in them by the said Acts with reference to gas undertakings :

And whereas the Minister of Health has this day made Rules, entitled the Water Orders Procedure Rules, 1926, for regulating the procedure in connection with applications under the said Acts for Provisional Orders which relate only to water undertakings, and it is desirable that Rules should also be made for regulating the procedure in connection with applications for Provisional Orders which relate to both a gas undertaking and a water undertaking :

Now therefore, the Minister of Health and the Board of Trade, in pursuance of their powers in that behalf, hereby make jointly the following rules :—

GAS WORKS

Preliminary.

1.—(1) These Rules may be cited as "the Gas and Water Orders (Combined Purposes) Procedure Rules, 1926," and shall come into operation on the date hereof.

(2) These Rules shall apply to any application for a Provisional Order under the Acts of 1870 and 1873 which is made by undertakers carrying on both a gas undertaking and a water undertaking, and which includes or relates to matters affecting both such undertakings.

2.—(1) In these Rules, unless the context otherwise requires,—

(*a*) "The Minister" means the Minister of Health;

(*b*) "The district" means the district affected or proposed to be affected by the Order;

(*c*) Other expressions have the same meanings as the like expressions have in the Act of 1870.

(2) The Interpretation Act, 1889, applies to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

Notice as to objections to Intended Application.

3. The notice in writing required to be given by paragraph (1) of section 5 of the Act of 1870 and the notice by advertisement and notice in writing required to be given by paragraph (2) of that section, shall state that every person desirous of bringing before the Minister of Health and the Board of Trade any objection respecting the application for a Provisional Order may do so by letters addressed to the Secretary, Ministry of Health, Whitehall, London, S.W.1, and the Director of Gas Administration, Board of Trade, Great George Street, London, S.W.1, on or before the 15th day of January next following the date of the said notice or advertisement, that a copy of such objection must at the same time be sent to the undertakers or their agent, and that in forwarding to the Minister and to the Board of Trade such objection the objectors or their agents shall state that they have complied with this requirement.

Deposit of Plans and Sections.

4.—(1) On or before the 30th day of November of the year in which the notice referred to in Rule 3 hereof is given (hereinafter referred to as "the same year") the undertakers shall deposit at the offices of the Minister and of the Board of Trade:—

(*a*) The documents required under Part II. of Schedule B to the Act of 1870 to be deposited, and

(*b*) an ordnance map of the district on a scale of not less than one inch to the mile showing the area and, by distinctive colouring, the boundaries of the proposed or existing limits of supply, the sites of any proposed works and any proposed extension of the existing limits of supply.

(2) Plans and sections deposited under Part II. of Schedule B of the Act of 1870 or under sub-paragraph (*a*) of paragraph (1) of this Rule shall be such plans and sections as would be required by the Standing Orders for the time being of the Houses of Parliament to be deposited in Parliament if the undertakers instead of applying for a Provisional Order were proceeding by a Private Bill.

(3) Plans and sections deposited with the Clerk of the Peace under Part II. of Schedule B of the Act of 1870 shall, subject to the Standing Orders for the time being of the Houses of Parliament, be deposited in duplicate.

Notice of Intention to make Application.

5.—(1) On or before the 15th day of December in the same year where the application is for a Provisional Order for constructing water works or works connected therewith of gas works or works connected therewith whereby it is proposed to lay any pipes along or across any railway, tramway, canal, or navigable river, or over any county bridge, or otherwise to affect or interfere with such railway, tramway,

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canal, navigable river or county bridge, the undertakers shall serve notice in writing of the intention to make such application upon the owner or reputed owner and upon the lessee or reputed lessee of such railway, tramway or canal, and upon the county council with respect to such county bridge, and upon the conservators or other body having statutory powers of control in respect of the navigable river, and such notice shall state the place or places at which the plans of the works to be authorised by such order have been or will be deposited, and that any objections are required to be sent to the Minister and the Board of Trade within the time and in the manner hereinbefore specified. Every such notice must be accompanied by a copy of Rules 11 and 12 of these Rules, and must state where copies of the Draft Provisional Order, when deposited at the offices of the Minister and of the Board of Trade, can be obtained.

(2) Where it is proposed to use any land for the manufacture or storage of gas or the manufacture or conversion of residual products, the undertakers or their agents shall, on or before the 15th day of December in the same year, serve a notice on the owner, lessee and occupier of every dwelling house situate within three hundred yards of any point on the said land. The notice shall contain a description of the said land and shall state that any objections are required to be sent to the Minister and to the Board of Trade within the time and in the manner hereinbefore specified.

6.—(1) On or before the 23rd day of December in the same year the undertakers shall deposit, in accordance with the provisions hereafter in this Rule contained,—

(*a*) The documents required under Part III. of Schedule B to the Act of 1870 to be deposited.

(*b*) A complete list of every railway, tramway, canal, navigable river, and county bridge along or across which it is proposed to lay any pipe, or which it is proposed otherwise to affect or interfere with, together with the names and addresses of the persons or bodies on whom notice is to be served in respect thereof under Rule 5 (1).

(*c*) A list of the local and road authorities in whose districts the proposed works are situated, including the county council, where it is proposed to interfere with any main road or any county bridge.

(*d*) A complete list of every company, corporation, or person supplying water or gas within the district.

(*e*) A complete list of such owners or reputed owners, lessees or reputed lessees and occupiers of mills and manufactories or other works as are referred to in paragraph (2) of section 5 of the Act of 1870, together with a certified copy of the notice which has been served upon them in accordance with the provisions of the said paragraph.

(*f*) A complete list of such owners, lessees and occupiers as are referred to in paragraph (2) of Rule 5, together with a certified copy of the notice which has been served upon them in accordance with the provisions of the said paragraph.

(*g*) A statement of the existing capital (including loan capital) of the undertakers, showing the amounts respectively authorised, raised and expended, and, in the case of an application for power to raise additional capital (including loan capital), a further statement setting forth, under separate heads, all the purposes for which the additional capital is required. The statements shall be furnished whether the undertakers have parliamentary powers or not:

(*h*) A copy of the printed accounts presented to the shareholders for the half-year or other period next preceding the date of the application:

(*i*) The deed of conveyance or lease to, or the contract for purchase by, the undertakers of all lands to be used for such purposes of the Order as relate to their water undertaking:

(*j*) The deed of conveyance or lease to, or the contract for purchase by, the undertakers of all lands to be used for such purposes of the Order as relate to their gas undertaking; and

(*k*) A list of all Provisional and other Orders or Acts of Parliament (if any) of the undertakers together with one copy of each Order and Act; and where the

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undertakers are a company incorporated under the Companies Acts, a printed copy of the Memorandum of Association, Articles of Association, and any registered special resolution of the company; and in the case of a company incorporated in any other manner, a copy of every instrument of incorporation.

(2) Of the documents referred to in the preceding paragraph of this Rule those specified in sub-paragraphs (*e*) and (*i*) shall be deposited at the offices of the Minister: those specified in sub-paragraphs (*f*) and (*j*) shall be deposited at the offices of the Board of Trade, and the remainder shall be deposited at the offices both of the Minister and of the Board of Trade.

(3) On or before the 10th day of January immediately succeeding the making of the application the undertakers shall pay a fee of £50 in such manner as the Minister and the Board of Trade shall direct: Provided that such further security, if any, shall be given by the undertakers as the Minister or the Board of Trade (as the case may be) may from time to time require with respect to the costs of any inquiry or other matter arising out of the application.

(4) The Memorial referred to in Part III. of Schedule B to the Act of 1870 shall be addressed both to the Minister and to the Board of Trade.

(5) The following provisions shall have effect with respect to the preparation and deposit of the draft of the Provisional Order:—

(*a*) The draft of the Provisional Order and the printed copies thereof referred to in Part III. of Schedule B to the Act of 1870 shall be on foolscap paper and be printed on one side only of each sheet of paper, and any schedule thereto shall begin on a new page;

(*b*) There shall be scheduled to the draft Order any land which it is proposed to acquire or use for the purposes of the water undertaking of the undertakers, or for the manufacture or storage of gas or the manufacture or conversion of residual products;

(*c*) The names and addresses of the agent of the undertakers shall be printed on the outside of the draft Order, which shall contain a notice at the end of it stating that any objections are required to be sent to the Minister and to the Board of Trade within the time and in the manner hereinbefore specified;

(*d*) The draft of the Provisional Order deposited with the Minister and with the Board of Trade shall in each case be in triplicate; and

(*e*) A copy of the draft Order shall, on the 23rd day of December aforesaid, or within seven days thereafter, be deposited with the Office of Works, the Commissioners of Crown Lands, the Home Office and the Postmaster-General and, where the draft Order affects the Duchy of Lancaster or the Duchy of Cornwall, at the Office of such Duchy.

Approval of Shareholders or Proprietors.

7.—(1) Where the undertakers are a company (*a*) applying for capital or borrowing powers, or (*b*) proposing to purchase or amalgamate with another undertaking or to enter into an agreement with another undertaking jointly to supply water or gas, a certified copy of a resolution approving the application, passed by shareholders or stockholders qualified to vote at ordinary meetings of the company who were present (either in person or by proxy) at a general meeting, and who held at least three-fourths of the paid-up capital of the company represented by the votes at such meeting, shall be furnished to the Minister before the application can be entertained. A certified copy of the notice convening the meeting must also be furnished.

(2) Where the undertakers propose to purchase, or to amalgamate with, another undertaking, or to enter into an agreement with another undertaking jointly to supply water or gas, proof must also be furnished that the purchase or amalgamation is approved by the proprietors of the other undertaking concerned.

(3) This Rule shall have effect subject to the provisions of Rule 14 hereof.

Proof of Compliance with Statutory Requirements.

8.—(1) The undertakers shall prove compliance with the provisions of—

(i) Section 5 and Parts I., II. and III. of Schedule B of the Act of 1870; and

(ii) these Rules:

by statutory declaration made by the undertakers or their agent to be deposited in the offices of the Minister on or before the 15th day of January immediately succeeding the making of the application or such later date as the Minister may allow.

(2) The following documents shall be annexed as exhibits:—

(*a*) Copies of all notices served upon local authorities, road authorities, companies, corporations, and persons in pursuance of the Act of 1870 and of these Rules;

(*b*) Copies of the newspaper containing the advertisements; and

(*c*) A copy of the London Gazette in which the advertisement was inserted.

(3) This Rule shall have effect subject to the provisions of Rule 14 hereof.

9.—(1) On or before the 15th day of January aforesaid there shall be deposited in the offices of the Minister—

(*a*) a statutory declaration showing that the requirements of the Standing Orders of both Houses of Parliament have been complied with, as regards the deposit with the Clerk of the Parliaments and at the Private Bill Office of duplicates of every map, plan, section, and book of reference deposited with the Minister; and

(*b*) a statutory declaration proving compliance with the Standing Order of the House of Commons with regard to the taking of houses occupied wholly or partially by thirty or more persons of the working classes, or where the taking of the land will not involve the acquisition of any house or houses so occupied, a statutory declaration for the purpose of showing that the Standing Order does not apply.

(2) The statutory declaration referred to in paragraph (1) (*a*) of this Rule shall be made by the undertakers or their agent and by the person by whom the deposits were made, and the statutory declaration referred to in paragraph (1) (*b*) of this Rule shall be made by the undertakers or their agent.

(3) This Rule shall have effect subject to the provisions of Rule 14 hereof.

Objections.

10.—(1) Any objection to an application for a Provisional Order shall be lodged with the Minister and with the Board of Trade on or before the 15th day of January immediately succeeding the making of the application.

(2) When an objection is lodged with the Minister and with the Board of Trade, the objector or his agent shall state that he has at the same time forwarded a copy of such objection to the undertakers or their agent.

(3) Every memorial, objection, and other such document deposited or lodged with the Minister and with the Board of Trade, shall be on foolscap paper.

(4) As soon as practicable after the 15th day of January, the undertakers shall furnish the Minister and the Board of Trade with replies to any objections which have been made. A copy of the reply to each objection shall at the same time be sent to the objector or his agent.

Proposals for Amendment of Draft Order.

11. If any local or road authority, or railway, tramway or canal company, or any other company, body or person desires to have any clause or other amendment inserted in the Order they must deliver the proposed clause or amendment to the undertakers or their agent and also to the Minister and to the Board of Trade on or before the 8th day of February immediately succeeding the making of the application: Provided that such delivery shall not prejudice the right of the party making such delivery to oppose the Order in Parliament.

12.—(1) On or before the 22nd day of February immediately succeeding the

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making of the application the undertakers or their agent shall deliver to the Minister and to the Board of Trade, (*a*) a printed draft of the Provisional Order in triplicate containing in manuscript all such clauses or other amendments as have been agreed between the several parties concerned and, (*b*) a certified copy of any resolution passed before that date by any local authority and by any road authority (where such exists distinct from the local authority for the purposes of the Act of 1870) whose consent is required under section 4 of the Act of 1870 approving the application.

(2) If any of the proposed clauses or other amendments which have been delivered to the undertakers or their agent and to the Minister and the Board of Trade have not been settled with the consent of all the parties concerned, the undertakers or their agent shall, so far as they can, on or before the 22nd day of February immediately succeeding the making of the application furnish to the Minister and the Board of Trade in writing a statement showing what are the amendments, if any, which each party would be willing to accept.

(3) After the said 22nd day of February no further proposals for clauses will be entertained by the Minister and the Board of Trade.

Procedure after Making of Order.

13.—(1) After a Provisional Order has been made, and before it is introduced into a Confirmation Bill in Parliament, the undertakers shall, within fourteen days after the day on which the Provisional Order shall have been sent to them, transmit to the Minister a statutory declaration made by them or their agent proving that the Provisional Order was published on or before the 25th day of April immediately succeeding the making of the Order, in conformity with paragraph 3 of Part IV. of Schedule B of the Act of 1870, and that paragraphs 1 and 2 of the said part of that Schedule have been complied with.

(2) Copies of the Provisional Order and of the newspaper containing the advertisement of the Order, shall be annexed to the declaration as exhibits.

(3) The advertisement shall have a short heading stating that the Order has been made by the Minister and the Board of Trade under the Act of 1870 for the purpose of being introduced into a Confirmation Bill in Parliament, and must also state the office where printed copies of the Order can be obtained, which shall be the office named in the original advertisement of the application for the Order.

(4) The declaration shall state that a sufficient number of printed copies of the Order have been deposited for sale at the office named in the original advertisement, and the price, not exceeding one shilling for each copy, for which they may be obtained.

(5) This Rule shall have effect subject to the provisions of Rule 14 hereof.

General.

14. If on or before the 31st day of December in the year in which the application is made the undertakers or their agent shall receive notice by letter from the Minister and the Board of Trade that the documents required by Rules 7, 8, 9 and 13 to be deposited with the Minister should be deposited with the Board of Trade instead of with the Minister, the undertakers shall deposit such documents accordingly.

15. The Minister and the Board of Trade may if they think fit and subject to such conditions as they may impose, exercise their powers under the Act of 1870, notwithstanding the failure of the undertakers to comply with any of the requirements of these Rules other than statutory requirements.

S. R. & O., 1929, No. 531.

THE GAS (BORDERING PREMISES) RULES, 1929, DATED JUNE 28, 1929, MADE BY THE BOARD OF TRADE WITH RESPECT TO APPLICATIONS FOR ORDERS UNDER SECTION 5 OF THE GAS UNDERTAKINGS ACT, 1929.

I. Unless the context otherwise requires, words and expressions used in these Rules have the same meanings as in the Gas Undertakings Act, 1920 and 1929 (*a*).

(*a*) Printed in a later volume.

II. Any application for an Order shall be made by the undertakers (hereinafter called "the applicants") wishing to be authorised to furnish the supply desired by an owner or occupier of premises outside the applicants' limits of supply.

III. The applicants for an Order shall publish an advertisement of their intended application in a local newspaper circulating within their limits of supply and within the area in which are situate the premises proposed to be supplied with gas under the Order (hereinafter called "the bordering area"). The advertisement shall contain—

(*a*) the description and address of the applicants;

(*b*) particulars of the premises proposed to be supplied with gas and of the route along which it is proposed to lay pipes in order to effect the supply;

(*c*) a short statement of the modifications of the enactments applying to the applicants which, in their opinion, are necessary in order to give full effect to the proposed Order;

(*d*) an intimation to the effect and (as nearly as may be) in the form of paragraph (1) of Rule VI.

IV. On or before the date of publication of the advertisement, the applicants shall deposit a copy of the advertisement with—

(*a*) the local authorities within whose areas are situate the premises proposed to be supplied with gas and the route outside the limits of supply of the applicants along which it is proposed to lay pipes in order to effect the supply;

(*b*) the undertakers authorised to supply gas within the bordering area;

(*c*) the owners and lessee of every railway tramway and canal along or across which it is proposed to lay any pipes or which it is proposed otherwise to affect or interfere with.

V. The application for an Order shall be made in writing to the Director of Gas Administration, Board of Trade, Great George Street, London, S.W.1, within seven days after the date of publication of the advertisement and the applicants shall deposit therewith—

(*a*) a copy of the local newspaper containing the advertisement;

(*b*) a list of the local authorities companies and persons with whom a copy of the advertisement has been deposited in accordance with Rule IV., showing separately the names of the local authorities within whose areas the premises proposed to be supplied are situate and of the undertakers authorised to supply gas in the bordering area. The list shall be certified by a responsible officer of the applicants as containing the name of every local authority company and person with whom a copy of the advertisement is required to be deposited in pursuance of that Rule;

(*c*) a list, certified by a responsible officer of the applicants, of every special Act of Parliament and Order having the force of an Act relating to the applicants;

(*d*) a statement in writing signed by the owner or occupier of the premises proposed to be supplied with gas declaring that such owner or occupier desires to obtain a supply of gas from the applicants.

VI.—(1) Any local or other public authority, company or person desiring to bring before the Board of Trade any objection to the application may do so by registered letter addressed to the Director of Gas Administration, Board of Trade, Great George Street, London, S.W.1, and despatched on or before [a date to be stated in the advertisement which shall not be earlier than 14 days after the date of publication of the advertisement]. Any such objection shall state the specific grounds of objection and a copy of the objection shall be forwarded to the applicants or their agents at the same time as it is sent to the Board of Trade.

(2) No part of the month of August shall be included in calculating the above mentioned period of 14 days.

(3) As soon as practicable after the period allowed for objections has expired, the applicants shall furnish the Board of Trade with replies to the objections. A copy of the replies shall at the same time be sent to the respective objectors.

VII. The applicants shall furnish the Board of Trade with such information and

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documents as they may require in connection with the application, including such Ordnance Maps as may be necessary for the consideration of the application.

VIII.—(1) The Board of Trade, before making an Order, will send a draft thereof in the form in which they propose to make it, to the local authorities and undertakers respectively named on the list deposited under Rule V. (*b*) as local authorities within whose areas the premises proposed to be supplied are situate and as undertakers authorised to supply gas in the bordering area with a request to be informed within 14 days, whether the local authority and undertakers respectively consent or refuse consent to the making of the Order. If any local authority or undertakers refuse consent they shall, within the 14 days aforesaid, send to the Board of Trade and to the applicants a statement of the points in regard to which their objection deposited in accordance with Rule VI. has not been met and of their ground for maintaining their objection.

(2) In the event of a written request for an inquiry being sent to the Board of Trade within the 14 days aforesaid by any local authority or undertakers refusing consent, together with an undertaking on the part of such local authority or undertakers to be represented at any inquiry to be held, the Board of Trade may, if they think it advisable, direct an inquiry to be held into the question whether or not the consent of such local authority or undertakers is unreasonably withheld, and the applicants and the local authority or undertakers shall in such case be entitled to be represented and to be heard at the inquiry.

(3) The costs of any inquiry held under the provisions of this Rule shall be payable by such of the parties to the inquiry as the Board of Trade may determine, whether upon the recommendation of the person appointed to hold the inquiry or otherwise.

IX. These Rules may be cited as the "Gas (Bordering Premises) Rules, 1929," and shall come into operation from the date hereof.

Dated this 28th day of June, 1929.

H. P. HAMILTON,
Secretary to the Board of Trade.

S. R. & O., 1929, No. 454.

THE GAS (CAPITAL AND BORROWING POWERS) RULES, 1929, DATED JUNE 6TH, 1929, MADE BY THE BOARD OF TRADE WITH RESPECT TO APPLICATIONS FOR ORDERS UNDER SECTION 1 OF THE GAS UNDERTAKINGS ACT, 1929.

I. Unless the context otherwise requires, words and expressions used in these Rules have the same meanings as in the Gas Undertakings Acts, 1920 and 1929 (*a*).

II. Applicants for an Order shall publish an advertisement of their intended application in a local newspaper circulating within their limits of supply and also in the *London* or *Edinburgh Gazette* as the case may require. The advertisement shall contain—

(*a*) the description and address of the applicants;

(*b*) a statement of the additional share capital and borrowing powers (if any) for which authority is sought under the proposed Order;

(*c*) a short statement of the modifications of the enactments applying to the applicants which, in their opinion, are necessary in order to give full effect to the proposed Order;

(*d*) an intimation to the effect and (as nearly as may be) in the form of paragraph (1) of Rule V.

III. On or before the date on which publication of the advertisement is completed, the applicants shall deposit a copy of the advertisement at the office of every local authority whose district is either wholly or partly within the applicants' limits of supply.

IV. The application for an Order shall be made in writing to the Director of Gas

(*a*) Printed in a later volume.

Administration, Board of Trade, Great George Street, London, S.W.1, within seven days after the date on which publication of the advertisement is completed and the applicants shall deposit therewith—

(*a*) a copy of the local newspaper and *Gazette* containing the advertisement;

(*b*) a list of the local authorities with whom a copy of the advertisement has been deposited in accordance with Rule III, certified by a responsible officer of the applicants as containing the name of every local authority whose district is either wholly or partly within the limits of supply;

(*c*) a statement of the existing capital and borrowing powers of the applicants showing the amounts authorised, raised and expended at the date of the application and certified by a responsible officer of the applicants;

(*d*) a statement showing, in detail, under separate heads the purposes for which the additional capital and borrowing powers are required and the amount required for each purpose and certified by an engineer;

(*e*) a copy of the printed accounts of the gas undertaking of the applicants for the half-year or year next before the date of the application;

(*f*) if the applicants are incorporated under the provisions of the Companies Acts, a copy of their Memorandum and Articles of Association and of every registered special resolution of the company;

(*g*) a list of every special Act of Parliament and Order having the force of an Act relating to the applicants certified by a responsible officer of the applicants;

(*h*) a cheque for £5 payable to the Assistant Secretary for Finance, Board of Trade.

V.—(1) Any local or other public authority, company or person desiring to bring before the Board of Trade any objection to the application may do so by registered letter addressed to the Director of Gas Administration, Board of Trade, Great George Street, London, S.W.1, and despatched on or before [a date to be stated in the advertisement which shall not be earlier than 21 days after the date on which publication of the advertisement is completed]. Any such objection shall state the specific grounds of objection and a copy of the objection shall be forwarded to the applicants or their agents at the same time as it is sent to the Board of Trade.

(2) No part of the month of August shall be included in calculating the above mentioned period of 21 days.

(3) As soon as practicable after the period allowed for objections has expired, the applicants shall furnish the Board of Trade with replies to the objections. A copy of the replies shall at the same time be sent to the respective objectors.

VI. The applicants shall furnish the Board of Trade with such information and documents as they may require in connection with the application, including a certified copy of a resolution approving the application, passed by shareholders or stockholders qualified to vote at ordinary meetings of the applicants who were present (either in person or by proxy) at a general meeting and who held at least three-fourths of the paid up capital represented by the votes at such meeting. A certified copy of the notice convening the meeting shall also be furnished.

VII.—(1) The Board of Trade, before making an Order, will send a draft thereof, in the form in which they propose to make it, to every local authority named on the list deposited under Rule IV (*b*) with a request to be informed, within 14 days, whether the local authority consent or refuse consent to the making of the Order. If a local authority refuse consent they shall, within the 14 days aforesaid, send to the Board of Trade and to the applicants a statement of the points in regard to which their objection deposited in accordance with Rule V has not been met and of their grounds for maintaining their objection.

(2) In the event of a written request for an inquiry being sent to the Board of Trade within the 14 days aforesaid by a local authority refusing consent, together with an undertaking on the part of the local authority to be represented at any inquiry to be held, the Board of Trade may, if they think it advisable, direct an inquiry to be held into the question whether or not the consent of the local authority is unreasonably withheld, and the applicants and the local authority shall in such case be entitled to be represented and to be heard at the inquiry.

(3) The costs of any inquiry held under the provisions of this Rule shall be payable

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by such of the parties to the inquiry as the Board of Trade may determine, whether upon the recommendation of the person appointed to hold the inquiry or otherwise.

VIII. These Rules may be cited as the "Gas (Capital and Borrowing Powers) Rules, 1929," and shall come into operation from the date hereof.

Dated the sixth day of June, 1929.

H. P. HAMILTON,
Secretary to the Board of Trade.

S. R. & O., 1934, No. 1472.

THE GAS (APPEAL PROCEDURE) RULES, 1934, DATED DECEMBER 31, 1934, MADE BY THE BOARD OF TRADE UNDER SECTION 16 OF THE GAS REGULATION ACT, 1920 AND SECTION 28 OF THE GAS UNDERTAKINGS ACT, 1934.

The Board of Trade in pursuance of the powers conferred upon them by Section 16 of the Gas Regulation Act, 1920, and Section 28 of the Gas Undertakings Act, 1934, and of all other powers enabling them in that behalf hereby make the following Rules:—

1.—(1) These Rules may be cited as the Gas (Appeal Procedure) Rules 1934, and shall come into force on the first day of January, 1935.

(2) The Gas Regulation Act (Appeal Procedure) Rules 1922, are hereby revoked.

(3) The Interpretation Act, 1889, shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

2. These Rules shall apply to all Appeals in pursuance of the provisions of Section 6 of the Gas Regulation Act, 1920 (*a*), against a report of a gas examiner.

In these Rules—

"Respondents" shall mean the local authority or the Clerk of the Peace for Quarter Sessions for each area to which the report relates, according to whether the gas examiner was appointed by the local authority or Quarter Sessions; and

"Person appointed" shall mean the person appointed by the Board of Trade to determine the Appeal.

3. Notice of Appeal, together with the report of the gas examiner or a true copy thereof, shall within twenty-one days from the date of the report be delivered or sent by registered post to the Board of Trade, Great George Street, S.W.1, and a copy of such notice shall at the same time be sent to the Respondents.

4. Notice of Appeal shall state whether the whole or part of the report is complained of, and in the latter case specify such part, and shall be signed by the Appellants or their duly authorised agent, and shall give an address for service of documents.

5. The Appellants shall send to the Board of Trade and to the Respondents, either with their Notice of Appeal or within fourteen days thereafter, a concise statement in writing of the facts upon which they intend to rely and of any representations which they desire to make.

6. The Respondents shall within twenty-eight days of the receipt of such statement send to the Board of Trade and to the Appellants any representations which they desire to make in writing. If the Respondents desire to be heard on the Appeal, they shall within such period send to the Board of Trade and to the Appellants a concise statement in writing, setting out the facts upon which they intend to rely and to what extent the facts alleged in the Appellants' statement are admitted.

7. The Board of Trade will notify the parties of the name and address of the person appointed and if either party desire to be heard a request in writing therefor must be sent to the person appointed within seven days of such notification.

8. If a request under Rule 7 has been made by either party the person appointed

(*a*) Printed in a later volume.

shall fix a time and place for the hearing of the Appeal and shall give the parties at least ten days' notice thereof.

9. At the hearing of the Appeal the parties may, subject to the direction of the person appointed, call such evidence as they may think fit.

10. The person appointed may at any time require any party to submit in writing such further particulars as he may think necessary, and may, at any stage of the proceedings allow the amendment of any notice, statement, or particulars upon such terms as he may think fit.

11. The costs of any Appeal, including the costs of any hearing, shall be in the discretion of the person appointed who may direct to and by whom, and in what manner, those costs or any part thereof shall be paid, and may tax or settle the amount of costs to be so paid or any part thereof.

12. The person appointed may, if he thinks fit, and subject to such conditions as he may impose, proceed with the consideration of any Appeal, notwithstanding any failure or omission by any party to comply with any of the requirements of these Rules, or the non-attendance of any party at any hearing.

Dated this 31st day of December, 1934.

W. B. BROWN,
An Assistant Secretary to the Board of Trade.

HOUSING.

S. R. & O., 1919, No. 1429.

THE HOUSING TRUSTS (FINANCIAL ASSISTANCE) REGULATIONS, 1919. DATED OCTOBER 6TH, 1919 (*a*).

Whereas by sub-section (1) of section 19 of the Housing, Town Planning, etc. Act, 1919, (*b*) it is enacted that where a housing trust as defined by that Act has submitted to the Local Government Board a scheme for the provision of houses for the working classes and the scheme is approved by the Board, then, if the scheme is carried out within such period after the passing of that Act as may be specified by the Board, with the consent of the Treasury, the Board may pay or undertake to pay out of moneys provided by Parliament such contributions towards the cost of carrying out the scheme as may be determined to be payable under regulations made by the Board, with the approval of the Treasury, subject to such conditions (including conditions as to audit of accounts by district auditors) as may be prescribed by those regulations;

And whereas by sub-section (2) of the said section it is enacted that the regulations shall provide that the amount of any annual payment to be made under the section shall be equivalent to thirty per centum of the annual loan charges which would have been payable in accordance with the regulations on the total capital expenditure incurred by the housing trust for the purposes of the scheme if the amount of that expenditure had been borrowed from the Public Works Loan Commissioners;

And whereas by section 40 of that Act the expression "housing trust" is defined as follows:—

> "The expression 'housing trust' means a corporation or body of persons which, by the terms of its constituent instrument, is required to devote the whole of its funds, including any surplus which may arise from its operations, to the provision of houses for persons the majority of whom are in fact members of the working classes, and to other purposes incidental thereto":

Now therefore, the Minister of Health, in pursuance of his powers under the recited enactments and under any other statutes in that behalf, hereby makes the following regulations:—

(*a*) See also the amending Regulations of 1920, 1921, and 1924, *post*, pp. 2853, 2857, 2858. See also as to the operation of these Regulations note (*a*) on p. 1821, *ante*.

(*b*) Printed *ante*, p. 1821.

HOUSING

ARTICLE I.—In these regulations, unless the contrary intention appears—

(*a*) The expression "the Minister" means the Minister of Health;

(*b*) The expression "the Act of 1919" means the Housing, Town Planning, etc. Act, 1919;

(*c*) The expressions "housing trust" and "public utility society" have the same meaning as in the Act of 1919 (*a*);

(*d*) The expression "local authority" (*b*) means the local authority within the meaning of Part III. of the Housing of the Working Classes Act, 1890, for the district in which the houses are built or to be built by the housing trust.

ARTICLE II.—Subject to the provisions of these regulations and provided that these regulations are complied with:—

(1) An annual contribution out of moneys provided by Parliament (hereinafter referred to as "the Exchequer subsidy") may be made by the Minister towards the cost of carrying out a scheme submitted by a housing trust and approved by the Minister, and the amount of the Exchequer subsidy shall be calculated as herein-after provided.

(2) The amount of the Exchequer subsidy shall be [(*c*) the equivalent during the period ending on the thirty-first day of March, 1927, of fifty per cent. and thereafter of forty per cent. of the annual charges] and which would have been payable, in respect of interest and repayment of principal, on the capital expended by the trustees for the purpose of the approved scheme if that capital had been raised by way of a loan advanced by the Public Works Loan Commissioners, on the same terms as those granted for the time being to a public utility society for the like purposes:

Provided that the Minister may reduce the amount of the Exchequer subsidy in any case in which he is satisfied that the capital expenditure incurred by the trustees has been excessive.

(3) The Exchequer subsidy shall be payable in two half-yearly instalments or in such other manner as the Minister may think fit during the period of fifty years from the date on which the scheme is approved by the Minister, and for the purposes of sub-division (2) of this article that date shall be the date from which the annual charges therein referred to shall be deemed to become payable.

ARTICLE III.—(1) The Exchequer subsidy shall cease to be payable—

(*a*) [*Revoked by amending regulations of July 21st*, 1921, post, *p.* 2857.]

(*b*) in respect of any scheme or part of a scheme not carried into effect before the expiry of a period of three years from the passing of the Act of 1919, or such later date as the Minister may allow, regard being had to the supplies of labour and material available from time to time and all other local or general circumstances affecting the carrying into effect of the scheme.

(2) For the purposes of these regulations a scheme or part of a scheme shall be deemed to have been carried into effect when all the houses to be provided thereunder are let or available for letting.

ARTICLE IV.—(1) The scheme as submitted for approval, shall be accompanied by detailed plans, specifications, and estimates of the cost of the works.

(2) The carrying out of the works shall be subject to the supervision of the Minister, exercised either through his own officers or through the local authority.

ARTICLE V.—The capital expenditure in respect of which the annual charges referred to in Article II. (2) of these regulations shall be deemed to be payable shall not include any sum in respect of the professional charges to be paid by the trustees in excess of five per centum of the gross capital expenditure approved by the Minister.

(*a*) 13 Halsbury's Statutes 960.

(*b*) See now ss. 1 and 103 of the Housing Act, 1936, *ante*, pp. 1584 and 1711.

(*c*) Words substituted by Amending Regulations of January 2nd, 1924, *post*, p. 2858.

ARTICLE VI.—The rents to be charged for houses included in the scheme shall be subject to the approval of the Minister, and shall not be altered without the consent of the Minister.

ARTICLE VII.—The trustees shall not sell any land or houses included in the scheme, except with the consent of and subject to conditions laid down by the Minister.

ARTICLE VIII.—[The trustees shall permit any district auditor or other officer of the Minister at all reasonable times to have access to and inspect the books, deeds, documents and accounts of the trust] (*a*).

ARTICLE IX.—These regulations may be cited as "The Housing Trusts (Financial Assistance) Regulations, 1919," and shall, unless and until revoked or altered by the Minister, with the approval of the Lords Commissioners of His Majesty's Treasury, apply and have effect with respect to any scheme made by a housing trust and approved by the Minister in accordance with these regulations:

Provided that, in any case where a difficulty arises with regard to the application of these regulations, the Minister may, by Order, make such minor modification of these regulations as may be necessary, in regard to any particular scheme, for the purpose of giving effect to the intention of these regulations.

S. R. & O., 1920, No. 135.

THE HOUSING TRUSTS (FINANCIAL ASSISTANCE) REGULATIONS, 1920. DATED JANUARY 30TH, 1920.

Whereas by section 4 of the Housing (Additional Powers) Act, 1919 (*b*), the provisions of section 19 of the Housing, Town Planning, etc. Act, 1919 (*b*), with respect to the amount of the annual payment to be made to a Housing Trust are varied, and it is expedient that certain consequential amendments should be made in the Housing Trusts (Financial Assistance) Regulations, 1919 (*c*):

Now therefore, the Minister of Health, in pursuance of the powers conferred on him by section 19 of the Housing, Town Planning, etc. Act, 1919, and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1. These regulations may be cited as the Housing Trusts (Financial Assistance) Regulations, 1920, and shall be construed as one with the Housing Trusts (Financial Assistance) Regulations, 1919, hereinafter called the principal regulations.

2.—(1) [*Revoked by Amending Regulations of 2nd January*, 1924, *post*, p. 2858.]

(2) [*Revoked by Amending Regulations of 21st July*, 1921, *post*, p. 2857.]

3. A tenant of a house included in a scheme submitted by a Housing Trust and approved by the Minister shall have undisturbed occupancy of his house and garden so long as—

(*a*) he fulfils the tenancy regulations made by the trustees; and

(*b*) he pays any rent or debts due from him to the trustees; and

(*c*) he and the occupants of his house avoid any conduct detrimental to good neighbourship.

S. R. & O., 1920, No. 336.

THE COUNTY COUNCILS (ASSISTED SCHEMES FOR THE HOUSING OF EMPLOYEES) REGULATIONS, 1920. DATED MARCH 5TH, 1920.

To the councils of the several administrative counties in England and Wales:—

And to all others whom it may concern.

Whereas by sub-section (1) of section 7 of the Housing, Town Planning, etc. Act, 1919 (*b*), it is enacted (amongst other things) that if it appears to the Local

(*a*) Words in square brackets substituted by Housing (Societies and Trusts) Amendment Regulations, 1921, *post*, p. 2857.

(*b*) See pp. 1820, 1821, *ante*.

(*c*) S. R. & O., 1919, No. 1429, *ante*, p. 2851.

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Government Board that the carrying out of any scheme approved by the Board for the provision of houses for persons in the employment of, or paid by, a county council, or a statutory committee thereof, has resulted or is likely to result in a loss, the Board shall, if the scheme is carried out within such period after the passing of that Act as may be specified by the Board with the consent of the Treasury, pay or undertake to pay to the county council, out of moneys provided by Parliament, such part of the loss as may be determined to be so payable under regulations made by the Board with the approval of the Treasury, subject to such conditions as may be prescribed by those regulations;

And whereas by sub-section (2) of the said section 7, as altered by section 4 of the Housing (Additional Powers) Act, 1919 (*a*), it is enacted that the regulations shall provide that the amount of any annual payment to be made under the section shall, in the case of a scheme for the provision of houses for persons in the employment of, or paid by, a county council, or a statutory committee thereof, be an amount equivalent during the period ending on the 31st day of March, 1927, to fifty per centum and thereafter to thirty per centum of the annual loan charges as calculated in accordance with the regulations on the total capital expenditure incurred by the county council for the purposes of the scheme:

Now therefore, the Minister of Health, in pursuance of his powers under the recited enactments and under any other statutes in that behalf, hereby makes the following regulations:—

ARTICLE I.—(1) These regulations may be cited as "The County Councils (Assisted Schemes for the Housing of Employees) Regulations, 1920."

(2) The County Councils (Assisted Schemes for the Housing of Employees) Regulations, 1919, are hereby revoked, without prejudice to any right, privilege or liability acquired, accrued or incurred thereunder.

ARTICLE II.—(1) In these regulations, unless the contrary intention appears:—

(*a*) The expression "the Minister" means the Minister of Health;

(*b*) The expression "the Act of 1919" means the Housing, Town Planning, etc. Act, 1919; and

(*c*) The expression "county council" includes a statutory committee of a county council, the Lancashire Asylums Board, the West Riding of Yorkshire Asylums Board, and any other body constituted for the purpose of the administration of the Lunacy Acts on behalf of any combination of county councils and county borough councils.

(2) The Interpretation Act, 1889, applies to the interpretation of the regulations as it applies to the interpretation of an Act of Parliament.

ARTICLE III.—Subject to the provisions of Article IV. of these regulations:—

(1) An annual contribution out of moneys provided by Parliament (hereinafter referred to as "the Exchequer subsidy") shall be made by the Minister towards the cost of carrying out a scheme submitted by a county council, and approved by the Minister, for the provision of houses for persons in the employment of, or paid by, the county council.

(2) The Exchequer subsidy shall be an amount equivalent during the period ending on the 31st day of March, 1927, to fifty per centum (*b*) [and thereafter to forty per centum of the annual charges] for interest and repayment of principal, in respect of the aggregate amount of the loans raised by the county council for the purposes of the approved scheme:

Provided that the Minister may reduce the amount of the Exchequer subsidy in any case in which he is satisfied that the capital expenditure incurred by the county council has been excessive.

(3) The Exchequer subsidy shall be payable in two half-yearly instalments or in such other manner as the Minister may think fit during the periods allowed for the repayment of the loans raised by the county council for the purposes of the approved scheme, and shall be reduced by the

(*a*) See p. 1820, *ante*.

(*b*) Words substituted by Amending Order of 2nd January, 1924, *post*, p. 2858.

Minister so far as may be necessary as and when the period allowed for the repayment of any one of the said loans expires.

(4) For the purposes of this Article the annual charges in respect of the aggregate amount of the loans raised by the county council shall be ascertained by calculating the total amount which would be annually payable in respect of the several loans for principal and interest if the loans were repayable by equal annual instalments of principal and interest combined:

Provided that, save with the consent of the Minister, the rate of interest shall not for the purposes of this paragraph exceed the rate for the time being in force for loans advanced by the Public Works Loan Commissioners for the purposes of schemes to which section 7 of the Act of 1919 applies.

(5) The foregoing provisions of this Article shall apply to accumulated funds or capital moneys belonging to a county council and used by them for the purposes of an approved scheme as though such funds or moneys were loans, and for the purpose of the last preceding paragraph the rate of interest in respect of such funds or moneys shall be deemed to be—

(i) where moneys have been borrowed for the purposes of the scheme from sources other than funds or moneys belonging to the county council, the rate of interest payable in respect of the moneys last previously so borrowed; and

(ii) where no moneys have been borrowed for the purposes of the scheme from such sources as aforesaid, the rate in force for loans advanced by the Public Works Loan Commissioners for the purposes referred to in the last preceding paragraph at the date when the funds or moneys were so used.

ARTICLE IV.—(1) The Exchequer subsidy shall cease to be payable—

(*a*) in any case in which the Minister is not satisfied that reasonable progress has been made with the carrying into effect of the scheme within twelve months from the passing of the Act of 1919, or such later date as the Minister may allow, regard being had to the supplies of labour and material available from time to time and all other local or general circumstances affecting the carrying into effect of the scheme; and

(*b*) in respect of any scheme or part of a scheme not carried into effect before the expiry of a period of three years from the passing of the Act of 1919, or such later date as the Minister may allow, regard being had to the supplies of labour and material available from time to time and all other local or general circumstances affecting the carrying into effect of the scheme.

(2) For the purposes of these regulations a scheme or part of a scheme shall be deemed to have been carried into effect when all the houses to be provided thereunder are let or available for letting.

S. R. & O., 1920, No. 683.

THE HOUSING ACCOUNTS ORDER (SOCIETIES AND TRUSTS), 1920, DATED MAY 4TH, 1920, MADE BY THE MINISTER OF HEALTH, UNDER SECTION 5 OF THE DISTRICT AUDITORS ACT, 1879.

NOTE.—*This Order has been revoked so far as it relates to Housing Trusts by the Amending Order of July 21st, 1921, post,* p. 2857.

To all public utility societies registered under the Industrial and Provident Societies Acts, 1893 to 1913;

To the trustees of all housing trusts as defined in the Housing, Town Planning, etc. Act, 1919;

And to all others whom it may concern.

Whereas by the Public Utility Societies (Financial Assistance) Regulations, 1919 and 1920, and the Housing Trusts (Financial Assistance) Regulations, 1919 (*a*) and 1920 (*b*),

(*a*) S. R. & O., 1919, No. 1429, *ante*, p. 2851.
(*b*) S. R. & O., 1920, No. 135, *ante*, p. 2853.

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the Minister of Health, with the approval of the Treasury, made regulations in pursuance of sub-section 1 of section 19 of the Housing, Town Planning, etc. Act, 1919, with regard to the contributions to be made by the Minister out of monies provided by Parliament, to public utility societies and housing trusts towards the cost of carrying out any approved scheme for the provision of houses for the working classes;

And whereas by Article VIII. of each of the said regulations it is provided that the societies and the trustees shall keep separate accounts relating to the approved scheme, and it is further provided that the accounts shall be audited by a district auditor in the manner and subject to the provisions therein mentioned.

Now therefore, the Minister of Health, in pursuance of his powers under section 5 of the District Auditors Act, 1879, and all other enactments in that behalf, hereby orders and prescribes, subject to any departure to which he may from time to time assent, as follows:—

ARTICLE I.—This Order may be cited as "The Housing Accounts Order (Societies and Trusts), 1920."

ARTICLE II.—In this Order, the expressions "society" and "trust" have the same meaning as the expressions "public utility society (*a*)" and "housing trust (*b*)" in the Housing, Town Planning, etc. Act, 1919.

ARTICLE III.—(1) The officer charged with the duty of keeping the accounts of the society or trust (hereinafter referred to as the "accounting officer") shall duly make up and balance a separate set of double-entry ledger accounts for the approved housing scheme of the society or trust comprising,—

A. Personal accounts of the creditors, debtors, and cash officers.

B. Revenue and net revenue accounts.

C. Capital account or accounts.

(2) There shall be entered in the ledger a housing (approved scheme) balance sheet in the form prescribed in the First Schedule to this Order.

ARTICLE IV.—Such primary books, as are necessary for keeping account with the several tenants and otherwise for the purposes of recording the transactions which have to be entered in the several ledger accounts, shall be kept by the officer or officers to whom the duties in connection therewith are allotted by the society or trust.

Each officer or other person who receives money or material pertaining to the approved housing scheme shall promptly enter up and duly balance a debit and credit account of his transactions.

ARTICLE V.—(1) The accounts of the approved scheme of the society or trust shall be made up and balanced to the 31st March in each year and submitted to the society or to the trust as soon as may be after that date.

(2) It shall be the duty of the accounting officer to submit these accounts to the district auditor at the time and place appointed by him for the audit.

(3) The officers or others who have personal accounts to render under this Order shall submit such accounts balanced to the 31st March in each case at the time and place appointed for the audit.

ARTICLE VI.—The accounting officer shall prepare and submit to the district auditor at every audit a financial statement in duplicate in the form prescribed in the second schedule to this Order, and shall affix to one of the said statements an audit stamp of the value prescribed in the First Schedule to the District Auditors Act, 1879 (*c*).

SCHEDULES.

* * * * * *

(*a*) 13 Halsbury's Statutes 960. See also s. 3 (2) of the Housing, etc. Act, 1923, *ante*, p. 1818.

(*b*) 13 Halsbury's Statutes 960. See also s. 188 of the Housing Act, 1936, *ante*, p. 1769.

(*c*) 10 Halsbury's Statutes 571.

S. R. & O., 1921, No. 1193.

THE HOUSING (SOCIETIES AND TRUSTS) AMENDMENT REGULATIONS, 1921, DATED JULY 21ST, 1921, MADE BY THE MINISTER OF HEALTH UNDER SECTION 19 (1) OF THE HOUSING, TOWN PLANNING, ETC. ACT, 1919.

Note.—This Order was revoked in so far as it applied to Public Utility Societies, see Regulations of 9th March, 1925, Art. 1 (2), post, p. 2860.

The Minister of Health in pursuance of the powers conferred on him by subsection (1) of section 19 of the Housing, Town Planning, etc. Act, 1919, and of all powers thereunto enabling him, with the concurrence of the Public Works Loan Commissioners, hereby makes the following regulations :—

1. These regulations may be cited as the Housing (Societies and Trusts) Amendment Regulations, 1921.

* * * * * *

3. . . . . sub-paragraph (*a*) of paragraph (1) of Article 3 of the Housing Trusts (Financial Assistance) Regulations, 1919, as amended by paragraph 2 of Article 2 of the Housing Trusts (Financial Assistance) Regulations, 1920, are hereby revoked and shall be deemed never to have had effect.

4.—(1) [*Substitutes for Article* 8 *of* 1919 *Regulations, ante, p.* 2853.]

(2) The Housing Accounts Order (Societies and Trusts), 1920, so far as it relates to housing trusts is hereby revoked.

CIRCULAR 461.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
31*st December*, 1923.

HOUSING, &c., ACT, 1923.

SIR,—With reference to the concluding sentence of paragraph 13 of the Circular addressed to Local Authorities on the 14th August last (Circular 388a (*a*)), I am directed by the Minister of Health to say that the following model forms have been prepared by the Department for the guidance of Local Authorities, and are now available :—

(1) Model form of mortgage to secure advances made by a local authority under Section 5 (1) (a) (i) of the Housing, &c., Act, 1923 (*b*). (Hsg. 50.)

* * * * * *

These forms have been placed on sale and may be purchased (Hsg. 50 and 51, price 2*d.* net each ; and Hsg. 52, price 3*d.* net) through any bookseller, or directly from H.M. Stationery Office . . . . .

It should be clearly understood that these forms are intended merely to serve as models for the guidance of the draftsman in framing instruments to suit the requirements of the particular scheme of assistance adopted by the local authority. Their applicability, with or without modification, to the circumstances of any particular case is a matter for the advisers of the authority.

I am, etc.

The Clerk to the
Local Authority.

(*a*) Not here reproduced.
(*b*) 13 Halsbury's Statutes 984, repealed by the Housing Act, 1936, and replaced by s. 91 hereof, *ante*, p. 1699.

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S. R. & O., 1924, No. 2.

THE HOUSING TRUSTS (FINANCIAL ASSISTANCE) AMENDMENT REGULATIONS, 1924, DATED 2ND JANUARY, 1924, MADE BY THE MINISTER OF HEALTH UNDER SECTION 19 OF THE HOUSING, TOWN PLANNING, ETC. ACT, 1919, AND SECTION 6 OF THE HOUSING, ETC. ACT, 1923.

The Minister of Health, in pursuance of the powers conferred on him by section 19 of the Housing, Town Planning, etc. Act, 1919, and section 6 of the Housing, etc. Act, 1923, and of all other powers enabling him in that behalf, and with the approval of the Treasury, hereby makes the following Regulations :—

1. These Regulations may be cited as the Housing Trusts (Financial Assistance) Amendment Regulations, 1924, and shall be construed as one with the Housing Trusts (Financial Assistance) Regulations, 1919 (*a*) (hereinafter referred to as "the principal Regulations") the Housing Trusts (Financial Assistance) Regulations, 1920 (*b*), and the Housing (Societies and Trusts) Amendment Regulations, 1921 (*c*).

2. Paragraph (1) of Article 2 of the Housing Trusts (Financial Assistance) Regulations, 1920, is hereby revoked.

3. Paragraph (2) of Article II. of the principal Regulations shall have effect as though for the words "the equivalent of thirty per cent. of the annual charges" there were substituted the words "the equivalent during the period ending on the thirty-first day of March, 1927, of fifty per cent., and thereafter of forty per cent. of the annual charges."

S. R. & O., 1924, No. 3.

THE COUNTY COUNCILS (ASSISTED SCHEMES FOR THE HOUSING OF EMPLOYEES) AMENDMENT REGULATIONS, 1924, DATED 2ND JANUARY, 1924, MADE BY THE MINISTER OF HEALTH UNDER SECTION 7 OF THE HOUSING, TOWN PLANNING, ETC. ACT, 1919, AND SECTION 6 OF THE HOUSING, ETC. ACT, 1923.

The Minister of Health, in pursuance of the powers conferred on him by section 7 of the Housing, Town Planning, etc. Act, 1919, and section 6 of the Housing, etc. Act, 1923, and of all other powers enabling him in that behalf, and with the approval of the Treasury, hereby makes the following Regulations :—

1. These Regulations may be cited as the County Councils (Assisted Schemes for the Housing of Employees) Amendment Regulations, 1924, and shall be construed as one with the County Councils (Assisted Schemes for the Housing of Employees) Regulations, 1920 (*d*) (hereinafter referred to as "the Regulations of 1920").

2. [*Substitutes words in Article III of the Regulations of* 1920, *p.* 2854.]

CIRCULAR 555.

To Housing Authorities, etc.

MINISTRY OF HEALTH,
30th January, 1925.

HOUSING ACTS.

GUARANTEES TO BUILDING SOCIETIES.

SIR,—I am directed by the Minister of Health to invite the attention of local authorities to an arrangement recently concluded with the Building Societies'

(*a*) S. R. & O., 1919, No. 1429, *ante*, p. 2851.
(*b*) S. R. & O., 1920, No. 135, *ante*, p. 2853.
(*c*) S. R. & O., 1921, No. 1193, *ante*, p. 2857.
(*d*) S. R. & O., 1920, No. 336, *ante*, p. 2853.

Association with regard to the guarantees which may be given by local authorities to building societies under section 5 (1) (*b*) of the Housing etc., Act, 1923, as amended by the Second Schedule to the Housing (Financial Provisions) Act, 1924, and applied to county councils by section 12 of the last-named Act (*a*). Many persons desiring to build houses for their own occupation are unable to find the difference between the cost of building and the loan which a building society will normally advance under its rules, and the object of the guarantee is to enable the building society to make an additional advance, and so help to bridge the gap. Such guarantees may be given both for houses for the working-classes which would qualify for subsidy assistance and also for houses of a larger type, provided that the local authority's valuation of the mortgagor's interest in the property does not exceed £1,500 (*b*). The houses for which guarantees may be given are new houses to be built either within or without the district of the local authority. The construction of the houses must not have been commenced before the 25th April, 1923.

The following is a summary of the arrangements which have been agreed between the Minister and the Building Societies' Association :—

(1) The guarantee will apply in respect of the difference between the total loan to be advanced by the society and the loan which might normally have been advanced by the society under its rules without guarantee.

(2) The total loan to be advanced by the society with guarantee must not exceed 90 per cent. of the value of the mortgagor's interest in the property as assessed after a valuation made by the local authority in agreement with the building society.

(3) The local authority's liability under the guarantee will arise only if, upon the sale of the property by the society under the power of sale conferred upon them by the mortgage, the proceeds of the sale are insufficient to cover the principal, interest and costs due to the society under the mortgage.

(4) The local authority's maximum liability will then be the difference between the deficiency so arising on the sale and the deficiency which would have arisen if the total original loan had been that which the society would normally advance under its rules without guarantee.

(5) Within one calendar month after the happening of any of the events giving rise to the exercise of the power of sale under the mortgage, the building society shall give notice to the local authority and shall, if so required by the local authority, demand payment of the principal and interest owing on security of the mortgage and in default of payment proceed to the exercise of such power of sale. Subject to this, the building society may allow time to the mortgagor for payment.

(6) At any time after receipt of the notice mentioned in the preceding paragraph and during the continuance of the mortgage, the local authority may acquire the interest of the building society in the mortgage by payment to the society of the principal, interest and costs then owing on security of the mortgage.

(7) The guarantee will be determined when the amount of the loan has been reduced by repayment to 45 per cent. of the valuation.

The Building Societies' Association has prepared a model form of guarantee which embodies the arrangements agreed with the Minister, and this form of guarantee has been circulated to the building societies. The Minister has not accepted any responsibility for the precise form of the guarantee because he considers that this is a matter for the legal advisers of the local authority. He would be prepared to consider favourably proposals submitted to him by a local authority for a guarantee in this form, or in any form which, in the opinion of the local authority's advisers, gives effect to the above arrangements, and he would further be prepared to consider any minor modifications of these arrangements which may be thought necessary in view of any special local requirements.

(*a*) Now s. 91 of the Housing Act, 1936, *ante*, p. 1699.
(*b*) Reduced to £800 by s. 76 (2) of the Housing Act, 1935 ; 28 Halsbury's Statutes 249. now re-enacted in s. 91 (4) of the Housing Act, 1936, *ante*, p. 1702.

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Many building societies have considerable sums available for investment and the Minister has no doubt that co-operation between building societies and local authorities may have very useful results in encouraging the building of houses for their own occupation by those who have a small amount of savings available for investment.

I am, etc.

S. R. & O., 1925, No. 237.

THE PUBLIC UTILITY SOCIETIES REGULATIONS, 1925, DATED 9TH MARCH, 1925, MADE BY THE MINISTER OF HEALTH UNDER SECTION 19 OF THE HOUSING, TOWN PLANNING ACT, 1919.

The Minister of Health in pursuance of the powers conferred on him by section 19 of the Housing, Town Planning Act, 1919, and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

General.

1.—(1) These Regulations may be cited as the Public Utility Societies Regulations, 1925.

(2) The Regulations named in the First Schedule to these Regulations are hereby revoked, so far as they relate to Public Utility Societies, without prejudice, however, to the validity of any undertaking given or other act or thing done thereunder.

2. In these Regulations, unless the contrary intention appears:—

"The Minister" means the Minister of Health;

"The Commissioners" means the Public Works Loans Commissioners;

"Society" means a Public Utility Society (*a*);

"The Act of 1919" means the Housing, Town Planning Act, 1919;

"Local Authority" means the local authority within the meaning of Part III. of the Housing of the Working Classes Act, 1890 (*b*), for the district in which the houses are provided or are to be provided by the Public Utility Society;

"Scheme" means a scheme for the provision of houses for the working classes prepared by a society and approved by the Minister under sub-sect. (1) of section 19 of the Act of 1919 (*c*);

"House" means a house comprised in a scheme and includes any yard, garden, outhouses and appurtenances belonging thereto.

PART II.

Exchequer Subsidy.

(3).—(1) Subject to the provisions of these Regulations and to the discharge by a society of its obligations thereunder the Minister may make out of moneys provided by Parliament an annual contribution (in these Regulations referred to as "the Exchequer subsidy") towards the cost incurred by the society in carrying out a scheme.

(2) The Exchequer subsidy shall during the period ending on the 31st day of March, 1927, be an amount equal to 50 per cent. of the annual charges in respect of interest and repayment of principal on the capital raised by the society under the scheme, and thereafter shall be an amount equal to 30 per cent. of those charges, or, if the conditions set out in the next succeeding paragraph are complied with, an amount equal to 40 per cent.:

Provided that—

(i) in the case of the annual charges incurred by the society before the houses are completed if the balance of those charges, after deducting the Exchequer subsidy, is defrayed out of borrowed moneys, such moneys

(*a*) See s. 3 (2) of the Housing, etc. Act, 1923, *ante*, p. 1818.
(*b*) See now ss. 1 and 103 of the Housing Act, 1936, *ante*, pp. 1584 and 1711.
(*c*) See *ante*, p. 1821.

shall not, for the purposes of this article, be included as part of the capital raised by the society under the scheme;

(ii) the Minister may reduce the amount of the Exchequer subsidy in any case in which he is satisfied that the capital expenditure incurred by the society has been excessive; and

(iii) the Minister shall not be under any liability to pay to a society Exchequer subsidy at the rate of 40 per cent. so far as such subsidy is properly attributable to houses already sold by the society, in respect of which the liability of the Minister at the date of the sale has been or will be discharged by virtue of Article 16 of these Regulations.

(3) The conditions upon which the Exchequer subsidy shall, after the 31st day of March, 1927, be 40 per cent. instead of 30 per cent. of the annual charges are—

(i) that the society shall have paid all debts owing to the Crown in respect of materials supplied by the Department of Building Materials Supply; and

(ii) that in any case in which the Minister is satisfied that some person, firm, or body corporate carrying on business was instrumental in promoting the society for the purpose of providing houses for persons employed in such business, such person, firm, or body corporate shall, if the Minister so requires, guarantee by way of collateral security the repayment of any loan advanced by the Public Works Loan Commissioners and payment of interest thereon.

(4) The Exchequer subsidy shall be payable (and shall be deemed always to have been payable) half-yearly in arrear (or in such other manner as the Minister may think fit) during a period of 50 years commencing on the 1st day of April or the 1st day of October, as the case may be, immediately preceding such date as the Minister may have fixed or may fix, having regard to the dates on which the several items of capital expenditure on the scheme were from time to time incurred by the society, as the mean date of that expenditure.

(5) For the purposes of these Regulations the annual charges on the capital raised by the society shall be deemed to be the annual charges which would have been payable, by way of equal annual instalments of principal with interest combined, on the like amount of capital if it had been borrowed from the Commissioners on the terms granted for the time being to societies whether the capital has in fact been borrowed from the Commissioners or otherwise provided.

4.—(1) The Exchequer subsidy shall cease to be payable in respect of any scheme or part of a scheme not carried into effect before the expiry of a period of three years from the passing of the Act of 1919, or such later date as the Minister may allow, regard being had to the supplies of labour and material available from time to time and all other local or general circumstances affecting the carrying into effect of the scheme.

(2) For the purposes of these Regulations a scheme or part of a scheme shall be deemed to have been carried into effect when all the houses to be provided thereunder are let or available for letting.

5. The carrying out of the works shall be subject to the supervision of the Minister, exercised either through his own officers or through the local authority.

6. For the purposes of Article 3 (2) of these Regulations the sum to be included in the capital raised by the society under the scheme in respect of the professional charges paid or to be paid by the society, in connection with the building of the houses and the lay-out of the estate under the scheme, shall not exceed five per cent. of the gross capital expenditure approved by the Minister.

7. The rents to be charged for houses included in the scheme shall be subject to the approval of the Minister, and shall not be altered without the consent of the Minister.

8.—(1) The rules of the society and any amendment thereof shall be subject to the approval of the Minister.

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(2) The rules of the society shall, unless the Minister otherwise allows, be so framed as to give effect to the following provisions:—

(*a*) The objects of the society shall include the provision, improvement, and management of houses for the working classes.

(*b*) Every member of the society shall hold at least one share (of the value at the least of £1) in the society, and the board of management of the society shall not refuse to admit to membership of the society any person who has been for three months a tenant of the society.

(*c*) Tenants [*or* if the society so determine tenant members] may elect annually from among themselves a tenants' [*or* tenant members'] committee, and such committee shall have such rights, powers, and duties (in addition to those which are expressly conferred on or vested in them by the rules of the society), as the board of management of the society, with the concurrence of such committee, may determine. Each tenant [*or* tenant member] shall be entitled to one vote at the election of the members of the said committee.

(*d*) The management of the business of the society shall be vested in a board of management, of whose members (as from the date of the first annual general meeting of the society after the approval of the scheme) at least one-quarter shall be tenant members appointed by the tenants' [*or* tenant members'] committee.

(*e*) At all general meetings of the society each fully paid-up share against which there is no set-off in the books of the society shall carry one vote, and not less than five times that amount of loan stock held by a member shall carry one vote:

Provided that the possession of loan stock apart from membership shall not entitle its holder either to a vote or to attendance at meetings of the society:

Provided also that a limitation may be imposed on the number of votes which may be recorded at any meeting by any one member.

(*f*) Each tenant shall have undisturbed occupancy of his house and garden so long as—

(i) he fulfils the tenancy regulations made by the board of management; and

(ii) he pays any rent or debts due from him to the society; and

(iii) he and the occupants to his house avoid any conduct detrimental to good neighbourship:

Provided that the tenant shall not be given notice to quit by the board of management on the ground of conduct detrimental to good neighbourship except with the concurrence of the tenants' [*or* tenant members'] committee.

(*g*) Any profits remaining to the society after providing for—

(i) the annual charges, in respect of interest and repayment of principal, on the loans and loan stock raised by the society;

(ii) the taxes, rates, rents, insurance premiums, or other charges payable by the society in respect of any land or houses belonging to them;

(iii) the costs of administration and management and of repairs of property;

(iv) such allocations to a reserve fund as may be determined by the board of management;

(v) any other necessary expenses incurred by the board of management; and

(vi) a dividend not exceeding the rate authorised by the statutes in force, on the share capital of the society;

shall be applied in such manner as may be determined by the board of management, for the benefit of the tenants generally.

9. If before the Exchequer subsidy has ceased to be payable the society has sold all the houses comprised in its scheme, and has commenced to take the necessary steps for dissolution under section 58 of the Industrial and Provident Societies Act,

1893 (*a*), the Minister may pay to the liquidator on behalf of the society, by way of a final payment of Exchequer subsidy, such sum (not exceeding the capitalised value of the Exchequer subsidy payable to the society) as may be required to pay off any net liabilities of the society:

Provided that nothing contained in this article shall relieve the society from any obligation imposed on them by an undertaking given under Article 9 of the Public Utility (Financial Assistance) Regulations, 1919.

PART III.

Sale of Houses.

10. In this Part of these Regulations the expression "sale of a house" includes the grant of a lease at a yearly rent not exceeding five shillings, and in the case of land in which the society has a leasehold interest only the grant of an underlease at a yearly rent not exceeding by more than five per cent. such portion of the rent payable by the society as is properly attributable to the land comprised in the underlease; and the words "sell" and "purchase" have corresponding meanings.

11. Before selling any house the society shall obtain the consent of the Minister and shall be satisfied that the proposed purchaser is the occupier or, if the house is unoccupied, the intending occupier of the house.

12.—(1) The conveyance or other instrument transferring the house to the purchaser shall contain covenants on the part of the purchaser in the terms set out in the Second Schedule to these Regulations with such modifications as may be required in the case of a lease or underlease and such other modifications, if any, as the Minister may approve.

(2) The society shall not, without the consent of the Minister, and subject to such conditions, if any, as he may impose, grant any licence with regard to the user of any house which they may be empowered to grant by any of the covenants referred to in the last preceding article.

13. Before selling or contracting to sell any house, the society shall prepare and submit for the approval of the Minister a schedule apportioning among the several houses included in the scheme the total approved cost of the scheme, such apportionment being based on—

(*a*) the value of the interest of the society in the site of the house;

(*b*) the amount expended by the society in the erection of the house; and

(*c*) a fair proportion of the general expenditure of the society in connection with the scheme:

Provided that in calculating the expenditure under the foregoing heads no account shall be taken of any expenditure by the society towards which no Exchequer subsidy is being made, and any such expenditure shall be shown separately in the schedule.

14. No house shall be sold at a price less than that approved by the Minister.

15. So much of the purchase money as is equivalent to the minimum price at which the house may be sold shall, unless the Minister otherwise directs, be applied by the society as follows:—

(*a*) First, to the repayment of so much of any outstanding loan borrowed from the Commissioners in respect of the house as will reduce the yearly payment to the Commissioners on account of principal and interest on the loan to an amount not exceeding an Exchequer subsidy equivalent, during the period ending on the 31st day of March, 1927, to 50 per cent., and, thereafter, to 40 per cent. or to 30 per cent. of the annual charges (at whichever rate the subsidy payable to the society is for the time being calculated) on the capital raised by the society and approved by the Minister in respect of that house; and

(*b*) Secondly, to the repayment of loans borrowed for the purpose of the scheme otherwise than from the Commissioners, or to the repayment or extinction of any shares or loan stock issued for the purpose of the scheme.

(*a*) 9 Halsbury's Statutes 720.

Every sale made by a society under these Regulations shall be made in accordance with rules to be made by the society and approved by the Minister.

16.—(1) Where a house included in a scheme is sold by the society or by the Commissioners as mortgagees of the house, the Minister may pay to the Commissioners or, if the Commissioners are not mortgagees, to any other mortgagee of the house a sum equal to the capitalised value as at the date of the sale of the Exchequer subsidy apportioned in respect of that house or to so much thereof as is required to discharge the liability of the society to the Commissioners or other mortgagee in respect of principal money and interest payable under the mortgage.

(2) A payment made by the Minister to the Commissioners or other mortgagee under this article shall *pro tanto* discharge any liability of the Minister to the society in respect of Exchequer subsidy and of the society to the Commissioners or other mortgagee under the mortgage.

17. Save as provided in the last preceding article nothing in this Part of these Regulations shall extend to the sale of a house by the Commissioners in the exercise of a power of sale as mortgagees of the property, or to the sale of a house by the society to any local authority.

PART IV.

Accounts and Audit.

18.—(1) The society shall keep and make up annually separate accounts relating to the scheme.

(2) Such accounts shall, so long as they relate to capital expenditure incurred for the purpose of the scheme, be audited by a district auditor in like manner, and subject to the same provisions, as the accounts of an urban district council, and during that period the enactments relating to the audit by district auditors of the last-named accounts and to all matters incidental thereto and consequential thereon shall for this purpose apply to the accounts of the society.

(3) So far as may be necessary for the purpose of his duties under this article the district auditor shall have access to all the books, deeds, documents, and accounts of the society.

19. The society shall permit any district auditor or other officer of the Ministry of Health, authorised by the Minister, at all reasonable times during the period in respect of which the Exchequer subsidy is payable as aforesaid to have access to and inspect the books, deeds, documents, and accounts of the society.

20. A balance sheet and summary of the accounts relating to the scheme for each financial year shall, during the ensuing financial year, be open to inspection by any person at the office of the society on payment of a fee of one shilling and a copy of the balance sheet and summary shall be sent to the Minister at the conclusion of the financial year to which it relates, and also, if they so request, to the local authority.

SCHEDULES.

FIRST SCHEDULE.

REGULATIONS REVOKED.

The Public Utility Societies (Financial Assistance) Regulations, 1919.
The Public Utility Societies (Financial Assistance) Regulations, 1920.
The Public Utility Societies (Sale of Houses) Regulations, 1920.
The Housing (Societies and Trusts) Amendment Regulations, 1921.
The Public Utility Societies (Financial Assistance) Regulations, 1922.
The Public Utility Societies Amendment Regulations, 1923.

SECOND SCHEDULE.

FORM OF COVENANTS TO BE INSERTED IN CONVEYANCE.

The Purchaser hereby for himself and his assigns covenants with the Society and their assigns, the owner or owners for the time being of any land comprised in the Scheme under Section 19 (1) of the Housing, Town Planning, etc., Act, 1919, of which the premises hereby conveyed form part—

(*a*) that except with the licence in writing of the Society, or, if the Society has dissolved, of the Local Authority, the premises hereby conveyed shall not at any time hereafter be used for any other purpose than that of a private dwelling house; and

(*b*) that the said premises shall not be used for any purpose which shall be or become in any way a nuisance or annoyance to the Society or their assigns or their tenants, or to the owners or tenants of any adjoining property.

The expression "Local Authority" means the Local Authority within the meaning of Part III. of the Housing of the Working Classes Act, 1890, for the area in which the premises hereby conveyed are situated.

CIRCULAR 571.

Housing Authorities and County Councils (England and Wales).

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
12th March, 1925.

ASSISTANCE TO OWNER-OCCUPIERS.

SIR,—I am directed by the Minister of Health to say that he is receiving many inquiries both from Local Authorities and others with regard to the means by which new houses may be purchased and individuals may become owners of their own homes.

He thinks that the financing of building by loans on mortgage is a method of relieving the housing situation which will make a wide appeal to Local Authorities. It is becoming increasingly evident that there is a large demand for this form of assistance, and that there are many people who will welcome the opportunity of building houses for their own occupation on a first payment of £50 to £100. The Local Authority, by advancing money on loan, will not be adding to the burden of the ratepayers; and they will be helping to create a class of owner-occupiers who will have the strongest personal interest in the proper upkeep of the houses.

The Housing Act of 1923 (as amended by the Act of 1924) conferred new powers (*a*) upon Local Authorities (including County Councils) which enable them to assist in financing the provision of new houses, and these powers are fully explained in the Ministry's circular No. 520. The Minister notes with satisfaction that there has been a growing desire on the part of Local Authorities to exercise these new powers, as is evidenced by the fact that, since the passing of the Act of 1923, sanctions have been given to 214 Local Authorities in England and Wales for loans amounting approximately to £4,000,000 under Section 5 of the Act of 1923, in addition to sanctions to 200 Authorities amounting in the aggregate to nearly £6,000,000 for advances under the Small Dwellings Acquisition Acts.

In view of the strong evidence of the demand for a still larger extension of these activities, the Minister has had a model pamphlet prepared for the use and guidance of Local Authorities, explaining and illustrating the method by which building may be financed and the individual citizen may be assisted to become his own landlord by advances on loan under the provisions of Section 5 of the Housing, &c., Act, 1923. A copy of this pamphlet is enclosed. The examples which are given will, of course, require adaptation to suit the requirements of individual districts. The rate of interest to be approved by the Minister, for instance, may be higher in some districts

(*a*) Now contained in s. 91 of the Housing Act, 1936, *ante*, p. 1699.

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than the figure of 5 per cent. which is quoted by way of illustration. A model form of mortgage, Form Housing 50, has also been issued by the Department and published by the Stationery Office.

The Minister invites the Council to consider whether the method described in the pamphlet (if it has not already been adopted) should be put in operation in their area. A pamphlet on these lines would be suitable for distribution to builders and applicants, and the Minister thinks that the Council will also wish to consider what further steps should be taken, by the issue of handbills or in other ways, to ensure publicity for the facilities offered.

The Minister also hopes that Local Authorities will take the fullest possible advantage of the provisions of the Housing Acts, under which they may give guarantees to Building Societies to enable the Societies to make advances in respect of new houses in excess of the amounts which would be normally advanced. Details of the arrangements agreed between the Minister and the Association of Building Societies for the guidance of Local Authorities are set out in Circular 555 (*a*) recently issued to Local Authorities.

I am, etc.

The Clerk to the Authority.

MODEL PAMPHLET.

—— COUNCIL.

HOUSING, &c., ACT, 1923, AND HOUSING (FINANCIAL, PROVISIONS) ACT, 1924.

INFORMATION RESPECTING ADVANCES BY THE.....COUNCIL UNDER SECTION 5 OF THE HOUSING, ETC., ACT, 1923, AS AMENDED BY THE HOUSING (FINANCIAL PROVISIONS) ACT, 1924 (*b*).

1. The.....Council is prepared to consider applications for advances on mortgage from persons or bodies of persons—(i) constructing or altering or undertaking to construct or alter houses; (ii) acquiring or undertaking to acquire houses the construction of which was begun after April 25th, 1923. Any such application must be made upon the special form provided by the Council, and must be sent to the Clerk of the Council.....

2. Loans may be advanced in respect of houses situated within the area of the .....Council and, in suitable cases, outside that area, of an estimated value (including the value of the freehold site) of not more than £1,500 (*c*).

3. The advance of loans is subject to the following conditions:—

(*a*) The superficial area of the dwelling must not be less than 620 feet if it comprises two storeys, nor less than 550 feet if it consists of a flat or a one-storied house; and the dwelling must be in all respects fit for human habitation.

(*b*) The amount of the loan shall not exceed 90 per cent. of the value of the applicant's interest in the property as determined by the Council after valuation has been made on their behalf.

(*c*) The advance may be made by instalments as the building or alteration of the house progresses, provided that the total advance does not at any time before completion of the house exceed 50 per cent. of the value of the work done, including the value of the interest of the mortgagor in the site.

(*a*) *Ante*, p. 2858.
(*b*) Now s. 91 of the Housing Act, 1936, *ante*, p. 1699.
(*c*) Reduced to £800 by s. 76 (2) of the Housing Act, 1935 (28 Halsbury's Statutes 249), now re-enacted in s. 91 (4) of the Housing Act, 1936, *ante*, p. 1702.

(*d*) The advance shall be secured by first mortgage and shall be repayable within a period not exceeding .... years by either of the following methods—

(i) by instalment method, *i.e.*, equal instalments of principal with interest on the outstanding half-yearly balance ; or,

(ii) by annuity method, *i.e.*, equal half-yearly instalments of principal and interest combined.

(*e*) In the case of a leasehold interest, no loan will be advanced unless the unexpired period of the lease is at least10 years over and above the period agreed for the repayment of the loan.

(*f*) Every sum for the time being due in respect of principal or interest must be punctually paid.

(*g*) The house must be kept insured against fire to the satisfaction of the Council, and the receipts for the premiums produced when required by the Council.

(*h*) The house must be kept in good sanitary condition and good repair.

(*i*) The Council shall have the right to inspect the work at all stages.

4. If the advance is made by stages as the work proceeds, the first instalment will not be advanced until the brickwork is built to the first floor and ground and first floor joists are in ; subsequent advances can be made—(*a*) when all brickwork, roofing, staircase, ceiling joists, partitions and drainage are complete ; and (*b*) when the house is completed fit for habitation.

5. Loans or instalments of loans will be advanced only in multiples of £10, and repayments will be calculated on a half-yearly basis. Monthly instalments of the half-yearly payments of principal and interest will be accepted at the Council's offices when desired. The outstanding balance of a loan or any sum of £10 or a multiple thereof may be repaid at any time.

6. The rate of interest charged will be fixed by the Council at the outset and will be the rate ruling for these loans at the time the advance is made. At the present time the rate is.....per cent.

7. A loan may be made in respect of a house for which the Council has undertaken to pay a grant or subsidy.

8. In the event of any of the conditions subject to which the advance is made not being complied with, the balance of the loan for the time being unpaid will become payable on demand by the Council.

9. The survey fees payable will be as follows :—

(*To be calculated by the Council on a scale to meet the expense to the Council of survey and valuation.*)

10. The Council will prepare the necessary mortgage and, when desired, the purchase deed, subject to a charge on the following scale, to cover expenses :—

(*These fees should be calculated by the Council on a scale to meet the expense to the Council of the legal work involved.*)

Stamps, registration fees, search fees and other payments made by the Council will also be defrayed by the borrowers.

11. *Example A.—House for which subsidy is given by Council.*

	£
All-in cost of house	600
Subsidy given by Council	100

Assuming that the interest of the mortgagor is valued at £500 :—

	£
90 per cent. of value which the Council will loan	450
Builder or owner to find	50
Subsidy	100
Total cost	£600

The borrower is required to pay:—

	£ s. d.
Stamp duty on the mortgage	0 12 6
Charges by Council to cover expenses (say)	

Repayment of Principal with Interest at 5 per cent. on loan for 20 years.

Instalment method.

1st half-yearly payment—	£ s. d.
Principal	11 5 0
Interest	11 5 0
Total	£22 10 0

(Equal to £3 15*s.* a month.)

This figure will be reduced each half-year by 5*s.* 7½*d.* until the last, *i.e.*, the fortieth, half-yearly payment will amount to £11 10*s.* 8*d.*

(Equal to £1 18*s.* 6*d.* a month.)

Annuity method.

The payment for each of the 40 half-years will amount to £17 18*s.* 6*d.*

(Equal to 6 monthly payments of £2 19*s.* 9*d.*)

12. *Example B.—House for which subsidy is not given by Council.*

Assuming that the value of the interest of the mortgagor in the house as determined after a valuation made on behalf of the Council is £1,000:—

	£
90 per cent. of value which the Council will loan is	900
Builder or owner occupier to find	100
	£1,000

The borrower is required to pay:—

	£ s. d.
Stamp duty on the mortgage amounting to	1 2 6
Charges by Council to cover out-of-pocket expenses (say)	

Repayment of Principal with Interest at 5 per cent. on loan for 20 years.

Instalment method.

1st half-yearly payment—	£ s. d.
Principal	22 10 0
Interest	22 10 0
Total	£45 0 0

(Equal to £7 10*s.* a month.)

This figure will be reduced each half-year by 11*s.* 3*d.* until the last, *i.e.*, the fortieth, half-yearly payment will amount to £23 1*s.* 3*d.*

(Equal to £3 16*s.* 11*d.* a month.)

Annuity method.

The payment for each of the 40 half-years will amount to £35 17*s.* 0*d.*

(Equal to 6 monthly payments of £5 19*s.* 6*d.*)

13. In the examples shown above the period of the loan is taken as 20 years.

The following table shows in respect of a loan of £100 advanced for 15, 20 or 30 years the amounts payable under (*a*) the instalment method, and (*b*) the annuity, method, with interest calculated at 5 per cent.

Period of Loan.	Method of repayment.			
	Equal instalments of principal.		Annuity.	
	Half-yearly payment	Monthly instalment.	Half-yearly payment.	Monthly instalment.
15 years	£5 16*s.* 8*d.* at the outset, decreasing each half-year by 1*s.* 8*d.* to an amount of £3 8*s.* 4*d.* for the last half-year.	19*s.* 6*d.* at the outset, decreasing each half-year by 3*d.* or 4*d.* to an amount of 11*s.* 4*d.* for the last month.	£4 15*s.* 7*d.*	15*s.* 11*d.*
20 years	£5 at the outset, decreasing each half-year by 1*s.* 3*d.* to an amount of £2 11*s.* 3*d.* for the last half-year.	16*s.* 8*d.* at the outset, decreasing each half-year by 2*d.* or 3*d.* to an amount of 8*s.* 6*d.* for the last month.	£3 19*s.* 8*d.*	13*s.* 3*d.*
30 years	£4 3*s.* 4*d.* at the outset, decreasing each half-year by 10*d.* to an amount of £1 14*s.* 2*d.* for the last half-year.	13*s.* 11*d.* at the outset, decreasing each half-year by 1*d.* or 2*d.* to an amount of 5*s.* 8*d.* for the last month.	£3 4*s.* 9*d.*	10*s.* 10*d.*

S. R. & O., 1925, No. 733.

THE HOUSING (LOANS BY COUNTY COUNCILS) ORDER, 1925, DATED 25TH JULY 1925, MADE BY THE MINISTER OF HEALTH UNDER SECTION 94 OF THE HOUSING ACT, 1925 (*a*).

The Minister of Health, in exercise of the powers conferred on him by section 94 of the Housing Act, 1925, and of all other powers enabling him, hereby makes the following Order :—

1. This Order may be cited as the Housing (Loans by County Councils) Order, 1925.

2.—(1) In this Order, unless the context otherwise requires—

"The Minister" means the Minister of Health ;

"The Act" means the Housing Act, 1925 ;

"Housing Loan" means a loan raised by a county council for the purpose mentioned in section 94 (*a*) of the Act, or, where a loan is raised partly for that purpose and partly for other purposes, such portion of the loan as is declared by the Minister to have been raised for the purpose of the said section 94.

(2) The Interpretation Act, 1889, shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. The Housing (Loans by County Councils) Order, 1920, is hereby revoked, but without prejudice to any right, privilege, obligation or liability acquired, accrued, or incurred under that Order.

(*a*) 13 Halsbury's Statutes 1056, repealed by the Housing Act, 1936, and replaced by s. 124 thereof, *ante*, p. 1728.

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4. Where the proceeds of a Housing Loan have been lent to local authorities, the county council shall discharge or provide for repayment of such part of the loan as represents the money lent to each local authority within a term ending not later than one year after the date at which that local authority is required to pay off the money lent to it.

5. Money lent to a local authority shall be repayable by it to the county council by equal half-yearly instalments of principal and interest combined within the period for which the local authority has power to borrow:

Provided that where the money lent to a local authority has been raised by the issue of stock, the local authority shall repay to the county council not less than six months before the expiration of the maximum period of the currency of the stock any outstanding balance of the amount borrowed from the county council.

6. All sums received by the county council from a local authority representing repayment of principal shall be applied in or towards discharge of the Housing Loan, or where the Housing Loan was raised by the issue of stock, in or towards redemption of such stock.

7. All sums which under the last preceding Article are required to be applied in or towards redemption of stock shall be transferred to the fund or account to which, under the provisions of the Acts or Regulations for the time being governing the issue and redemption of stock by the county council, sums required to be applied in redemption of stock are to be paid, and notwithstanding anything in those provisions the county council shall not be under any obligation to transfer to that fund or account in any year any greater sum than the aggregate of the sums received during that year and required by this Article to be so transferred.

8. The rate of interest at which money may be lent by the county council to a local authority shall be subject to the approval of the Minister and shall be calculated so as to cover the interest payable by the council in respect of such money together with all expenses incurred by the council in raising the same, and all expenses incurred or to be incurred by them in connection with the management or redemption of any stock or local bonds by means of which the money was raised, including any loss incurred by the council by reason of the rate of interest received in respect of any portion of the proceeds of the Housing Loan and not immediately required for loans to local authorities or in respect of any investments of moneys standing to the credit of any fund or account for the redemption of the Housing Loan falling short of the rate at which interest is payable by the council upon the Housing Loan:

Provided that where the Housing Loan was raised by the issue of stock, the rate of interest payable by the local authority may, with the consent of the Minister, be the same as that payable by the county council on such stock, but in that event the mortgage to be entered into by the local authority shall, in addition to securing the repayment of principal and interest as provided in Article 4 of this Order, include the provisions specified in the Schedule to this Order.

9. This Order shall not apply to the London County Council.

SCHEDULE.

The following provisions shall apply to every mortgage made between a county council and a local authority for securing repayment of a loan where the rate of interest charged is the same as that payable on the stock issued by the county council, and the mortgage shall include such covenants and conditions as may be necessary to give effect to such provisions.

(*a*) The local authority shall pay to the county council by means of an annuity of an amount to be specified in the mortgage payable half-yearly during a period to be similarly specified not exceeding the maximum period of currency of the stock, a sum equal to the amount, if any, by which the nominal amount of that part of the stock of which the proceeds were applied in making the loan to the local authority exceeded the net proceeds of such nominal amount of stock with interest on that sum at the rate payable under the mortgage in respect of the principal money secured thereby. In ascertaining net proceeds for the purpose of this paragraph a proportionate part of the expenses of the issue of the stock and of any unaccrued interest payable under the terms of issue at the date of the first payment of interest shall be deducted from the proceeds.

(*b*) The local authority shall pay annually to the county council on a date to be specfied in the mortgage a proportionate part of the expenses incurred by the council during the previous year in connection with the management of the stock, including any composition for stamp duties and any remuneration payable to the Registrar of the said stock and other establishment charges in connection therewith.

(*c*) At a date within one year from the commencement of the loan to be specified in the mortgage and thereafter at the end of each year from that date during the continuance of the loan and until the redemption of the stock, the amount, if any, by which the total interest paid by all the local authorities (i) in respect of loans made to them out of the proceeds of the Housing Loan, and (ii) under paragraph (*a*) of this Schedule, together with any interest received by the county council either upon any portion of the proceeds of the Housing Loan which has not for the time being been lent to any local authority, or upon moneys representing principal previously repaid by any such local authority and forming part of the council's redemption fund account relating to the Housing Loan, exceeds or falls short of the amount required to pay interest on the Housing Loan shall be ascertained, and in the case of any excess a proportionate part thereof shall be set off against any sum payable by the local authority under paragraphs (*a*), (*b*), or (*d*), of this Schedule, and in the case of any deficiency a proportionate part thereof shall be paid by the local authority to the county council.

(*d*) (i) If upon the realisation of any investments standing to the credit of the county council's redemption fund account relating to the Housing Loan the net proceeds of the sale of such investments represent a profit or loss to the council, a proportionate part of the amount of such profit or loss shall in the case of a profit be set off against the sums payable by the local authority to the county council, and in the case of a loss be paid by the local authority to the county council.

(ii) If the county council redeem or purchase and extinguish stock at less than its nominal value by the application of any part of the money carried to the said redemption fund account, the difference between the price at which the stock is so redeemed or purchased and its nominal value shall be treated for the purposes of this Article as a profit made on the realisation of an investment.

(iii) The necessary adjustments between the county council and the local authority for the purpose of this paragraph shall be made annually upon a date to be specified in the mortgage.

(*e*) Upon the redemption by the county council of any stock issued for the purposes of the Housing Loan the local authority shall repay to the council a proportionate part of any expenses incurred by the council in connection with such redemption.

(*f*) All powers and remedies of the county council for securing and recovering payment of the principal and interest payable under the mortgage shall be exercisable in respect of any payment to be made by the local authority to the council under the foregoing provisions of this Schedule.

(*g*) For the purposes of this Schedule a proportionate part of any expenses, profit, loss, or other amount shall mean as regards any local authority a part of such expenses, profit, loss, or other amount bearing the same proportion to the whole as the nominal amount of stock represented by the moneys lent to that local authority bears to the total nominal amount of the stock representing the amount lent to local authorities issued for the purpose of Housing.

S. R. & O., 1925, No. 866.

THE HOUSING CONSOLIDATED REGULATIONS, 1925, DATED 1ST SEPTEMBER, 1925, MADE BY THE MINISTER OF HEALTH UNDER THE HOUSING ACT, 1925.

The Minister of Health, in pursuance of the powers conferred on him by the Housing Act, 1925, and of all other powers enabling him in that behalf, subject to the approval of the Treasury, so far as regards Regulations with respect to which such approval is required, hereby makes the following Regulations.

PART I.—GENERAL.

1. These Regulations may be cited as the Housing Consolidated Regulations, 1925, and shall come into operation on the 1st day of September, 1925.

2.—(1) In these Regulations, unless the context otherwise requires—

"The Minister" means the Minister of Health;

"The Act" means the Housing Act, 1925.

(2) The Interpretation Act, 1889, shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3. The Orders and Regulations set out in the Third Schedule hereto are hereby revoked, but without prejudice to any right, privilege, obligation, or liability acquired, accrued or incurred under any of these Regulations.

PART II.—PROVISIONS AS TO COMPULSORY PURCHASE.

Revoked by Amending Regulations of 1932 (S. R. & O., 1932, No. 648).

PART III.—PROVISIONS AS TO LOCAL BONDS.

9. In this Part of these Regulations, unless the context otherwise requires, the expression " holder " means registered holder.

Issue of Local Bonds.

10.—(1) Local bonds shall be issued at par and interest thereon shall be payable half-yearly on the thirty-first day of March and the thirtieth day of September in each year: Provided that in the case of any person who holds on the thirtieth day of September bonds to a nominal value not exceeding £50, the local authority may pay interest yearly on the thirty-first day of March, paying in addition interest at the rate applicable to the bonds on any interest which has accrued in respect of the period up to the thirtieth day of September.

(2) Applications for local bonds shall be for amounts of five, ten, twenty, fifty, or one hundred pounds or multiples of one hundred pounds.

(3) Local bonds shall, subject to the provisions of this Article, be repayable at par at the office of the local authority not less than five years after the date of issue according to the terms of issue, and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

(4) Where a local authority accepts a local bond issued by another local authority in payment or part payment of the purchase price of a house erected in pursuance of any scheme under the Act, the local authority by whom the bond was issued shall, if so requested by the other local authority, redeem the bond by paying the nominal amount thereof to that local authority.

(5) The first payment of interest on any local bond shall be adjusted in accordance with the date of issue of the bond and any sum paid by way of repayment or redemption shall include interest accrued to the date of repayment or redemption.

(6) Nothing in this Article shall be construed as prohibiting a local authority from redeeming a local bond at any time by agreement with the holder of the bond, if they shall think fit to do so.

(7) A local bond repaid or redeemed by a local authority shall be cancelled.

Registration and Certificates.

11. A local authority issuing local bonds shall appoint a registrar for the purposes of this part of these Regulations, and may direct him to act on their behalf for the purposes of all or any of the things which they are authorised to do under this part of these Regulations.

12.—(1) The local authority shall keep a register (hereinafter called the " Local Bonds Register ") of all persons who are holders for the time being of local bonds.

(2) The Local Bonds Register shall contain the following particulars:—

(*a*) the name, address, and description of each holder, a statement of the denomination of the bonds held by him and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided;

(*b*) the date of registration of each holder and the date on which he ceased to be so registered.

(3) The Local Bonds Register shall be *primâ facie* evidence of any matter entered

therein in accordance with these Regulations and of the title of the persons entered therein as holders of local bonds.

13.—(1) The local authority shall issue to each holder of a local bond a certificate in respect thereof, duly numbered and dated, and specifying the denomination of the bond and the period for which it is issued.

(2) The certificate shall be *primâ facie* evidence of the title of the person therein named, his executors, administrators or assigns, to the bond therein specified, but the want of a certificate, if accounted for to the satisfaction of the local authority, shall not prevent the holder of a bond from disposing of and transferring the bond.

(3) If a certificate is worn out or damaged, the local authority, on the production thereof, may cancel it and issue a new certificate in lieu thereof.

(4) If a certificate is lost or destroyed, the local authority on proof thereof to their satisfaction, and, if they so require, on receiving an indemnity against any claims in respect thereof, may give a new certificate in lieu of the certificate lost or destroyed.

(5) An entry of the issue of a substituted certificate shall be made in the Local Bonds Register.

(6) A certificate shall be in the form set out in the Second Schedule hereto or in a form substantially to the like effect.

Transfer of Local Bonds.

14.—(1) The transfer of a local bond shall be by deed, in the form set out in the Second Schedule hereto or in a form substantially to the like effect.

(2) A local bond may be transferred in whole or in part, so, however, that any part transferred shall not be for an amount other than an amount for which a local bond may be issued by a local authority.

(3) Unless the local authority have compounded for stamp duty, every deed of transfer shall be duly stamped and the consideration shall be truly stated therein.

(4) The deed of transfer shall be delivered to and retained by the local authority and the local authority shall enter a note thereof in a book to be called the "Register of Transfer of Local Bonds," and shall endorse on the deed of transfer a notice of that entry.

(5) The local authority shall, upon receipt of the deed of transfer duly executed together with the certificate issued in respect of the bond, enter the name of the transferee in the Local Bonds Register and shall issue a new certificate or certificates to the transferee, or to the transferor and transferee, as the case may require.

(6) Until the deed of transfer and the certificate have been delivered to the local authority as aforesaid, the local authority shall not be affected by the transfer, and the transferee shall not be entitled to receive any payment of interest on the bond.

(7) The local authority before registering a transfer of a local bond may, if they think fit, require evidence by statutory declaration or otherwise of the title of any person claiming to make the transfer.

Closing of Local Bonds Register.

15. The local authority may close the Local Bonds Register for a period not exceeding thirty days immediately before the thirty-first day of March and the thirtieth day of September in any year respectively, and notwithstanding the receipt by the local authority during those periods of any deed of transfer, the half-yearly payment of interest next falling due may be made to the persons registered as holders of local bonds on the date of the closing of the register.

Transmission of Local Bonds.

16.—(1) Any person becoming entitled to a local bond by reason of the death or bankruptcy of a holder or by any lawful means other than a transfer may, by the production of such evidence of title as the local authority may require, either be registered as holder of the bond, or, instead of being himself registered, may make such transfer of the bond as the holder could have made, and the local authority shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been furnished to the local authority, the local authority shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

(3) Where two or more persons are registered as holders of a local bond they shall be deemed to be joint holders with right of survivorship between them.

Interest on Local Bonds.

17.—(1) Unless the holder of a local bond otherwise requests, the local authority may pay the interest thereon by posting a warrant to the holder at his address as shown in the Local Bonds Register.

(2) The posting by the local authority of a letter containing an interest warrant addressed to a holder as aforesaid shall, as respects the liability of the local authority, be equivalent to the delivery of the warrant to the holder himself.

18. The local authority shall not be required to pay any executors or administrators any interest on local bonds held by their testator or intestate until the probate of the Will or the letters of administration has or have been left with the local authority for registration.

19. The local authority before paying any interest on any local bonds may, if they think fit, require evidence by statutory declaration or otherwise of the title of any person claiming a right to receive the interest.

20. Where more persons than one are registered as joint holders of a local bond, any one of them may give an effectual receipt for any interest thereon, unless notice to the contrary has been given to the local authority by any other of them.

General.

21. No notice of any trust shall be entered in the Local Bonds Register or in any other book kept by the local authority or be receivable by the local authority.

22.—(1) If at any time any interest due on any local bonds remains unpaid for two months after demand in writing, the persons entitled thereto may apply to the High Court for a receiver and the Court may, if it thinks fit, appoint a receiver on such terms as it thinks fit.

(2) The receiver shall have the like power of collecting, receiving, recovering and applying moneys, and of assessing, making, and recovering all rates for the purpose of obtaining the same, as the local authority or any officer thereof would or might have, and such other powers and duties as the Court thinks fit, and shall apply all moneys so collected and received, after paying all such costs as the Court may direct, for the purposes of these Regulations.

23. A person taking or holding local bonds shall not be concerned to inquire or to take notice whether the issue thereof was or was not in accordance with these Regulations,or whether or not the local authority or any meeting thereof was properly constituted or convened, or whether or not the proceedings at a meeting of the local authority were legal or regular, or to see to the application of any money raised by the issue of local bonds or be answerable for any loss or misapplication thereof.

24. If at any time any interest on any local bonds is unclaimed at the time for payment thereof, the amount shall, nevertheless, on demand at any subsequent time, be paid to the person showing his right thereto, but without interest in the meantime.

25. Where the local authority sell, lease, or otherwise dispose of any land or property charged as security for any local bonds, the land or property shall in the hands of the purchaser or lessee be absolutely free from any charge for that purpose, and he shall not be bound to inquire into the application of the money arising from such sale, lease, or disposal, or be in any way responsible for the misapplication or non-application thereof.

26. A local authority may pay such expenses in connection with the issue of local bonds (including commission) as the Minister may approve.

PART IV.—INSPECTION OF DISTRICT.

27.—(1) The local authority shall take into consideration the provisions of section 8 of the Act, and shall determine the procedure to be adopted under this Part of these Regulations, to give effect to the requirements of that section in regard to the inspection of their district from time to time.

(2) The local authority shall as part of their procedure make provision for a thorough inspection to be carried out from time to time according to the varying needs or circumstances of the dwelling-houses or localities in the district of the local authority.

(3) The local authority shall cause to be prepared from time to time by the medical officer of health, or by an officer designated by them but acting under his direction and supervision, a list or lists of dwelling-houses the early inspection of which is, in the opinion of the medical officer of health, desirable. The list or lists may, if thought fit, relate to the dwelling-houses within a defined area of the district without specifying each house separately therein.

[(*a*) 28. The inspection under and for the purposes of section 8 of the Act (*b*) shall be made by the Medical Officer of Health, or by an Officer designated by the Local Authority but acting under his direction and supervision and the Officer making inspection of any house shall examine the state of the house in relation to the following matters, namely :—

(1) The adequacy and accessibility of the water supply ;

(2) The arrangements for preventing the contamination of the water supply.

(3) The adequacy and accessibility of sanitary accommodation or of other conveniences ;

(4) Drainage.

(5) The condition of the house in regard to light, the free circulation of air, dampness, and cleanliness.

(6) The paving, drainage and sanitary condition of any court yard or passage or out-houses belonging to or occupied with the house.

(7) The arrangements for the deposit of refuse and ashes.

(8) The existence of any room which would by virtue of sub-section (1) of section 18 of the Act of 1925 (*c*) be unfit for human habitation.

(9) Any defects in other matters which may tend to render the house in any respect unfit for human habitation ;

(10) The extent to which by reason of disrepair or sanitary defects as defined in section 62 of the Housing Act, 1930 (*d*) the house falls short of the provisions of any byelaws in operation in the district or of the general standard of housing accommodation for the working classes in the district.]

29. Records of the inspection of houses made under and for the purposes of section 8 of the Act shall be prepared under the direction and supervision of the medical officer of health, and shall be kept by the officer of the local authority making the inspection or by some other officer appointed or employed for the purpose by the local authority.

The records may be kept in a book or books or on separate sheets or cards, and shall contain information, under appropriate headings, as to :—

(1) The situation of the house, and its name or number.

(2) The name of the officer who made the inspection.

(3) The date when the house was inspected.

(4) The date of the last previous inspection and a reference to the record thereof.

(*a*) Paragraph substituted by the Amending Regulations of 1932, Art. 3.

(*b*) 13 Halsbury's Statutes 1008, repealed by the Housing Act, 1936, and replaced by s. 5 thereof, *ante*, p. 1589.

(*c*) 13 Halsbury's Statutes 1013, now s. 12 (2) of the Housing Act, 1936, *ante*, p. 1611.

(*d*) 23 Halsbury's Statutes 2136, now s. 188 (4) of the Housing Act, 1936, *ante*, p. 1771.

(5) The state of the house in regard to each of the matters referred to in Article 28 of these Regulations.

(6) Any action taken by the medical officer of health, or other officer of the local authority, either independently or on the directions of the local authority.

(7) The result of any action so taken.

(8) Any further action which should be taken in respect of the house.

30. The local authority shall, as far as may be necessary, take into consideration at each of their ordinary meetings the records kept in pursuance of Article 29 of these Regulations, and shall give all such directions and take all such action within their powers as may be necessary or desirable in regard to any house to which the records relate, and a note of any directions so given and the result of any action taken shall be added to the records.

[(*a*) 31. The Medical Officer in his Annual Report shall state in tabular form :—

(1) The number of houses which on inspection were considered to be unfit for human habitation ;

(2) The number of houses the defects in which were remedied in consequence of informal action by the Local Authority or their Officers ;

(3) The number of representations made to the Local Authority with a view to (*a*) the serving of notices requiring the execution of works or (*b*) the making of demolition or closing orders ;

(4) The number of notices served requiring the execution of works ;

(5) The number of houses which were rendered fit after service of formal notices ;

(6) The number of demolition or closing orders amde ;

(7) The number of houses in respect of which an undertaking was accepted under subsection (2) of Section 19 of the Housing Act, 1930 ;

(8) The number of houses demolished.]

32. The medical officer of health and any other officer of the local authority shall observe and execute all lawful orders and directions of the local authority in regard to or incidental to the inspection of the district of the local authority under and for the purposes of section 8 of the Act, and the execution of this Part of these Regulations.

* * * * * *

PART VI.—RESTRICTIONS ON ACQUISITION OF CERTAIN LANDS.

34. The prescribed distance for the purposes of sub-section (1) of section 104 of the Act shall, in the case of Windsor Castle, Windsor Great Park, and Windsor Home Park, be two miles, and, in the case of any other Royal Palace or Park, be half a mile.

SCHEDULES.

FIRST SCHEDULE.

Revoked by Amending Regulations 1932.

SECOND SCHEDULE.

FORM OF CERTIFICATE OF REGISTRATION.

Certificate of Registration of a Local Bond.

No.

Local Bond for £ issued by REPAYABLE
, 19 , at the office of the local authority (*see* back).

(*a*) Paragraph substituted by the Amending Regulations of 1932.

THIS is to certify that of is the registered holder of a local bond for pounds (£) issued by the above-named local authority under the Housing Act, 1925, and Part III. of the Housing Regulations, 1925.

Signed_____

Registrar.

Date_____

No deed transferring the whole or any part of the Registered Bonds represented by this certificate will be registered until the certificate has been delivered to the registrar of the authority.

Change of address must be notified to the registrar.

Issue of Local Bonds.

1. Local bonds are issued at par and interest will be payable half-yearly on the thirty-first day of March and the thirtieth day of September. The bonds will bear interest from the date of purchase. * When the total holding does not exceed £50 interest will be paid yearly on the thirty-first day of March.

2. Local bonds are issued for amounts of five, ten, twenty, fifty, or one hundred pounds or multiples of one hundred pounds.

3. Local bonds are issued for periods of five or more years and are repayable at par at the office of the local authority at the end of the period of issue. No interest will be payable thereon in respect of any period after the date on which the bond is repayable.

4. Local bonds are secured upon all the rates, revenues, and property of the local authority, including the grant to be paid by the Government in aid of the Housing Scheme.

5. Trustees may invest in local bonds unless expressly forbidden by the instrument creating the Trust.

6. Local bonds may be transferred (free of expense †) from one person to another by the execution of a transfer deed to be lodged with the bond certificate at the office of the local authority.

7. If at any time the holder of a local bond purchases a house erected by a local authority under the Housing Acts, the bond will be accepted at face value, together with accrued interest, in part payment of the purchase price.

8. No income tax will be deducted at the source from the interest on the bonds when the total holding does not exceed £100, but the holders will be assessable to income tax in the ordinary way to the extent of their liability.

FORM OF DEED OF TRANSFER.

Registered Local Bonds.

I, in consideration of the sum of paid by hereinafter called the Transferee do hereby assign and transfer to the said Transferee :—
To hold unto the Transferee, Executors, Administrators, and Assigns subject to the several conditions on which held the same immediately before the execution hereof; and the said Transferee do hereby agree to accept and take the said subject to the conditions aforesaid.

As Witness our Hands and Seals, this day of in the Year of our Lord One thousand nine hundred and .

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* To be omitted if the local authority does not adopt this provision.
† To be omitted if the local authority have not compounded for stamp duty.

THIRD SCHEDULE.

REGULATIONS AND ORDERS REVOKED.

Date of Regulations or Order.	Subject or Short Title.	Extent of Repeal.
2nd September, 1910 .	The Housing (Inspection of District) Regulations, 1910.	The whole Regulations.
2nd September, 1910 .	Prescribing distance under section 74 of the Housing, Town Planning, etc., Act, 1909.	The whole Regulations.
29th August, 1919 .	The Housing Acts (Compulsory Purchase) Regulations, 1919.	The whole Regulations.
6th February, 1920 .	The Housing Acts (Compulsory Purchase) Amendment Regulations, 1920.	The whole Regulations.
25th February, 1920 .	The Housing (Local Bonds) Regulations, 1920.	The whole Regulations.
26th August, 1921 .	The Ministry of Health (Rates of Interest) Order, 1921.	The whole of these Orders, except so far as they fix the rate of interest on advances under section 1 of the Small Dwellings Acquisition Act, 1899.
17th June, 1922 .	The Ministry of Health (Rates of Interest) Amendment Order, 1922.	
5th December, 1922 .	The Ministry of Health (Rates of Interest) Amendment Order (No. 2), 1922.	

CIRCULAR 756.

MINISTRY OF HEALTH,
WHITEHALL,
LONDON, S.W.1.
January, 1927.

HOUSING (RURAL WORKERS) ACT, 1926.

I.—GENERAL SCOPE AND OBJECTS OF ACT.

The object of the Act (*a*) is to secure a contribution to the improvement of housing conditions for agricultural labourers and other country workers by facilitating the reconditioning of old houses in such a way as to bring them up to modern standards of comfort and sanitation and by the conversion into dwellings of buildings not previously used for that purpose.

To this end the Act provides for assistance both by grants (towards which Exchequer contributions will be available) and by loans, to be made available by Local Authorities to owners who are willing to undertake the carrying out of approved works.

The Act attaches conditions to the grant of public money which are designed to secure that the benefits shall go practically entirely to the tenants and not to the landlords. The Act directs attention to the necessity for preserving any historic, architectural or artistic interests in buildings dealt with under the Act, and to the importance of securing that the dwellings when completed will be in all respects satisfactory.

The Act is temporary, assistance only being available in respect of applications received by the Local Authority before October 1st, 1931. (*b*)

(*a*) *Ante*, p. 1840..
(*b*) The period of operation of the Act of 1926 has been extended as follows :
to October 1st, 1936, by the Housing (Rural Workers) Amendment Act, 1931, *ante*, p. 1859 ;
to June 24th, 1938, by s. 37 (1) of the Housing Act, 1935, *ante*, p. 1863 ;
to September 30th, 1942, by s. 1 of the Housing (Rural Workers) Amendment Act, 1938, *ante*, p. 1875.

II.—SCHEMES OF LOCAL AUTHORITIES.

It is contemplated that the Act should be administered by Local Authorities in accordance with schemes to be approved by the Minister.

The first step therefore to be taken by the Local Authority is the formulation of this scheme for submission to the Minister. The scheme, which should indicate the method in which the Local Authority propose to apply the Act to their area, should form the basis of information to be given to possible applicants for assistance, and it is suggested that when a scheme has been approved by the Minister the Local Authority should take steps to publish as widely as possible, by leaflets or otherwise, information as to the assistance available and the way in which it may be obtained.

The essential points to be covered by the scheme are as follows:—

(1) The information which will be required from applicants, including some indication of the extent to which drawings and specifications will be required, together with the proposed requirements as to forms of estimate and particulars as regards the occupation of the dwellings.

(2) The proposals for the investigation of individual applications and the administration of the scheme, particularly in regard to—

(*a*) valuation of dwellings:

(*b*) maintenance of conditions prescribed by section 3 of the Act (*a*):

(*c*) in the case of loans, payments during progress of works:

(3) Kind of buildings to be assisted and maximum value of dwellings: (The valuation to be made will be that of the dwelling after the completion of the proposed works and section 2 of the Act stipulates that the maximum value must not exceed four hundred pounds.)

(4) Form and amount of assistance proposed: the maximum and minimum amounts of grants and loans should be given.

(5) The nature of the works in respect of which the Local Authority propose to entertain applications.

Certain specified works are mentioned in section 1 (2) (*b*) of the Act (*b*) and more detailed suggestions on this point are set out in Part III of this Circular.

(6) The period within which any works approved by the Local Authority must be completed.

It is of course desirable that where promises of assistance are made by a Local Authority the work should be carried out as expeditiously as possible and that the Local Authority should not remain under liability to make grants for an indefinite period. The period to be fixed in relation to any particular work is the period from the date of the approval of the proposal by the Local Authority. In fixing the period the Local Authority will no doubt have regard to the availability of suitable labour and materials in the area and the extent of the work to be done in individual cases: it will not be necessary to prescribe the same period in each individual case and for the purposes of the Minister's approval it will be sufficient to prescribe that "the period allowed will not exceed (say) six months, unless the special consent of the Local Authority to an extension of this period is obtained in view of the character of the works or conditions arising during their execution."

(7) Number of cases in respect of which approval is desired.

The Minister proposes to give his approval in respect of a specified number of dwellings (which it is suggested should be approximately the number the Local Authority estimate they will be likely to deal with in the next six months) and applications for extensions of this number will be dealt with in the light of the experience gained, when the number is approaching exhaustion. It is appreciated that the number included in the first application must be somewhat conjectural.

(8) If application for sanction to a loan is made at this stage a copy of the Council's resolution applying for sanction should be forwarded.

(*a*) *Ante*, p. 1844.
(*b*) *Ante*, p. 1840.

HOUSING

The Minister desires to emphasize the importance of the Local Authority taking immediate steps to formulate and submit their general scheme.

It must be understood that it is essential that the approval of the Minister to the general scheme must be obtained before the Local Authority make any promises of assistance under the Act, and that individual applicants must obtain the approval of the Local Authority specifically for the purpose of assistance under the Act before commencing any of the work in respect of which they desire to obtain assistance. It will not be possible to admit to assistance under the Act any case which does not comply with these conditions and the particular attention of Local Authorities and of individual applicants is directed to these points.

III.—PURPOSES FOR WHICH ASSISTANCE CAN BE GIVEN.

Assistance under the Act is available—

(1) for the conversion into dwellings of buildings not previously used for that purpose:

(2) for the improvement of existing dwelling accommodation.

As to the former class care should be taken to avoid the acceptance of any proposals for the utilisation of buildings which on account of their structure or for any other reason would not be suitable for conversion into dwellings.

Section 1 of the Act (*a*) mentions certain items which will commonly be included as part of the expenditure in proposals under the Act. Section 1 (2) (*b*) lays down definitely the condition that the works which will rank for assistance under the Act must not include works of ordinary repair or upkeep except so far as they may be incidental to or in connection with more substantial works of reconstruction.

The particular items mentioned in the section as eligible for assistance and others which will be specifically referred to below are not intended to be exhaustive and there is no need to exclude from consideration any work which would in the opinion of the Local Authority come within the general terms of the section and assist in securing the general objects of the Act.

The following may be regarded as typical examples of the kind of works that would be covered by section 1 of the Act (*a*):—

(*a*) *Structural alteration or repair.*

Under this head would be included the rebuilding of walls, chimneys or other parts: the pointing or rough-casting or other substantial repairs to walls: the raising of roofs: the renewing of roof timbers: the provision of rainwater gutters or pipes: the provision of damp courses or of cement plinth or surface channelling: the enlargement of windows or the provision of extra ones.

(*b*) *Addition.*

Under this head would be included the provision of such extra accommodation as may be necessary to bring the dwelling up to modern standards, as for example, the improvement of existing accommodation to provide more adequate air space or head room, the addition of further bedroom accommodation, a scullery or washhouse, food larder and a fuel store or barn if other structural works are included.

(*c*) *Water Supply and Drainage.*

Under this head would be included such items as wells, pumps, cesspools or simple surface irrigation works for overflow with the drains, gulleys, ventilators, etc.

(*d*) *Sanitary Conveniences and other like works.*

Under this head would be included the introduction of more up-to-date conveniences (*e.g.*, a water closet in place of a privy) the provision of a bath, bath-room, copper or sink or the introduction of gas or electricity.

Works may be either works affecting solely an individual dwelling or works which will be of joint benefit to two or more dwellings.

In the former case assistance can only be given if the estimated cost of the works is not less than £50 a dwelling. Where the works proposed are solely works of joint benefit the minimum is £100 for two or more dwellings. Where the works proposed consist partly of works affecting individual dwellings and partly of works of joint

(*a*) *Ante*, p. 1840.

benefit to two or more dwellings the cost of the works of sole benefit may be added to a proportionate part of the cost of works of joint benefit to make up a minimum of £50 a dwelling.

Joint works may include such works as the provision of a common water supply or of an improved system of drainage or of a common washhouse.

The figure of £100 may include the cost of any works to be executed in a particular dwelling in connection with the joint works; for example, in the case of a joint rain water storage tank, the pumps and pipes for each dwelling could be included to make up a minimum of £100.

The Act does not prescribe any maximum or minimum limit of size for the dwellings to be eligible for assistance. It does require that the dwelling shall be in all respects fit for habitation, but subject to this requirement questions of area and accommodation are a matter for the Local Authority. It may be that in some areas material relief to the housing problem could be secured by the provision of accommodation of a type specially adapted for old couples or for single men or women, of a somewhat smaller size than is regarded as appropriate for a family house. Some small cottages may be found more easily capable of conversion for this class of tenant than for family use, and some buildings at present disused may be most advantageously used for this purpose. If old couples or single men or women at present occupying houses too large for them could in this way be provided with alternative accommodation more suitable to their requirements some additional family houses would be made available for those in need of this type of accommodation.

IV.—CASES IN WHICH ASSISTANCE WILL NOT BE AVAILABLE.

The Act specifies the following types of cases in which it will not be open to the Local Authority to grant assistance under the Act:—

(1) Where the value of the dwelling after the completion of the proposed works, as estimated by the Local Authority exceeds four hundred pounds.

Where a house or other building is converted into two or more dwellings, a maximum of £400 is allowable for each of the dwellings resulting from the conversion.

(2) Where the estimated cost of the works to be executed in respect of the dwelling is less than fifty pounds, or in the case of works for the joint benefit of two or more dwellings is less than £100.

(3) Unless the application for assistance is received by the Local Authority before the first day of October, 1931. (*a*)

(4) Where the interest of the applicant is a leasehold interest with not more than 30 years unexpired.

(5) Unless the Local Authority are satisfied that the dwelling will after the completion of the works be in all respects fit for habitation as a dwelling by persons of the working classes.

The Local Authority are specially directed to reject applications where it appears to them that—

(*a*) the house or building in respect of which the works are to be executed cannot by reason of the narrowness, closeness or bad arrangement or condition of the streets or buildings in the immediate neighbourhood thereof be converted into a dwelling or dwellings which is or are in all respects satisfactory.

(*b*) in the case of a house or building to which any historic, architectural or artistic interest attaches, the proposed works would destroy or seriously diminish that interest.

In this connection the Minister relies on Local Authorities to make such suitable arrangements in carrying out schemes under the Act as will prevent the disfigurement of buildings and will secure that so far as possible the special character, beauty and fitness of these buildings for their surroundings will be maintained.

It will be realised that the beauty of the English countryside depends very largely on the general appropriateness of local materials and character of building generally found in the older buildings. The types of cottage vary very much in different

(*a*) See note (*b*), *ante*, p. 2858.

localities and go far to give a special character to each district. Consequently, the preservation or destruction of the amenity of the countryside depends not merely on the smaller number of cottages which have an exceptionally high degree of architectural merit or special antiquarian interest but on the larger number of country cottages of the average local type.

If the work of reconditioning contemplated by the Act is carried out with reasonable skill and care very much may be done to preserve and perpetuate the styles of cottage architecture which have come down to us from former times; while, on the contrary, if repairs and conditions are carried out without regard to the suitability of the material and treatment or so as to involve the destruction of the proportion and beauty of the design, much damage might result.

Local Authorities will realise that much may be accomplished by timely and tactful suggestion in such matters, and, bearing this in mind should consider what method will be most convenient under their local conditions for securing this end; whether it will be best to co-operate with some voluntary advisory committee or panel, or whether to appoint for the different districts an architect who has such knowledge of the locality and has had such experience of the kind of work contemplated as will enable him to advise the Local Authority in each case whether contemplated works are or are not appropriate.

V.—GRANTS AND LOANS.

The powers of Local Authorities in regard to the granting of assistance under the Act are contained in section 2 of the Act (*a*).

Assistance may be given by Local Authorities by both grants and loans or in either of these ways. It will be for the Local Authority to consider in which manner assistance can most appropriately be given in the circumstances of their district and to frame their scheme under the Act accordingly.

I. *Grants.*

(*a*) *Form of Grants.*

Where assistance is given by way of grants the grant may take the form of either—

(i) a lump sum payment to be made after the completion of the works or

(ii) the provision, during a period not exceeding twenty years, of any part of any periodical sums which may be payable to any persons by way of interest on or repayment of advances made by these persons for the purpose of the works.

(*b*) *Amount of Grant.*

The grant is not to exceed either—

(i) two-thirds of the estimated cost of the works in respect of which the grant be made or

(ii) the sum of one hundred pounds in respect of each dwelling.

Where the grant is to be made by the provision of periodical sums the amount will be taken to be an amount equal to the capital value of the sums to be so provided, calculated as on the date of the completion of the works.

Grants under the Act will be calculated and paid on the basis of an estimate of cost submitted by the applicant and approved by the Local Authority, and the amount of the grant promised at the time of the original application will not be varied by reason of a variation in the actual cost as compared with the approved estimate.

It will not be necessary for the Local Authority to undertake, after the completion of the work, an investigation of what the cost has actually been. Consequently the Local Authority should be satisfied by close scrutiny that the estimate is not excessive.

The Act prescribes certain conditions (including conditions as to rent and occupancy of the dwellings) the continued observance of which is essential to the grant, and a breach of which will involve repayments of grants received.

(*a*) *Ante*, p. 1841.

(c) *Conditions attaching to Grants.*

The Act provides that the following conditions shall attach to every dwelling which is the subject of a grant—

(1) The dwelling shall not be occupied except by a person, whether as owner or tenant, whose income is, in the opinion of the Local Authority, such that he would not ordinarily pay a rent in excess of that paid by agricultural workers in the district, or by an agricultural worker or employee of substantially the same economic condition employed by the person who is rated in respect of the dwelling. The Local Authority may, however, consent to the continued occupation of the dwelling by a person who, through a change of his circumstances after the grant has been made in respect of the dwelling, ceases to be of the appropriate economic condition.

(2) The rent payable by the occupier shall not exceed the amount of the normal agricultural rent, with an additional amount equivalent to 3 per cent. (*a*) of the applicant's own expenditure (*i.e.*, cost of the works not covered by grant).

The normal agricultural rent is defined as being—

(*a*) in the case of a dwelling which had not during the past five years been let as a separate dwelling the rent which the Local Authority determine to be that paid by agricultural workers in the district.

(*b*) in the case of a dwelling which has been separately let as such at any time within the last five years the average amount per week which the Local Authority determine to have been payable during the period of letting.

If, by reason of a general increase of rents in the district the rent determined as in (*b*) above is less than the rent normally paid by agricultural workers in the district the rent so normally paid is to be taken as the normal agricultural rent.

(3) The owner of the dwelling shall when required by the Local Authority give them a certificate that the two foregoing conditions have been complied with.

(4) In the event of the tenant assigning or otherwise parting with the possession of the dwelling, it shall not be lawful for any persons in consideration thereof to make any payment other than rent or for the tenant to receive, directly or indirectly, any such payment.

These conditions remain applicable for a period of twenty years, and being attached to the dwelling itself, will remain applicable whether or not the dwelling changes hands in the meantime. So long as the conditions continue to have effect they are deemed to be part of the terms of any lease, agreement for a lease, or tenancy of the dwelling, and will be enforceable accordingly.

The conditions are enforceable by action in the County Court. Section 3 (5) of the Act (*b*) provides that on the application of the Local Authority the county court of the district in which a dwelling is situate may—

(*a*) grant an injunction restraining the breach or apprehended breach of any condition applying to the dwelling (other than the requirement that the owner shall certify the conditions have been complied with);

(*b*) make an order directing payment to the authority of any sum to it as a result of the breach of conditions under the Act.

II. *Loans.*

The conditions applicable where assistance is given by way of loan are, broadly speaking, similar to those which obtain when loans are granted under section 92 of the Housing Act, 1925. (*c*)

(1) The loan, with interest at the prescribed rate, must be secured by a mortgage of the dwelling.

Provision is made which enables more than one dwelling to be included in the same mortgage, and the security to be offered for the purposes of the mortgage may include lands other than those forming the side of the dwelling.

(*a*) Now 4 per cent.: see s. 37 (4) of the Housing Act, 1935, *ante*, p. 1863.
(*b*) *Ante*, p. 1846.
(*c*) 13 Halsbury's Statutes 1001, now s. 91 of the Housing Act, 1936, *ante*, p. 1699.

(2) The amount of the principal of the loan must not exceed 90 per cent. of the value of the dwelling after the completion of the works.

(It is, perhaps, needless to add that neither must it exceed the estimated cost of the works.)

(3) The mortgage deed may provide for repayment being made either by instalments of principal or by an annuity of principal and interest combined.

(4) The loan may be made by instalments during the progress of the works but the total to be advanced before completion of the works must not at any time exceed 50 per cent. of the value of the mortgaged security.

It should not, moreover, exceed the estimated cost of the work done up to the particular time.

(5) The loan must not be made except after a valuation duly made on behalf of the Local Authority.

VI.—EXCHEQUER ASSISTANCE.

The contribution of the Exchequer towards the expenses incurred by Local Authorities will be made by way of annual payments for a period of 20 years, and will be an amount equal to one-half of the estimated average annual charges which would be payable by the Local Authority over a period of 20 years in interest and loan redemption on a loan equal to the capital value of the grant made by them in respect of each dwelling.

The Act also provides for the cessation and repayment of the Exchequer contribution in certain circumstances—

(i) Where any condition applicable to a dwelling is not complied with the Local Authority will be liable to repay to the Minister a sum equal to the amount of the contributions already made by him in respect of the dwelling, together with compound interest at the prescribed rate on those contributions;

(ii) Where the Minister approves of the repayment by the recipient of a grant made by the Local Authority, the Minister will not be liable to make any further contribution to the Local Authority in respect of that dwelling, and the Local Authority will be liable to repay to the Minister a sum equal to the amount of the contributions already made by him, together with compound interest at the prescribed rate on those contributions.

In both the above cases any sums so repayable will be recoverable as debts due to the Crown. But the Local Authority will not be liable to make repayment where with the consent of the Minister they have agreed to waive repayment by the owner or have suspended his liability to make repayment.

Where the Local Authority show to the satisfaction of the Minister that they have taken all practicable steps to recover a sum due by reason of a breach of conditions, but have failed to recover, the Minister is authorised to remit a sum not exceeding one-half of the sum not recovered by the Local Authority.

VII.—PROCEDURE OF LOCAL AUTHORITIES.

(*a*) *General Scheme.*

Attention has already been drawn in Part II of this Circular to the necessity of obtaining approval to a general scheme. When such approval has been obtained the Local Authority will be in a position to deal with individual applications and the following points will required consideration.

(*b*) *Form of Application.*

The Schedule to the Act provides that applicants for assistance shall furnish to the Local Authority full particulars of the houses and buildings concerned. For convenience in dealing with applications the Local Authority may find it desirable to adopt a form of application showing the information they will require applicants to furnish.

(*c*) *Plans and Specifications.*

It is a matter for consideration in what detail the Local Authority should require particulars of the works to be submitted. Generally the particulars should be such as would enable the Local Authority to judge whether the application comes within

the terms of the Act and of their scheme, subject to any checking by visit or otherwise. The requirements as to plans and specifications should be kept as simple as possible but the particulars submitted must enable the Local Authority to judge—

(i) whether the estimate for the works is a reasonable one;

(ii) whether the dwelling when completed will exceed £400 in value;

(iii) whether when the works are completed the dwelling will be in all respects fit for habitation;

(iv) whether the position and surroundings of the building are such as to require the Local Authority to refuse assistance under section 2 (3) of the Act (*a*);

The Local Authority might consider whether the drawings required could be simplified when photographs of the existing buildings are supplied.

The schedule of works and the certificate of their estimated cost as approved by the authorised officer of the Local Authority should be filed, and a reference to them inserted in the Register referred to below.

(*d*) *Valuation.*

The information submitted by the applicant should be sufficient to enable the Local Authority to satisfy themselves that the value of the dwelling after the completion of the proposed works will not exceed £400. The valuation of the dwelling is entirely a matter for the Local Authority, but it will be understood that valuations under this Act are to be made on the basis that the completed dwelling will for a period of 20 years be subject to the restrictions of the Act: on this point particular attention may be directed to the restrictions as to occupancy and rent contained in section 3 of the Act.

The certificate of value by the authorised officer of the Council should be filed and a reference to it inserted in the Register.

(*c*) *Nature and Extent of Works.*

The Local Authority will satisfy themselves that the works to be included in the approved estimates are such as come within the scope of the Act and their approved scheme under the Act. In particular they will satisfy themselves that any works of ordinary repair or upkeep are only such as are incidental to or connected with major works of reconstruction, and that the estimated cost is not less than the minimum contemplated by the Act.

(*f*) *Conditions.*

For the purpose of satisfying the conditions prescribed in section 3 of the Act (*b*), it will be necessary for the Local Authority to determine the maximum rent chargeable for the completed dwelling, in accordance with (2) of the Conditions of Grant referred to on page [2883] (*c*) above.

(*g*) *Approval.*

On approving the Local Authority should issue a certificate indicating that when the approved works have been completed to their satisfaction they will be prepared to make a grant of the amount decided upon.

The certificate should clearly indicate the conditions upon which the grant is to be made, including the conditions which will be attached to the dwelling for 20 years from the completion of the works. A model form of certificate will be found in the Appendix.

(*h*) *Payment of Grant, etc.*

When the applicant has completed the work covered by the approval, he will notify the Local Authority and apply for the grant due to him. It will be necessary for the Local Authority at this stage to arrange for the inspection of the dwelling with a view to satisfying themselves that the whole of the work included in the application has been done and that it has been carried out in a proper and workmanlike manner. The certificate of completion by the authorised officer of the Local Authority should be filed and a reference to it inserted in the Register. It is a matter for consideration whether some arrangements should not be made for inspection of

(*a*) *Ante*, p. 1841.
(*b*) *Ante*, p. 1844.
(*c*) Page reference in this work substituted for that in the original.

the work while it is in progress. This may not be practicable in every case, but no doubt the officers of the Local Authority will in the course of their ordinary duties be able to inspect a proportion of the cases at this stage.

(*i*) *Continued observance of Conditions prescribed by Section 3 of the Act.*

The steps to be taken to ensure that these conditions are in fact being observed will require careful consideration by the Local Authority. It will clearly be necessary that they should obtain annually a signed statement from the recipient of the grant certifying that the conditions have been observed during the year in question. As the main conditions relate to the rent and occupancy of the dwellings, these statements will be readily capable of verification, and without any undue elaboration it seems desirable that a test check should be undertaken from time to time.

It will be appreciated that in making their periodical claims for Exchequer Subsidy it will be necessary for the Local Authority to certify that the prescribed conditions have been duly observed, and in order that they may properly so certify, some continued scrutiny will be necessary.

VIII.—ADMINISTRATION AND FINANCE.

(1) *Local Authorities for the purposes of the Act.*

Section 5 of the Act provides that the Local Authority for the purposes of the Act shall be in counties the council of the county and in county boroughs the council of the county borough.

There is a limited provision for making the council of a county district the authority for the purposes of the Act in place of the County Council. This provision can only be exercised by the Minister where he thinks fit to do so owing to special circumstances or as a result of an application made to him by the council of a county district before the 31st of March, 1927. Before exercising such power the Minister is required to consult with the County Council for the area in question.

There are, however, provisions which will enable the councils of county districts to co-operate with County Councils in the administration of their schemes under the Act. Where the County Council are of opinion that the administration of their scheme would thereby be facilitated they are authorised to enter into arrangements under which the council of the county district may undertake on behalf of the County Council any duties connected with the administration of the scheme other than the approval or disapproval of applications for assistance, the payment of any grant or loan or instalment of a loan, or the institution of legal proceedings in the event of a breach of any of the conditions subject to which a grant or loan is made.

It is thought that, particularly in cases where the council of the county district have a staff which is able to undertake the investigation of applications under the Act and the examination of work in progress, they will be able to relieve the County Council of detailed work under the scheme and that their local knowledge should enable them to be of very material assistance in promoting the success of the scheme.

Subject to the statutory limitations mentioned above the precise extent to which the authority for the county district should undertake duties on behalf of the County Council is a matter for agreement between the two authorities.

(2) *Finance.*

Expenses incurred by a County Council under the Act will be defrayed as expenses for general county purposes. Where the council of a county district are the Local Authority under the Act, the expenses of that council under the Act will be defrayed as part of the expenses of the council in the execution of the Public Health Act, and in such a case the district will not be liable to contribute to the expenses of the County Council under the Act, the expenses of the latter Authority being treated as special county expenses. In a county borough the expenses will be treated as part of the expenses of the council in the execution of the Public Health Act.

(3) *Borrowing Powers.*

The Act provides that a County Council may borrow any sums required for the purpose of making grants or loans under the Act under section 69 of the Local Government

Act, 1888 (*a*); other Local Authorities similarly are authorised to borrow under Part IV of the Housing Act, 1925 (*b*). The Public Works Loan Commissioners are authorised to lend to Local Authorities for such purposes. It will be understood that the Public Works Loan Commissioners do not lend to Local Authorities whose rateable value is in excess of £200,000, except to the extent of half the amount of savings certificates raised by the Authority.

IX.—RECORDS, ETC.

(1) *Register of Grants.*

The Local Authority will keep a register of all dwellings in respect of which grants are made under this Act, showing:—

Name of applicant.

Name and address of person in receipt of rent.

Address or situation of dwelling.

Estimated cost of work as approved by Local Authority, and references to the schedule of works and certificate of estimated cost.

Value of premises after execution of work, as estimated by Local Authority and reference to the certificate of estimated value.

Amount of grant, and whether by lump sum or by periodical payment, and, if the latter, for what period.

Reference to certificate of completion.

Dates of—

(1) Issue of certificate of approval of grant by Local Authority.

(2) Inspection of dwelling on completion and any other inspections.

(3) Completion of works.

Normal rent of dwelling.

Maximum rent chargeable under Section 3 of the Act (*c*).

Reference to certificates that conditions as to occupation and rent have been complied with.

This register, together with schedules of works and the certificates of estimated cost of the works, value of dwellings and completion of works must be submitted to the District Auditor with the application for Exchequer Subsidy.

(2) *Progress Returns.*

It will be of importance for the Minister to be kept fully acquainted with the actual progress of work done in schemes approved under the Act. A form of return has been prepared and will be sent to Local Authorities at an early date, and further copies will be sent at the beginning of each quarter. The Minister requests that these may be returned without delay in order that he may himself learn and may be in a position to give Parliament accurate information as to the working of the scheme. The statistical information asked for has been limited to the minimum: it is such as the Local Authority will readily be able to supply from the records which it will be necessary for them to keep, and the Minister has no doubt that he can rely on the co-operation of Local Authorities in furnishing this information at the stated times without delay.

X.—PAYMENT OF GOVERNMENT CONTRIBUTION.

Forms of application for Exchequer Subsidy for each year will be supplied to the Local Authority. In making application for subsidy the Local Authority will be required to certify that the conditions of the Act have been complied with and that the works for which grant has been given have been completed in a proper and workmanlike manner.

(*a*) 10 Halsbury's Statutes 686.

(*b*) 10 Halsbury's Statutes 1046; see now s. 118 of the Housing Act, 1936, and note thereon *ante*, pp. 1724–25.

(*c*) *Ante*, p. 1844.

The application will be examined and reported on by the District Auditor.

It must be borne in mind that whether the scheme is administered direct by the County Council or whether the administration has been delegated under (*a*) Section 5 (2) to a Rural District Council, the County Council will be held to be responsible to the Ministry for securing that adequate steps are taken to ensure that compliance with the conditions has been made and that recovery of grants is made in cases where failure to comply with the conditions has taken place.

The first payment of the Exchequer Subsidy will be made for the year in which loan charges in respect of the grants are due for payment. Where grants are paid from loans raised for the full period of twenty years, the Exchequer Subsidy will take the form of an annuity based on the rate of interest actually payable. Where such grants are paid from loans raised for shorter periods or where no loan has been raised the Subsidy will be based on the charges which would have been incurred if the amount had been borrowed by the annuity method for twenty years. Normally the rate of interest current for loans from the Public Works Loan Board on advances to Local Authorities for housing schemes at the date when payment of the grant is made will be found to be an appropriate and convenient basis for the purpose.

Where grants are made by way of a periodical payment under (*b*) Section 2 (4) (a) (ii), the Exchequer Subsidy will be based on the amount of such grants falling due for payment in the year of the claim.

Where the amount involved is substantial, payments will be made, if desired, on account of subsidy pending certification of the annual claims by the District Auditor.

In respect of any dwellings the Minister may, if he thinks fit, cause an inspection of the dwellings to be made by one of his Officers.

The formal conditions as to records, certificates, audit or otherwise under Section 4 of the Housing (Rural Workers) Act, 1926 (*c*), approved by the Treasury, are as follows:—

(*a*) Registers in the form set out in Part IX of Circular 756 (*d*) must be kept by the Authority;

(*b*) Certificates by an authorised officer of the Authority in the form set out in Appendix II of Circular 756 must be obtained before payment of the grant.

(*c*) The registers, certificates, schedules of works, estimates of the cost of the works and the value of the property, and all relevant records and vouchers must be submitted to the District Auditor for examination.

(*d*) The dwellings must be open to inspection when required by an Officer of the Ministry of Health.

APPENDIX I.

HOUSING (RURAL WORKERS) ACT, 1926.

MODEL FORM OF CERTIFICATE OF APPROVAL OF WORKS.

This is to certify that the ..... Council has approved the works referred to in the schedule below being carried out under the provisions of the above Act and the estimated cost of such works;

And that, subject to the works being completed in a proper and workmanlike manner to their satisfaction not later than the dates shown in Col. 4 of the Schedule hereto, and to the * conditions set out on the back hereof being complied with, the Council has approved of grants being paid as shown on the said Schedule.

(*a*) *Ante*, p. 1848.
(*b*) *Ante*, p. 1842.
(*c*) *Ante*, p. 1847.
(*d*) I.e. this Circular, *ante*, p. 2887.

* The Council will print on the back of the Certificate the conditions of the grant embodied in the Act and any other conditions forming part of the Council's scheme of assistance.

SCHEDULE.

Name and address of Person applying for Grant. (1)	Locality and Description of each Dwelling. (2)	Nature of Works and estimated cost. (3)	Date for Completion. (4)	Amount of grant approved. (5)	Reference Number for Register. (6)

Given under my hand this day of , 19 .

Signed .....
Clerk or other authorised Officer of the..... Council.

APPENDIX II.

HOUSING (RURAL WORKERS) ACT, 1926.

CERTIFICATE OF COMPLETION OF WORKS.

This is to Certify that the whole of the works in respect of which a grant has been approved by the Council had been completed in respect of each of the dwellings specified in the schedule below on or before the date specified in Column 4;

And that the said works have been inspected by me, or under my instructions, and have been carried out in a proper and workmanlike manner.

SCHEDULE.

Name and address of Persons entitled to grant. (1)	Locality and Description of each Dwelling. (2)	Nature of Works. (3)	Date of Completion. (4)	Reference Number for Register. (5)

Given under my hand this day of , 19 .

Signed .....
Surveyor or other authorised Officer of the.....Council.

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CIRCULAR 940.

Local Authorities
(England and Wales).

MINISTRY OF HEALTH,
LONDON, S.W.1.
29th November, 1928.

SIR,—I am directed by the Minister of Health to refer to the Circular (*a*) of January, 1927, No. 756, and to say that he wishes to bring to the notice of Local Authorities arrangements which have been made, with his approval, by the Council for the Preservation of Rural England acting in co-operation with the Royal Institute of British Architects for giving expert advice, free of charge, on the carrying out of works of repair and reconditioning under the Housing (Rural Workers) Act, 1926 (*b*).

As you will be aware, under this Act assistance cannot be given in the case of a house or building to which any historical, architectural or artistic interest attaches if the proposed works would destroy or seriously diminish that interest, and special attention was drawn in Circular No. 756 to the importance of seeing that works should be so carried out as not to impair the appearance of cottages or to detract from the amenities of the district.

To secure this end it is clearly desirable that advice and guidance should be available from those who have expert knowledge and experience in this class of building. Architects and others interested in the matter have been anxious to give their help in this work, and the Council for the Preservation of Rural England, in conjunction with the Royal Institute of British Architects, have now set up panels covering all parts of England and Wales which will be available for giving advice—

(1) to owners who want the best technical assistance in improving their cottages without spoiling their appearance, and

(2) to Local Authorities who want some assurance that the proposed reconditioning works will not spoil the picturesque appearance or destroy the historical character of the cottages.

As stated above, no charge will be made for such advice, but applicants will be expected to defray any travelling expenses which may be incurred.

The panels which have been constituted for the purpose described above have expressed a willingness to assist Local Authorities and others in the general preservation of the amenities of rural areas, not only in connection with the Housing (Rural Workers) Act, but also in connection with town planning schemes; and Local Authorities and developing owners can advantageously avail themselves of this assistance. As the Minister has emphasised from time to time, the best results are likely to be obtained in friendly co-operation between Local Authorities and landowners and developers. Many of the difficulties which occur would be obviated if there were consultation at the earliest stage of proposals, a better understanding of each other's points of view, and more knowledge of how much can be done, with due regard to finance and private interests, to avoid development which may be a disfigurement.

A list of Associations and Societies affiliated to the Royal Institute of British Architects is appended (*c*). Those wishing to make use of the help offered by the panels should communicate with the Convener of the panel for the area concerned or, where no Convener is indicated in the list, with the Secretary of the nearest affiliated Association or Society, who will at once put them in touch with the appropriate panel.

I am, etc.

(*a*) *Ante*, p. 2878.
(*b*) *Ante*, p. 1839.
(*c*) Not here reproduced.

S. R. & O., 1928, No. 1039.

THE HOUSING ACTS (REVISION OF CONTRIBUTIONS) ORDER, 1928, DATED DECEMBER 19, 1928, MADE BY THE MINISTER OF HEALTH AND THE SCOTTISH BOARD OF HEALTH WITH THE APPROVAL OF THE TREASURY UNDER SECTION 5 OF THE HOUSING (FINANCIAL PROVISIONS) ACT, 1924 (*a*).

Whereas it is provided by section 5 of the Housing (Financial Provisions) Act, 1924 (hereinafter referred to as "the Act of 1924"), that in the year 1926, and in each second succeeding year, after the first day of October in that year, the Minister of Health (hereinafter referred to as "the Minister") and the Scottish Board of Health (hereinafter referred to as "the Board") shall take into consideration the expenses which are likely to be incurred in the period of two years from that date in connection with the provision of houses in respect of which contributions would be payable by the Minister or Board, due regard being had to the expenses actually incurred during the period of two years ending on that date for the like purposes, and after consultation with such bodies as are therein mentioned, may, if they think it expedient so to do, jointly make an order altering the amount of the contributions payable or the period for which such contributions are to be payable, so far as respects houses which have not been completed before the date specified in the Order, but so, nevertheless, that the amounts and periods fixed by the Order shall be such as may be approved by the Treasury and shall not exceed the respective amounts and periods specified in the said section unless Parliament otherwise determines;

And whereas it is further provided that an Order made under that section shall make such consequential alterations of any sums or periods mentioned in the financial provisions of the Housing, etc., Act, 1923 (hereinafter referred to as "the Act of 1923"), or in the Act of 1924, including the sum of four pounds ten shillings mentioned in sub-section (1) of section 3 of the Act of 1924 as appear to the Minister and Board to be necessary for the purpose of adjusting the same to any alteration made by the Order in the amount or duration of the contributions;

And whereas by the Housing Acts (Revision of Contributions) Order, 1926 (hereinafter referred to as "the Order of 1926"), made by the Minister of Health and the Scottish Board of Health with the approval of the Treasury under section 5 of the Act of 1924, which Order did not apply to Scotland, it was provided, so far as respects houses which had not been completed before the 1st day of October, 1927, that the contributions provided by the Minister of Health under sections 1 and 3 of the Act of 1923, as amended by section 1 of the Act of 1924, or under section 2 of the Act of 1924 in the case of houses which are subject to special conditions, should in lieu of the contributions specified in the Act of 1923 and the Act of 1924 be the contributions specified in the Order of 1926; and by the Order of 1926 consequential alterations were made of the sums mentioned in the financial provisions of the Act of 1923 and the Act of 1924 for the purpose of adjusting the same to the alterations made by the Order of 1926 in the amount of the contributions;

And whereas the Minister and the Board having subsequently to the 1st day of October, 1928, taken into consideration the matters referred to in section 5 of the Act of 1924, and having consulted with such bodies as aforesaid, think it expedient to make the following Order:

The Minister and the Board, with the approval of the Treasury under the powers conferred on them by section 5 of the Act of 1924, and of all other powers enabling them in that behalf, hereby make the following Order:—

1. This Order may be cited as the Housing Acts (Revision of Contributions) Order, 1928.

2. The Order of 1926 is hereby revoked so far as respects houses in England and Wales which have not been completed before the 1st day of October, 1929.

3.—(1) So far as respects houses in England and Wales which have not been completed before the 1st day of October, 1929, no contribution shall be made by the

(*a*) This Order is here set out as amended by the Housing (Revision of Contributions) Act, 1929, *ante*, p. 1851. Arts 4, 5 and 6 in their original form will be found set out in Part II. of the Schedule to the Act, *ante*, p. 1852.

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Minister under sections 1 and 3 of the Act of 1923, as amended by section 1 of the Act of 1924.

(2) So far as respects houses in Scotland which have not been completed before the said 1st day of October, 1929, the contribution provided by the Board under sections 1 and 3 of the Act of 1923 as amended by section 1 of the Act of 1924 shall instead of being a contribution of £6 payable annually for a period of 20 years be a contribution of £4 payable annually for a period of 20 years and the Acts of 1923 and 1924 shall have effect accordingly.

4. So far as respects houses in England and Wales which have not been completed before the first day of October, nineteen hundred and twenty-nine, the contributions provided by the Minister under section two of the Act of 1924 in the case of houses which are subject to special conditions shall be the same as in the case of houses completed between the thirtieth day of September, nineteen hundred and twenty-seven, and the first day of October, nineteen hundred and twenty-nine, that is to say, a contribution of seven pounds ten shillings, or, if the house is situated in an agricultural parish, eleven pounds, payable annually for a period of forty years.

5. In regard to houses in respect of which the contribution fixed by the last preceding Article is payable:—

(*a*) For the purpose of determining whether proposals submitted to the Minister involve a reduction in the estimated annual expenses to be incurred so as to entitle the Minister to reduce the contribution, there shall be substituted for the sum of four pounds ten shillings mentioned in the second proviso to subsection (1) of section two of the Act of 1924 the sum of three pounds fifteen shillings.

(*b*) For the purpose of the determination of the rents of houses in respect of which the contribution is payable, there shall be substituted for the sum of four pounds ten shillings mentioned in subsection (1) of section three of the Act of 1924 the sum of three pounds fifteen shillings.

(*c*) In the application of the special conditions to which the houses are to be subject, there shall be substituted for the sum of three pounds mentioned in paragraph (*c*) of subsection (1) and paragraph (*c*) of subsection (2) of section three of the Act of 1924 the sum of three pounds ten shillings, and for the sum of six pounds ten shillings mentioned in the last-mentioned paragraphs the sum of seven pounds.

6.—(1) So far as relates to houses in respect of which the contribution fixed by Article 4 of this Order is payable, there shall be substituted as the sum by which the London County Council may supplement the contribution made by the Minister in subsection (5) of section two of the Act of 1924, for the words "not exceeding two pounds five shillings" the words "not exceeding one pound seventeen shillings and sixpence."

Given under the official seal of the Minister of Health this nineteenth day of December, in the year one thousand nine hundred and twenty-eight.

(L.S.)

E. TUDOR OWEN,
Assistant Secretary, Ministry of Health.

Given under the official seal of the Scottish Board of Health this nineteenth day of December, in the year one thousand nine hundred and twenty-eight.

(L.S.)

JOHN JEFFERY,
Secretary, Scottish Board of Health.

We approve this Order.

DAVID MARGESSON,
CURZON,
Two of the Lords Commissioners of His Majesty's Treasury.

CIRCULAR 1138.

County Councils.
County Borough Councils.
Town Councils.
Urban District Councils.
Rural District Councils
(England and Wales).

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
19th August, 1930.

HOUSING ACT, 1930.

SIR,—I am directed by the Minister of Health to draw your attention to the provisions of the Housing Act, 1930 (*a*), which came into operation on August 16th 1930.

1. The principal objects of the Act are to simplify the procedure and facilitate the task of clearing away existing slums (Clearance Areas), and to prevent the creation of new slums by stopping the deterioration of other areas (Improvement Areas).

In the case of clearance areas, the Act dispenses with the necessity for a formal scheme, and distinguishes between the procedure under which an area is declared to be insanitary and the subsequent procedure under which the area is dealt with when cleared. In regard to the first procedure, every opportunity for stating their case is afforded by the Act to owners of property.

In the case of improvement areas, the Act provides wholly new machinery.

To meet the economic difficulty of rehousing the poorest inhabitants of the slums at rents which they can afford, increased financial assistance on a new basis has been provided (*b*). This will be available in aid of the expenses of the local authority in rehousing persons displaced not only from clearance and improvement areas but also from individual houses which are demolished.

The Act, further, simplifies and improves the procedure under which individual houses may be repaired or demolished.

The opportunity has also been taken to make a number of amendments to the existing law, and in this connection it may be well to add that the Minister has it in mind to introduce a fresh consolidating Act into Parliament as soon as possible.

2. The Minister desires to urge on local authorities the importance of working to a definite plan which will co-ordinate the needs of clearance and rehousing under the Act of 1930 with the ordinary building of new houses with assistance under the Housing (Financial Provisions) Act, 1924 (*c*). The two Acts are parts of one single policy and are intended to be worked in combination. Under section 25 of the Act of 1930 (*d*) it is the duty of every local authority to consider the housing needs of their area (including the need arising from slum conditions and unsatisfactory dwellings) and as often as occasion arises, or within three months after notice has been given to them by the Minister, to submit proposals to the Minister for the provision of new houses. In addition, with a view to securing continuity of action and an adequate volume of new construction, the local authority of every area having a population of more than 20,000 is required during the present year to submit to the Minister a programme of the steps they propose to take during the ensuing five years for dealing with housing conditions in their area and for providing new accommodation. A similar programme is to be furnished every fifth year.

It is contemplated that local authorities will take full advantage of the financial assistance under the Act of 1924 to meet their ordinary housing needs, while the assistance which the new Act provides will enable them to meet the economic difficulty which at present prevents a proportion of the dwellers in unhealthy areas and in insanitary houses from moving to better homes.

(*a*) The unrepealed sections are printed *ante*, p. 1853.
(*b*) The basis of assistance was later amended by the Housing (Financial Provisions) Act, 1938, *ante*, p. 1866.
(*c*) Subsidy under the Act of 1924 has since ceased to be available : see the general note to that Act, *ante*, p. 1826.
(*d*) 23 Halsbury's Statutes 396, repealed by the Housing Act, 1936, and replaced by s. 71 thereof, *ante*, p. 1682.

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3. It is within the knowledge of local authorities that many of the working classes of this country live in sordid and degrading housing conditions, the continuance of which is nothing less than a social menace. These conditions are due to many causes, poverty, indifference, lack of better accommodation. The new Act is an earnest of the determination of the Government and the Legislature to do everything possible to put an end to conditions of this kind. For its successful operation, it demands the full and hearty co-operation of all local agencies, in the acquisition and spreading of knowledge as to bad conditions, and in forming a sound public opinion to assist the Government and Parliament in putting an end to them. In this work the local authorities must themselves take the leading part, and the Minister is confident that they will rise to the full measure of their responsibility.

4. The Minister desires to draw the special attention of County Councils and Rural District Councils to the provisions contained in Part IV of the Act (*a*) regarding housing in rural districts. The proper housing of the agricultural workers must form an essential element in any progressive agricultural policy, and in this matter also the responsible local authorities must play their part. The Act provides for the co-operation of the county councils and rural district councils in attacking this serious and important problem, and the Minister trusts that in every county the authorities will without delay meet together to formulate plans for dealing comprehensively with the rural needs.

The annexed Memorandum explains the general scope of the Act, and of the financial arrangements made by it.

Additional copies of this Circular are forwarded for the use of the Authority's Medical Officer of Health and financial officer.

I am, etc.

MEMORANDUM ON HOUSING ACT, 1930 (*b*).

PART I.

1. This Memorandum is divided into three Parts :—

Part I (paragraphs 1–11) gives a general picture of the Act under certain main headings.

Part II (paragraphs 12–27) (*c*) explains the financial arrangements of the Act.

Part III (paragraphs 28–38) describes the administrative procedure which will be necessary.

2. The Act contemplates that local authorities in making their ordered attack on bad housing conditions will direct their attention to three broad categories (*d*) :—

(*a*) Clearance Areas,

(*b*) Improvement Areas,

(*c*) Individual defective houses.

Part I of the Act, which is to be read with, and largely supersedes, Part II of the Act of 1925, deals with categories (*a*) and (*b*). Part II, which is to be read with Part I of the Act of 1925, deals with (*c*).

3. *Clearance Areas.* Section 1 of the Act (*e*) defines a clearance area and the definition is substantially the same as that of an unhealthy area under the old law. The

(*a*) 23 Halsbury's Statutes 423, repealed by the Housing Act, 1936, and replaced by ss. 88, 89 thereof, *ante*, pp. 1697, 1698.

(*b*) This Act has been repealed by the Housing Act, 1936, *ante*, p. 1796, with the exception of ss. 26 (5), 27, 43, 44, 46, 64 and 65 ; see pp. 1853 *et seq.*, *ante*. For the full text of the 1930 Act see 23 Halsbury's Statutes 396. In the notes to this Memorandum the corresponding sections of the 1936 Act are indicated.

(*c*) Certain paragraphs are omitted as being no longer applicable.

(*d*) As to (*a*), see now ss. 25–33 of the Housing Act, 1936, *ante*, pp. 1628–1640 ; as to (*b*), see Housing Act, 1936, ss. 38–39, *ante*, pp. 1647–1649 ; and as to (*c*), see now Housing Act, 1936, ss. 2 *et seq.*, *ante*, pp. 1584 *et seq.*

(*e*) Now s. 25 of the Housing Act, 1936, *ante*, p. 1628.

area is to be cleared by requiring the owners to demolish the buildings or by the local authority purchasing the area and then arranging for the demolition.

The first method of requiring the owners to demolish is new, and is designed to enable the local authority to secure the removal of a bad slum without being obliged to incur the heavy capital expense of purchase and clearance. It is a method which may often be convenient if the site is not required for rehousing. If the authority proceeds by this method they will make a Clearance Order which must be confirmed by the Minister. The cleared site will remain with the owners. It may, however, not be used for building purposes or otherwise developed except subject to such restrictions and conditions, if any, as the local authority may impose. Under Section 6 of the Act (*a*) the right is reserved to the local authority to purchase any land to which a Clearance Order relates, if after 18 months from the date on which the Order becomes operative the owners have not proceeded with development in accordance with plans approved by the authority.

The second method of dealing with a clearance area (Sections 3 and 5) (*b*) is not new but the procedure is made simpler and quicker. The Act does away with the necessity for a formal scheme. It enables the local authority to buy the area, either by agreement or by compulsion. Where they are unable to buy by agreement, they may make a compulsory purchase order which must be submitted to the Minister for confirmation. When the local authority have bought the land they must proceed to demolish or arrange for the demolition of the buildings. They are empowered to dispose of the site as cleared, or subject to a requirement that it shall be cleared forthwith, or they may, subject to the approval of the Minister, appropriate the cleared area for some purpose for which they have statutory powers. In a few cases it may be necessary to rehouse on the land or part of it.

It should be understood that a clearance area is one in which *all* the buildings require to be demolished, either (*a*) because they are unfit for human habitation on account of disrepair or sanitary defects or (*b*) because they are dangerous or injurious to the health of the inhabitants of the area by reason of their bad arrangement or the narrowness or bad arrangement of the streets. Properties which do not fall under either of these categories cannot be included in an area, but a clearance area may surround properties which in effect form "islands" within the area. A clearance area is not necessarily a solid block of territory bounded by continuous lines; it will frequently be an area of irregular shape surrounding, but not in law containing, such islands.

These "islands" may either be left undisturbed or may be bought by the local authority if their acquisition is reasonably necessary to secure a cleared area of convenient shape and size. Similarly, land adjoining a clearance area may be bought by the local authority if it is reasonably necessary for the development or user of the cleared area. Property included in a clearance area will be purchased at site value subject, where the site is to be used for rehousing, to a reduction, whereas for property surrounded by or adjoining a clearance area, the basis of compensation will not be site value but market value as modified by Part II of the Third Schedule to the Act (*c*).

4. *Improvement Areas.* Sections 7 and 8 of the Act (*d*) contain a new and important addition to the methods available to local authorities for combating unsatisfactory housing conditions. In nearly every town (and in some rural areas) there are aggregations of houses in varying degrees of bad condition, more or less badly arranged and generally seriously overcrowded. These aggregations may form patches of considerable size. The houses are not all so far gone and the general conditions are not so bad as to justify wholesale clearance; and a great improvement in any such area can be secured if the worst houses are removed, if steps are taken to remove obstructive buildings and otherwise to let in light and air, if necessary repairs are carried out, and if surplus population is taken from the area and provided for elsewhere. It is of course necessary that steps should be taken to secure that when once the area has been dealt with it is not allowed to relapse. The aim is to secure that local

(*a*) Now s. 32 (1), (5) of the Housing Act, 1936, *ante*, p. 1639.
(*b*) Now ss. 27 and 30 of the Housing Act, 1936, *ante*, pp. 1634, 1637.
(*c*) Now s. 40 and Sched. IV of the Housing Act, 1936, *ante*, pp. 1650, 1783.
(*d*) Now ss. 38 and 127 of the Housing Act, 1936, *ante*, pp. 1647, 1729.

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authorities, instead of dealing with bad housing conditions in a haphazard or sporadic manner, will attack badly deteriorating areas in a systematic and orderly way, determining the areas which need treatment, settling the priority in which they are to be dealt with, clearing them up section by section and thereafter bringing them under such control as will prevent their slipping back.

The object of the Act would clearly be defeated if areas of unmanageable size were undertaken, and while the intention is that fairly large areas should be selected the Act expressly requires the local authority to satisfy the Minister that the area is such that the housing conditions in it can be effectively remedied within a reasonable time (Section 7 (1)). The extent of the improvement areas with which a local authority can deal effectively in a reasonable period will be largely conditioned by the capacity of the local authority to secure the erection of new houses for the purpose.

Section 7 enables local authorities to define such areas and Section 8 lays down the action which they must take when an area has been defined. An improvement area, unlike a clearance area, may contain fit as well as unfit houses, and may, therefore, be the whole area comprised within a ring fence. Local authorities are to use their powers of compelling the demolition of houses which are beyond repair and of requiring owners to put other houses into satisfactory condition, they may purchase property either by agreement or compulsorily for the purpose of letting in light and air, and they must make byelaws applicable to the area for preventing and abating overcrowding and securing the improvement of housing conditions and the subsequent maintenance of a proper standard of housing conditions in the area.

It is suggested that the objects of the Act may best be secured by allocating the supervision of the area and the enforcement of the special byelaws to a particular section of the sanitary staff.

A model which may be of assistance to local authorities in framing the special byelaws is under consideration and will be forwarded later.

It will be observed that subsection (4) of Section 8 provides that the Rent Restriction Acts shall not cease to apply to a house or part of a house in an improvement area merely because, as a result of action taken by the local authority under the section, a tenant is removed from the house or part of it.

5. *Individual Unfit Houses.* Part II of the Act replaces a number of sections in Part I of the Act of 1925 (*a*) dealing with the repair, closing and demolition of unfit houses. In the past local authorities have frequently been hindered from dealing with houses which are so unsatisfactory that they ought to be removed by reason of the difficulty of finding alternative accommodation for the occupants. The Act provides that a grant based on the number of inmates of the demolished house shall be available to assist the local authority in providing such accommodation, and local authorities should therefore be able to make much more rapid progress in removing unsatisfactory conditions.

The method provided by the new Act distinguishes sharply between houses which can, and those which cannot, be rendered fit at a reasonable expense. In future, on any report that a house is unfit, the house will have to be classified by the local authority as being repairable at a reasonable cost, or as being not so repairable. In the former case (Section 17) (*b*) the person having control of the house (as defined in Section 17 (2)) is to be required to repair the house (and the local authority may in his default do the work and recover the cost from him); in the latter (Section 19 (*c*)) the house is to be demolished unless the local authority accept an undertaking from the owner either that the house shall cease to be used for human habitation or that he will within a specified time carry out such works as will in the authority's opinion render it fit.

Provision is made in Section 22 (*d*) for the submission and determination of appeals against a decision of the local authority; these appeals will be decided by the County Court and not, as in the past, by the Minister.

(*a*) See note, *ante*, p. 2894.
(*b*) Now s. 9 of the Housing Act, 1936, *ante*, p. 1602.
(*c*) Now s. 11 of the Housing Act, 1936, *ante*, p. 1608.
(*d*) Now s. 75 of the Housing Act, 1936, *ante*, p. 1615.

Where the local authority have already acted on the view that a house is repairable at a reasonable cost, but that view has not been accepted by the Court, the local authority are empowered to acquire the house by agreement or compulsorily. In the latter case the local authority will be under an obligation to carry out the works, which they have themselves considered to be not unduly costly. (See Section 23 (*a*).)

Section 62 (*b*) of the Act provides that, in determining whether a house is fit for habitation, regard is to be had to the extent, if any, to which, by reason of disrepair or sanitary defects, it falls short of the standard required by the local byelaws or of the general standard of housing accommodation for the working classes in the district. "Sanitary defects" are defined in the same section.

Under Section 47 (*c*) of the Act local authorities may make advances to persons carrying out repairs on the same conditions as advances may be made for the alteration of houses under Section 92 of the Act of 1925 (*d*).

6. *Rehousing.* An essential part of any action taken by local authorities in regard to either clearance areas or improvement areas or individual unfit houses must be the provision of new houses, available for the accommodation of persons displaced, and Section 9 (*e*) of the Act requires that, before taking any steps which will necessitate the displacement of population from a clearance or improvement area, the local authority must undertake to provide or secure the provision of new dwellings to the satisfaction of the Minister. The actual persons displaced will not necessarily move into the new houses. There will be many cases in which the new houses will be occupied by persons who have vacated other accommodation to which displaced persons will have moved, and there may be many links in this chain of replacement.

Rehousing may be undertaken by Public Utility Societies. (See paragraph 11 (ii).)

The Act provides a standard of accommodation which is to be observed in normal cases, and which will determine the number of new houses required. The size of the new houses, in the absence of special approval by the Minister, must be within the limits prescribed by the Act of 1923. (See paragraph 14.)

Ordinarily a local authority will desire and be able to provide the rehousing accommodation on suitable new sites. This is normally the most satisfactory and economical method. But where, in exceptional cases, it is shown to be necessary to rehouse on the cleared site or on other expensive sites in new buildings exceeding three storeys in height, special terms of Exchequer assistance are available. (See paragraph 18 (*b*).)

7. *Compensation.* As regards compensation for property in a clearance area, the Act makes no substantial change in what has been the law since the Act of 1919, and property compulsorily acquired in such an area will be purchased at site value, with a reduction where the proposals necessitate the use of the cleared area for rehousing. (See Section 12.) (*f*) It will be observed that the reduction factor no longer applies where the land is required for an open space (*g*).

8. *Allowances for expenses of removal and trade disturbance.* Local authorities are empowered by Section 41 (*h*) to make a reasonable allowance to a displaced person for removal expenses and towards any loss which, in the opinion of the local authority, such a person may sustain by reason of the disturbance of his trade or business because he has to quit his premises. The allowance for trade disturbance is new, and is designed to meet hard cases among small shop-keepers.

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(*a*) Now s. 16 of the Housing Act, 1936, *ante*, p. 1619.
(*b*) Now s. 188 of the Housing Act, 1936, *ante*, p. 1766.
(*c*) Now s. 91 of the Housing Act, 1936, *ante*, p. 1699.
(*d*) 13 Halsbury's Statutes 1054, now ss. 91 and 103 (2) of the Housing Act, 1936, *ante*, pp. 1699 and 1711.
(*e*) Now s. 45 (1) of the Housing Act, 1936, *ante*, p. 1655.
(*f*) Now s. 40 and Sched. IV of the Housing Act, 1936, *ante*, pp. 1650 and 1783.
(*g*) The reduction factor was abolished by s. 62 (2) of the Housing Act, 1935, *ante*, p. 1864.
(*h*) Now ss. 18 and 44 of the Housing Act, 1936, *ante*, pp. 1621 and 1654.

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10. *Rural Housing.* Housing in rural districts presents peculiar problems and previous Housing Acts have contained special provisions and have made available exceptional Exchequer assistance for rural areas. Part IV of the present Act (*a*) supplements these provisions and aims in particular at securing the co-operation of county councils and rural district councils in overcoming the shortage of houses and the removal of unsatisfactory housing conditions in rural districts. In future the county council will have a definite responsibility for housing conditions in all the rural districts in the county. The Act contemplates that every county council will at once take steps to inform itself of the housing situation in each rural district in the county and of the action which has been taken or is proposed to be taken to remedy unsatisfactory conditions and to provide further housing accommodation; and there is a continuing duty on the county council to keep itself informed on these matters. Every rural district council is placed under the obligation to furnish to the county council during the present year, and at reasonable intervals thereafter, such information as the county council may reasonably require to enable it to carry out its duty. The Act provides wide powers of agreement between county councils and rural district councils under which the superior resources of the county councils may be brought to the aid of the rural district councils in the provision of houses under Part III of the Act of 1925 (*a*). Such agreements may take many forms, they may for example provide for giving a rural district council the advantage of the use of the experienced and skilled staff of the county council in the preparation and execution of schemes, they may provide for the linking up of various building proposals within a county or they may extend to the undertaking by the county council of the whole or a definite part of rehousing work in the whole or a defined part of a rural district on such terms as may be arranged between the county council and the rural district council. The county council, if it undertook the work of rehousing, would be entitled to receive the grants to be made under the new Act. Work under Part I of the new Act (the clearance and improvement of areas) is the duty of the rural district council.

So far as the provision of new houses is concerned, the county council will be *required* to bear a charge of a least £1 per annum per house towards the cost of the houses provided by the rural district council for the agricultural population, and are *empowered* to undertake a larger contribution for these houses, and also to make such contribution as they think fit towards the cost of other houses provided by the rural district council. (See Section 34.) (*b*)

The Minister would suggest that every county council should at an early date convene a conference between representatives of the council and of rural district councils within the county, with a view to taking concerted measures for securing satisfactory housing conditions throughout the rural areas of the county.

11. Attention is also drawn to the provisions of the Act in regard to—

* * * * * *

(ii) *Public Utility Societies, Housing Trusts, etc.*

Local authorities may find that they have in their districts public utility or other societies or philanthropic persons who are willing and able materially to assist the authorities in the work of rehousing. Provision is made in the Act enabling such societies or bodies of persons to receive an annual grant from the local authority in respect of the provision of rehousing accommodation. Where arrangements of this kind are made, the local authority will not be obliged to make the normal rate contribution of £3 15*s.* 0*d.* per house for 40 years. In these circumstances the local authority will probably therefore be willing to contribute something more to the society or company than the equivalent of the Exchequer contribution. (See Section 29.) (*c*)

Section 70 of the Act of 1925 (*d*) remains in force. Under this Section local authorities may promote the formation of, and give financial assistance to, public utility societies whose objects include the erection, improvement or management of dwelling houses for the working classes.

(*a*) See note (*d*), *ante*, p. 2894.
(*b*) Now s. 115 of the Housing Act, 1936, *ante*, p. 1722.
(*c*) Now s. 16 of the Housing Act, 1936, *ante*, p. 1619.
(*d*) 13 Halsbury's Statutes 1041, repealed by the Housing Act, 1936, and replaced by s. 93 thereof, *ante*, p. 1705.

(iii) *Validity and date of operation of Clearance Orders and Compulsory Purchase Orders.*

Section 11 of the Act (*a*) is designed to secure two main objects, namely:—

(1) That any person affected by a Clearance or Compulsory Purchase Order who considers that either the local authority or the Minister have gone beyond their powers or otherwise acted irregularly shall have a reasonable opportunity of invoking the assistance of the High Court in order to have the matter put right; and

(2) that a definite limit should be placed on the period during which a confirmed Order shall be challengeable.

The section provides that as soon as an Order has been confirmed the authority are to publish notice in a local newspaper stating that the Order has been confirmed and naming a place where it may be inspected. A similar notice must be served on the objectors who appeared at the local Inquiry. Any person aggrieved may apply to the High Court on the ground either that the Order is not within the powers of the Act or that there has been some irregularity of procedure. This right must be exercised within six weeks after the publication of the notice.

The new procedure may involve some slight delay in certain cases, but that is unavoidable if any opportunity is to be given of taking legal proceedings.

PART II.

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19. *Conditions of grant approved by the Treasury.* The Act provides that the Exchequer contributions towards the expenses incurred by local authorities in providing accommodation available for displaced persons shall be subject to such conditions as to records, certificates, audit or otherwise as, with the approval of the Treasury, the Minister may determine. The formal conditions as approved by the Treasury appear in Appendix I, Part I.

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22. *Exchequer grant to Local Authority arranging with Public Utility Societies, etc., for the provision of houses.* The Act enables a local authority to enter into arrangements with a society, body of trustees, or company engaged in housing work (who do not trade for profit or whose constitution limits the amount of their dividends) under which the authority may make an annual grant to the society, body of trustees, or company, in consideration of their providing new houses for the accommodation of persons displaced from a clearance or improvement area, or from insanitary houses demolished by order of the authority.

Houses provided under these arrangements are generally subject to the same special conditions as are applicable to houses provided by the local authority. The total amount of the rents to be charged for the houses must not exceed the total amount which might have been charged by the local authority if they had themselves provided the houses under this Act, and were contributing the normal rate charge.

Where the annual grant made by the local authority is equal to or exceeds the Exchequer contribution which would have been made to the authority by the Minister if the houses had been provided by the authority, the Minister may undertake to make a contribution to the authority as provided by the Act in respect of the persons displaced.

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24. *Default of Local Authority.* If in any case it is shown to the satisfaction of the Minister that an authority have failed to perform any of their duties under the Act, the Minister is empowered to withhold the whole or any part of any Exchequer contribution payable to the local authority under the Act.

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(*a*) Now ss. 16 (3), 26, 29, 32 (4), 38 (4), 74, and Sched. II of the Housing Act, 1936, *ante*, pp. 1619, 1631, 1636, 1639, 1647, 1684 and 1778.

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26. *Registers, Records, etc.* The local authority will keep registers relating to :—

(*a*) houses in clearance areas, (*b*) houses in improvement areas, (*c*) individual unfit houses not forming part of a clearance or improvement area and (*d*) new houses.

The registers will have to include sufficient particulars to enable local authorities to carry on their work on systematic lines under the Act, and at the same time form a convenient basis of claims for Exchequer subsidy. The subdivision in each register should be sufficient to show how and when each old house is dealt with and each new house built and occupied.

In order to obtain Exchequer grant a local authority will have to be in a position to certify that the requirements of the Act have been satisfied, including observance of the special conditions described in paragraph 13 and to place before the District Auditor in convenient form evidence of this. Particulars to be included in the registers and certain forms of certificates which local authorities will be required to give are shown in Appendix I.

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PART III.

Procedure.

28. Regulations are in course of preparation dealing with the various matters which are, under the Act, to be prescribed and will shortly be circulated.

29. As has been indicated in the earlier parts of this Memorandum, the pivot of the local authority's work under the Act must be the provision of the new houses required to meet the displacements to be effected under the powers now conferred. The following notes on procedure in the exercise of those powers must not be regarded as displacing the rehousing programme from its position of central importance.

30. *Clearance Area.*

Conditions of Action. The local authority must be satisfied that :—

(1) an area is one in which the conditions are unhealthy (*see Note*) and can most satisfactorily be dealt with by the demolition of all the buildings ;

(2) they can provide or secure the provision by means of other agencies of such rehousing accommodation as may be required in advance of displacements of persons of the working classes from the area ; and

(3) their resources are sufficient.

Action.

1. Define area on a map.

2. Pass resolution declaring the area to be a clearance area.

3. Forward to the Minister copy of this resolution, statement of the number of persons of the working classes occupying the buildings in the area, *and*

4. An undertaking to carry out or secure the carrying out of such rehousing as the Minister considers necessary within a period specified by him.

5. As soon as it is clear that rehousing accommodation will be available as required, then make clearance order or acquire land in the area by agreement or make compulsory purchase order, as may be requisite.

6. On clearance order becoming operative secure vacation of buildings through owners or under Section 39 (*a*) in accordance with dates specified in order.

Owner is to demolish buildings within 6 weeks of vacation (or within such longer period as local authority deem reasonable).

7. On acquisition of land by agreement, or on possession being obtained under compulsory purchase order

(*a*) Now s. 155 of the Housing Act, 1936, *ante*, p. 1747.

(i) secure vacation of buildings, and

(ii) (*a*) demolish buildings within 6 weeks of vacation (or within such longer period as local authority deem reasonable) and

(*b*) appropriate (carrying out requirements of compulsory purchase order as to appropriation for rehousing if any), or sell or lease land, as the case may be, or

(iii) sell or lease land (except land required by a compulsory purchase order to be appropriated for rehousing) on condition of immediate demolition.

NOTES.

Dwelling houses can only be included in a clearance area if :—

(a) *unfit for human habitation by reason of " disrepair or sanitary defects " (see Section 62) (a) or,*

(b) *dangerous or injurious to the health of the inhabitants of the area owing to their bad arrangement or the narrowness or bad arrangement of the streets.*

Other buildings (if any) must be in the latter category.

The map should be on the scale of 1/500 *or approximate scale and should show the clearance area coloured pink.*

The date on which the count was taken is to be specified in the statement and should be as near as convenient to the date on which the clearance resolution is to be considered by the local authority. (See Appendix I, Part III.)

Purchase may be by compulsory purchase order (see paragraph 32) *or by agreement. The order must be submitted to the Minister within* 6 *months after the date of the clearance resolution, unless the Minister extends the period in a special case.*

Land already purchased by a local authority under Sections 54 *or* 63 *of the Act of* 1925 (*b*) *may, if satisfying the required conditions, be included in a clearance area.*

Land adjoining or surrounded by the area, required for dealing satisfactorily with the area (Section 3), *may also be purchased by compulsory purchase order or by agreement. The order must be submitted to the Minister within* 12 *months after the date of the clearance resolution, unless he extends this period in a special case. Land included in the clearance area and land adjoining or surrounded by it may be included in the same compulsory purchase order where that course is convenient ; but the two kinds of land must be distinguished (see Second Schedule, Part I, paragraph* 3).

Where compulsory purchase order becomes operative local authority can obtain possession by entry under the provisions of Section 106 *of the Act of* 1925 (c).

Buildings (if any) on land purchased are to be vacated as soon as may be and to be demolished within six weeks of vacation or such longer period as may be deemed reasonable. Land purchased may be sold or let on the best terms obtainable or, with the Minister's approval, appropriated for any statutory purpose. Alternatively, the land may be sold or leased subject to immediate demolition of buildings (Section 5) (*d*).

31. *Clearance Order.*

1. The Order is to

(1) be in the prescribed form ;

(2) describe the area to which it applies by reference to a map which should be on 1/500 or approximate scale and should show the area coloured pink. Each house, building or other property is to be numbered consecutively on the map, notwithstanding that several may belong to one owner, the outside boundaries of each being defined by hard lines so that it may be seen to what properties each number applies ;

(3) fix a date or dates (articulated to the local authority's programme of construction) by which the several buildings are to be vacated ;

(4) be advertised :—

(*a*) by publication of notice in the prescribed form in one or more newspapers circulating in the district and

(*b*) by service of notice in the prescribed form on owners, lessees, and occupiers (except tenants for a month or less), and, so far as it is reasonably practicable to ascertain them, on mortgagees ;

(*a*) Now s. 188 of the Housing Act, 1936, *ante*, p. 1766.
(*b*) 13 Halsbury's Statutes 1033, 1038.
(*c*) 13 Halsbury's Statutes 1060, now s. 145 of the Housing Act, 1936, *ante*, p. 1743.
(*d*) Now ss. 30 and 127 of the Housing Act, 1936, *ante*, pp. 1637 and 1729.

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(5) be submitted to the Minister with :—

(*a*) copy of the official representation or other information on which the resolution was passed ;

(*b*) certified copy of map above mentioned ;

(*c*) copies of newspapers containing advertisements, and of notices ;

(*d*) certificate of service of notices ;

(*e*) formal resolution of the Council applying for confirmation of the order.

2. The order may be modified by the Minister. Notice of its confirmation has to be given by the local authority by public advertisement and to individual objectors. Six weeks after confirmation the order becomes operative (except in cases in which Section 11 (3) applies (*a*)) and copies have then to be served on persons named in (4) (*b*) above.

3. The use or development of land cleared under a clearance order is subject to such restrictions and conditions (if any) as the local authority may impose. If the building or other development does not take place within 18 months, the local authority may purchase compulsorily or by agreement. (Section 6.) (*b*)

32. *Compulsory Purchase Order.*

1. The Order is to—

(1) be in the prescribed form ;

(2) describe the land to which it applies by reference to a map, which should be on 1/500 or approximate scale ;

(3) be advertised—

(*a*) by publication of notice in the prescribed form in one or more newspapers circulating in the district ;

(*b*) by service of notice in the prescribed form on owners, lessees and occupiers, except tenants for a month or less, and, except in the case of land to be purchased under Part III of the Act of 1925 (*c*) on mortgagees so far as it is reasonably practicable to ascertain them ;

(4) be submitted to the Minister with—

(*a*) copies of newspapers containing advertisements and of notices ;

(*b*) certificate of service of notices ;

(*c*) certified copy of map above mentioned ;

(*d*) formal resolution of the Council applying for confirmation of the order.

2. If the order is made in connection with a clearance area, it should further be accompanied by a copy of the official representation or other information on which the local authority is acting and should show in the prescribed manner—

(*a*) what parts of the land to which it applies are—

(i) part of the clearance area ;

(ii) land surrounded by the clearance area ;

(iii) land adjoining the clearance area.

(*b*) what parts of the land within the clearance area are to be appropriated for rehousing.

3. The order becomes operative in the same way as a clearance order (see paragraph 31).

33. *Improvement Area.*

Conditions of Action. The local authority must be satisfied that the area is one in which the housing conditions are unhealthy and can be effectively remedied without the demolition of all the buildings by the demolition or repair of dwelling-houses, the abatement of overcrowding and the purchase of land for the purpose of opening out of the area.

Action.

(*a*) Now s. 16 of the Housing Act, 1936, *ante*, p. 1619.
(*b*) Now s. 32 of the Housing Act, 1936, *ante*, p. 1639.
(*c*) See note (*d*), *ante*, p. 2894.

1. Define area on a map.

2. Show to the satisfaction of the Minister—

(*a*) that the area is not too large to be dealt with within a reasonable time:

(*b*) that the local authority will provide or secure the provision through other agencies of such rehousing accommodation as may be required in advance of displacements of persons of the working classes from the area.

3. Pass resolution declaring the area to be an improvement area.

4. Publish notices of the resolution forthwith in one or more newspapers circulating in the district, stating its terms and the date on which it was passed and naming a place where a copy of the resolution and of the map referred to therein can be seen at all reasonable hours.

5. Forward to the Minister copy of the resolution, an estimate of the number of persons of the working classes who will be displaced, distinguishing those to be displaced (*a*) by demolition and (*b*) by abatement of overcrowding, *and*

6. An undertaking to carry out, or to secure the carrying out of, such rehousing as the Minister considers necessary within a period specified by him.

7. (i) Serve notices under Part II of the Act (*a*) requiring repair or demolition of individual houses;

(ii) Purchase by agreement or compulsorily land required for opening out the area, unless the local authority are satisfied that opening out will be effected by owners;

(iii) Make and enforce byelaws to abate and prevent recurrence of overcrowding and generally for securing the improvement of housing condition and the subsequent maintenance of a proper standard of housing conditions therein.

NOTES.

The housing conditions in the area must be dangerous or injurious to the health of the inhabitants by reason of (a) *the disrepair or sanitary defects (see Section* 62) (*b*) *of the dwelling-houses and* (b) *either* (i) *overcrowding or* (ii) *bad arrangement of the houses, or narrowness or bad arrangement of the streets.*

The map should be on 1/500 *or approximate scale.*

The Minister should be furnished with a copy of the map, and the other information referred to in Paragraph 35.

The estimate should be made on a day as near as convenient to the date on which the question of declaring the area to be an improvement area will be considered by the local authority.

Land purchased in an improvement area may, subject to the carrying out of such demolition as may be necessary for opening out the area, be sold or leased on the best terms obtainable or, with the Minister's approval, appropriated for any statutory purpose. Sections 8 (2) *and* (5) (*c*).

An order authorising the compulsory purchase of land required for opening out an improvement area must be submitted to the Minister within 12 *months after the date of the resolution declaring the area to be an improvement area or within such longer period as the Minister may in the circumstances of a particular case allow. (Section* 10 (2).) (*d*)

34. *Individual Houses.* (i) *Houses regarded as capable of repair.* The local authority are required to take the following action where they are satisfied that a working class house is in any respect unfit for human habitation unless they are satisfied that it is incapable of being rendered fit at reasonable expense.

Action. 1. (*a*) Notice must be served on "the person having control of the house" (defined in Section 17 (2) (*e*)) and copies may be served on any other persons having an interest in the house, *e.g.*, as freeholder, mortgagee or lessee.

(*a*) See note to paragraph 2, *ante*, p. 2894.
(*b*) Now s. 188 of the Housing Act, 1936, *ante*, p. 1766.
(*c*) Now ss. 38 and 127 of the Housing Act, 1936, *ante*, pp. 1647 and 1729.
(*d*) Now ss. 29, 32 and 38 of the Housing Act, 1936, *ante*, pp. 1636, 1639 and 1647.
(*e*) Now s. 9 of the Housing Act, 1936, *ante*, p. 1602.

The notice is to specify :—

(i) The works required.

(ii) The time, not less than 21 days, within which the works are to be executed.

(iii) The view of the local authority that those works will render the house fit for human habitation.

2. Subject to the conditions laid down in Section 92 of the Act of 1925 (*a*), the local authority may make advances to persons carrying out works. (Section 47). (*b*)

3. In case of default, the local authority may execute the works and recover expenses incurred.

NOTE.—*If the person having the control of the house proves that he is merely an agent or trustee and that the money which he has in his hands (or has had since the demand was served on him) on behalf of the person for whom he is acting is not sufficient to discharge the whole demand, his liability is limited to the amount he has (or has had) in his hands.*

This limitation of liability does not affect the provisions of (*c*) *subsection* (5) *of section* 18 *under which the expenses due to the authority are made a charge on the premises.*

4. Where, on appeal against a notice, the judge has found that a house cannot be made fit at reasonable expense, the local authority may purchase the house by agreement or by compulsory purchase order. If an owner or mortgagee undertakes to carry out the works specified in the notice the Minister is required not to confirm a compulsory purchase order unless the undertaking is broken. If a compulsory purchase order is confirmed the local authority must carry out the works specified in the notice.

(ii) *Houses not regarded as capable of repair.*

The local authority are required to take the following action where they are satisfied that a working class house is unfit for human habitation and not capable of being rendered fit at reasonable expense, having regard to the estimated cost of rendering it fit and the estimated value of the house thereafter.

Action. 1. Notice is to be served on the "person having control of the house," and on all other owners and, so far as practicable, mortgagees, to attend a meeting, not less than 21 days after service of notice, to consider the condition of the house, and proposals for the execution of works or for the future user of the building. Every person on whom notice has been served is entitled to be heard.

2. The local authority may accept an undertaking from an owner or mortgagee (*a*) to do such works as will render the house fit within a specified period, or (*b*) that the house will not be used for human habitation until they are satisfied that it has been rendered fit.

3. If an undertaking is not accepted or is broken, a demolition order is forthwith to be made requiring (*a*) vacation in not less than 28 days from the date when the order becomes operative, and (*b*) demolition within 6 weeks of vacation. The order is to be served as in 1 above.

4. In the case of default the local authority must demolish and sell the materials and may recover expenses. (Sections 21 (1) and 2 (4).) (*d*)

5. In the case of a part of a building which is let as a separate tenement or an underground room habitually used as a sleeping place deemed to be unfit for human habitation (Section 18 (1) of the Act of 1925) (*e*), a closing order will be made in lieu of a demolition order.

Penalties are provided in case of use of premises contrary to the terms of a closing order or undertaking as to user (Section 21) (*f*), and against persons who knowing that a demolition order has become operative, enter into occupation or permit other persons to enter into occupation of a building after the date by which the order requires that building to be vacated. (Section 39 (3).) (*g*)

(*a*) 13 Halsbury's Statutes 1054, now ss. 91 and 103 (2) of the Housing Act, 1936, *ante*, pp. 1699 and 1711.
(*b*) Now s. 91 of the Housing Act, 1936, *ante*, p. 1699.
(*c*) Now s. 10 of the Housing Act, 1936, *ante*, p. 1605.
(*d*) Now s. 43 of the Housing Act, 1936, *ante*, p. 1612.
(*e*) 13 Halsbury's Statutes 1013, now s. 12 (2) of the Housing Act, 1936, *ante*, p. 1611.
(*f*) Now s. 14 of the Housing Act, 1936, *ante*, p. 1615.
(*g*) Now s. 155 of the Housing Act, 1936, *ante*, p. 1747.

35. *Rehousing.*

1. Specific proposals for the provision of working class houses which are to be subject to the special conditions of the Act of 1930 are to be submitted as often as occasion arises, and in pursuance of any general housing programme adopted by the Authority under Section 25 of the Act (*a*). All specific proposals should be accompanied by an undertaking as indicated in Appendix I, Part I, and by an estimate of the displacements to be met. (*See also* paragraph 15.)

2. *Clearance Areas.*

When passing the resolution declaring an area to be a clearance area, the local authority should have before them a provisional statement showing:—

(*a*) the total number of new dwellings required;

(*b*) the various sizes and types of the dwellings;

(*c*) the site or sites on which they will be erected;

(*d*) a time table of

(i) the provision of rehousing.

(ii) displacements.

A copy of this statement should be submitted to the Minister with the clearance resolution: and as soon as may be thereafter, specific proposals should be submitted for the provision of the houses within a limited time so far as they are not covered by specific proposals previously submitted. If it is intended that clearance of the area should be effected as a single operation, these proposals should cover the full number of displacements which will be necessary; if clearance will take place gradually, or successively for different portions of the area, the specific proposals should be submitted in instalments. The statement should be revised and re-submitted when (*a*) a clearance order or (*b*) a compulsory purchase order becomes operative.

3. *Improvement Areas.*

Before a resolution declaring an improvement area is passed, a provisional statement giving the same particulars as above should be submitted to the Minister.

Specific proposals for the provision of instalments of the houses should be submitted as soon as may be after the resolution declaring an improvement area has been forwarded to the Minister.

4. *Individual Unfit Houses.*

The local authority should also consider and submit from time to time proposals for providing rehousing accommodation in respect of displacements under demolition orders from individual unfit houses not in an improvement area.

36. *Objections and Appeals.*

Clearance Orders. 1. A person on whom notice of a clearance order is required to be served may within the time stated in the notice make an objection to the Minister.

2. If the objection is not withdrawn a public local inquiry is to be held at which the objector may attend or be represented, and the Minister is thereafter to consider the objection before confirming the order, with or without modification.

3. The Minister may not so modify the order as to extend it to buildings not included in the original order.

Compulsory Purchase Orders. 1. A person on whom notice of a compulsory purchase order is required to be served may within the time stated in the notice make objection to the Minister.

2. The Minister may require the objector to state in writing the grounds of his objection and if the objection relates only to matters which can be dealt with by the arbitrator assessing compensation may proceed to confirm the order with or without modification.

3. In any other case a public local inquiry is to be held at which the objector may attend or be represented and the Minister is thereafter to consider the objection before confirming the order, with or without modification.

(*a*) Now ss. 1 and 71 of the Housing Act, 1936, *ante*, pp. 1584 and 1682.

4. The Minister may not so modify an order as to include additional land.

5. In the case of an order made in connection with a clearance area :—

(*a*) the Minister may not so modify the order as to require the appropriation of additional land for rehousing.

(*b*) the Minister may authorise the purchase, for the purpose of dealing satisfactorily with the area, of land which he has by modification excluded from the area.

Restriction or condition imposed by a local authority on the user of land in a clearance area.

An aggrieved owner may appeal to the Minister, whose decision is to be final.

Works Notices and Demolition Orders.

A person aggrieved by :—

(*a*) notice to execute works ;

(*b*) demand for recovery of expenses of local authority in carrying out works specified in notice ;

(*c*) order made by local authority with respect to such expenses ;

(*d*) demolition order ;

(*e*) closing order or refusal to determine closing order ;

may appeal to the County Court within 21 days of the service of notice, demand, or order, or after the refusal.

An appeal lies to the Court of Appeal on any point of law, but otherwise the decision of the County Court is final. No appeal lies from the decision of the Court of Appeal.

No proceedings to enforce notice, demand or order may be taken before the final determination of the appeal.

Validity of Orders. A person aggrieved who wishes to question the validity of a confirmed clearance order or compulsory purchase order may make an application to the High Court within six weeks of the date of publication of notice of confirmation.

3. The Court may quash the order either generally or in so far as it affects property of applicant.

4. No appeal lies to the House of Lords except by leave of Court of Appeal.

37. *Exclusion of Operation of Rent Restrictions Acts.*—The Rent Restrictions Acts do not prevent the obtaining possession of a house with respect to which a clearance order or demolition order has been made, or a house the possession of which is required for the exercise of powers under any enactment relating to the housing of the working classes or for the purpose of securing compliance with byelaws to prevent overcrowding.

38. *Compensation on Compulsory Purchase.*

1. *Land comprised in a clearance area.* Compensation is to be the value of the land as a site cleared of buildings and available for development in accordance with the requirements of the building byelaws for the time being in force in the district.

* * * * * *

2. (a) *Land surrounded by a clearance area.*

(b) *Land adjoining a clearance area.*

(c) *Land acquired in an improvement area for the purpose of opening out the area.*

Compensation is to be the amount which the land, if sold in the open market by a willing seller, might be expected to realise, subject to the modifications made by Part II of the Third Schedule (*a*), as follows :—

(i) If the arbitrator is satisfied that the rental of any premises was enhanced by reason of their being used for illegal purposes, or being so overcrowded as to be dangerous or injurious to the health of the inmates, the compensation is, so far as it is based on rental, to be based on the rental which would have been obtainable if the premises were occupied for legal purposes and only by the number of persons whom the premises were, under all the circumstances of the case, fitted to accommodate without such overcrowding ;

(*a*) Now Sched. I of the Housing Act, 1936, *ante*, p. 1773.

(ii) If the arbitrator is satisfied that any premises are in a state of defective sanitation, or are not in reasonably good repair, the compensation is to be the estimated value of the premises if put into a sanitary condition, or reasonably good repair, less the estimated expense of putting them into such condition or repair.

(iii) The arbitrator is to have regard to and make an allowance in respect of any increased value which, in his opinion, will be given to other premises of the same owner by the demolition by the local authority of any buildings.

3. *Land which has been cleared by the owners but not developed by them within eighteen months.*

The compensation is to be the amount which the land, if sold in the open market by a willing seller, might be expected to realise.

4. *Land occupied by a dwelling-house which the local authority considers repairable at a reasonable cost, but which the Court on appeal has held not to be so repairable.*

The compensation is to be the value, at the time of valuation, as a cleared site available for development in accordance with the requirements of the building bye-laws in force and of any town planning scheme in operation.

APPENDIX I.

CONDITIONS OF GRANT APPROVED BY TREASURY.

PART I.

The formal conditions as to records, certificates, audit or otherwise under Section 26 of the Act (*a*), approved by the Treasury, are as follows :—

(*a*) Registers containing the particulars shown in Part II shall be kept by the local authority, the entries being supported by certificates of correctness.

(*b*) A certificate by an authorised officer of the authority in the form set out in Part III shall be furnished by the local authority to the Minister at such date or dates as he may determine setting out the number of persons of the working classes required to be displaced from a clearance area.

(*c*) Certificates by an authorised officer of the authority in the form set out in Part IV shall be obtained by the local authority in respect of the new houses provided.

(*d*) The registers, all certificates and statements of estimated annual expenses, and where necessary the plans, contracts, and other relevant documents shall be submitted to the District Auditor for examination.

(*e*) The houses must be open to inspection when required by the Minister.

(*f*) Where the rehousing is provided by the local authority they shall give an undertaking in relation to the new houses * to be provided by them to comply with the special conditions set out in subsection (1) of Section 27 of the Housing Act, 1930 (*b*), and such undertaking shall be authorised by their resolution.

(*g*) Where the rehousing is provided by a society, body of trustees or company under Section 29 (*c*) of the Act, an undertaking in relation to the new houses * to be provided by them shall be given :—

(i) by the society, body of trustees or company that they will comply with the special conditions set out in subsection (1) of Section 27 of the Housing Act, 1930 (*b*), subject as regards rents to be charged to the modification made in subsection (2) of Section 29 (*c*) ;

(ii) by the local authority that they will take steps to satisfy themselves before each payment of grant that the said special conditions as so modified are being complied with by the society, body of trustees or company.

PART II.

REGISTERS, RECORDS, ETC.

The local authority will keep registers relating to (*a*) houses in clearance areas, (*b*) houses in improvement areas, and (*c*) individual unfit houses or parts of houses not included in clearance or improvement areas.

* The houses must be described so as to be readily identified.

(*a*) Now s. 105 of the Housing Act, 1936, *ante*, p. 1713.

(*b*) See *ante*, p. 1853.

(*c*) Now s. 94 of the Housing Act, 1936, *ante*, p. 1706.

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The registers will show in regard to *houses to be demolished or in part closed* :—

(1) Description of Clearance or Improvement Area (if any) and reference to resolution of local authority.
(2) Reference to Order.
(3) Serial number of house.
(4) Address or situation of house.
(5) Number of working-class residents required to be displaced.
(6) Reference to certificate of authorised officer as to (5).
(7) Date of displacement of persons.
(8) Reference to certificate of authorised officer as to (7).

The register will show in regard to *overcrowded houses in improvement areas* the information at (1) to (6) above with the following additional information :

(7) Number of persons for whom the house should provide accommodation under the byelaws.
(8) Number of persons in occupation when abatement of overcrowding was completed.
(9) Date when abatement of overcrowding was completed.
(10) Reference to certificate of Authorised Officer as to (7), (8) and (9).

The local authority will keep a separate register of houses provided under this Act. Particulars will be entered in the register as regards each contract, showing :—

(*a*) Address or situation of houses.
(*b*) Reference to Clearance or Improvement Area (if any) and to order or resolution of local authority in connection with which the houses are provided.
(*c*) Reference to contract and plans.
(*d*) Date of completion of each house.
(*e*) Reference to certificate of completion by surveyor or other authorised officer.
(*f*) Number of persons for whom house is capable of providing accommodation in accordance with Section 37 of the Act (*a*).
(*g*) Rent (excluding rates) and reference to the detailed estimate of total rents in which included.

PART III.

CLEARANCE AREA.

STATEMENT OF NUMBER OF PERSONS OF THE WORKING CLASSES OCCUPYING THE BUILDINGS.

HOUSING ACT, 1930, SECTION 1 (2) (*b*).

I being the Officer of the Council duly authorised for the purpose do hereby certify that I have taken or caused to be taken a count of the persons of the working classes occupying the buildings comprised in the area forming a clearance area within the meaning of Section I of the Housing Act, 1930, and that the number of such persons on the day of 19 was as shown in

(Signed) .....
(Designation) .....
(Date).....

NOTE :—A revised certificate should be furnished where necessary.

PART IV.

HOUSING ACT, 1930.

CERTIFICATE OF COMPLETION OF HOUSES PROVIDED FOR RE-HOUSING PURPOSES.

This is to certify that each of the houses described in the schedule below was completed fit for occupation before the date set opposite to the description of the house in that schedule ;

And that the houses have been constructed in a proper and workmanlike manner and in compliance with the requirements as to size, materials, type of construction, etc., approved by the Minister of Health ;

And that the houses are of entirely new construction and of a type for which a loan period of not less than sixty years is allowed by the Minister of Health or which has been specially approved by the Minister of Health.

(*a*) Now s. 136 of the Housing Act, 1936, *ante*, p. 1735.
(*b*) Now s. 25 (2) of the Housing Act, 1936, *ante*, p. 1629.

SCHEDULE.

Address or Description of House.	Date of Completion.	No. of Persons for whom Accommodation Provided.	

Given under my hand this day of 19

Signed.....

Surveyor or other Authorised Officer of the

.....*Council*

APPENDIX II.

Contained a statement showing provisions of the Housing Act, 1925, which were then in force, and the related provisions of the Housing Act, 1930.

CIRCULAR 520 (REVISED).*

Housing Authorities and County Councils (England and Wales).

MINISTRY OF HEALTH,
WHITEHALL,
LONDON, S.W.1.
14th August, 1931.

HOUSING OF THE WORKING CLASSES.

HOUSING (FINANCIAL PROVISIONS) ACT, 1924.

INTRODUCTION.

With a view to setting out, for the information and guidance of Local Authorities, the current position as to the scope of and procedure under the Housing (Financial Provisions) Act, 1924 (*a*), as amended by subsequent legislation, a revision of Circular 520 (*b*), which dealt with these matters as they existed at the date of the passing of that Act, has become necessary.

This revision is embodied in the present Circular, which should accordingly now be read as superseding the earlier Circular.

* Inserted for reference: see the second paragraph of the general note to the Housing (Financial Provisions) Act, 1924, *ante*, p. 1826. But, for the position created by later legislation, see the remainder of that note, *ibid.*

(*a*) *Ante*, p. 1826.

(*b*) Not here reproduced.

HOUSING

I.—EXCHEQUER ASSISTANCE PROVIDED FOR UNDER THE HOUSING (FINANCIAL PROVISIONS) ACT, 1924.

1.—*Exchequer contribution to Housing Authorities for houses subject to special conditions.*

(*a*) The Housing (Financial Provisions) Act, 1924, provides primarily that houses which are subject to special conditions as to their letting and the amount of rent to be charged for them, and which are completed before October 1st, 1939, shall be eligible for Exchequer contributions which at the present time are £7 10*s*. a year for 40 years, or in the case of houses situated in an agricultural parish £11 a year for 40 years.

These contributions are payable towards the expenses incurred by Local Authorities in themselves providing houses subject to the special conditions, or in assisting private building enterprise to provide houses subject to special conditions which, with some necessary modifications, are similar to those applicable to houses provided by Local Authorities. Where assistance is given to private building enterprise the contribution will not exceed the assistance given by the Local Authority.

(*b*) *Agricultural Parish.*—For the purposes of the Act, the expression " an agricultural parish " means a civil parish, whether situated within the area of a rural district council or not, in which :—

(i) the net annual value of the agricultural land in the parish in which the house is situated, as appearing in the valuation list in force on April 1st, 1929, exceeded twenty-five per cent. of the total net annual value of that parish as appearing in the said list ; and

(ii) the population of the parish according to the latest census return of the Registrar-General published before the beginning of the financial year in which the proposal for the provision of the house is approved by the Minister is less than fifty persons per hundred acres.

2.—*Contributions to County Councils, etc.*

Exchequer contributions of £7 10*s*. a year for 40 years are available for houses which are subject to the special conditions and have been built in any parish whether an " agricultural parish " or not, for persons in their employment or paid by them, by County Councils and the boards or bodies referred to in Section 1 (5) of the Housing, &c., Act, 1923 (*a*).

3.—*Periodical revision of Exchequer contribution.*

The rates of contribution in force at the date of this Circular will be reviewed after October 1st, 1933, in consultation with representatives of Local Authorities and, if the cost of building and other conditions warrant a reduction, the contribution for houses built during the next period of three years will be reduced. A similar review will be made every third year during the continuance of the provisions for such contributions.

4.—*Exceptional cases in which the flat-rate contribution may be reduced.*

If by the use of new materials or new methods of construction, houses are erected with the Minister's approval at a substantially reduced cost, the Exchequer contribution may be reduced, but the reduction may not be so great as to leave any part of the estimated annual loss to be borne by the Local Authority or other builders.

If, on the other hand, at any time it is shown to the satisfaction of the Minister that a Local Authority have, without reasonable cause, refused to adopt a new material or method of construction which in his opinion would reduce the cost of houses without unduly affecting their durability, suitability, or appearance, the Minister is to require the adoption of the material or method to be considered by the Authority, and in the event of their failure without reasonable cause to adopt

(*a*) *Ante*, p. 1813.

the same is to make such deduction from the amount of the Exchequer Contribution payable by him as in his opinion is reasonable having regard to the expenses incurred by the Authority.

II.—HOUSES PROVIDED BY LOCAL AUTHORITIES.

5.—*Administration by Local Authority: plans, tenders and contracts.*

Local Authorities will appreciate that proper control of the number of houses put out to contract from time to time, no less than wise administration in the preparation of their schemes and the acceptance of tenders, is of the utmost importance in preventing inflation of cost, and the Minister relies on Local Authorities to co-operate with him to this end. In this connection it will be appreciated that it will be necessary for the Local Authority to have careful regard to the availability of labour and materials in connection with every kind of building work which they may undertake.

The Minister will be pleased to arrange for his officers to confer with representatives of the Local Authorities at any time, and he specially desires that in all cases where tenders received are regarded by the Local Authority as too high particulars should be furnished to his Department.

All contracts for houses subject to special conditions must contain a fair wages clause. The fair wages clause must comply with the requirements of any resolution of the House of Commons applicable to contracts of Government Departments and for the time being in force. A copy of the resolution at present in force is set out in Appendix IV.

6.—*Purchase of houses by Local Authority.*

The Local Authority may, with the approval of the Minister, purchase houses already constructed, and an Exchequer Contribution will be payable in respect of them if (*a*) they have been completed after the passing of the Act and have not been occupied previously to their purchase by the Local Authority, and (*b*) the conditions as to type and size and the special conditions set out below are satisfied.

7.—*Special conditions.*

The Act provides that in order to qualify for the Exchequer Contribution Local Authorities shall undertake to comply with the following conditions:—

(*a*) That the houses will be let by the Local Authority to tenants who intend to reside in them.

(*b*) That it shall be a term of every such letting that the tenant shall not assign, sublet or part with the possession of the house or any part of it except with the written consent of the Local Authority, and that such consent shall not be given unless it is shown that no payment other than rent has been or is to be received by the tenant in consideration of the assignment, subletting or other transaction.

(*c*) That if the Local Authority desire to sell or dispose of houses such sale or disposal shall not be effected except upon such stipulations, if any, as the Minister thinks proper.

(*d*) That a fair wages clause which complies with the requirements of any resolution of the House of Commons applicable to contracts of Government Departments and for the time being in force will be inserted in all contracts for the construction of the houses. (*See* Appendix IV.)

(*e*) That the total of the rents of all the houses provided by the Local Authority under the Act will not in the aggregate exceed the rents payable if the houses were let at the appropriate normal rents charged in respect of pre-war working class houses, except in so far as the rate expenses incurred by the Local Authority in connection with the provision of the houses would exceed the equivalent of £3 15*s.* 0*d.* a year per house for 40 years (£4 10*s.* 0*d.* for houses completed before October 1st, 1927), and that no fine, premium or other like sum shall be taken in addition to the rent.

(*f*) That reasonable preference shall be given to large families in letting the houses.

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Rules prescribed by the Minister for determining the appropriate normal rent are set out in Appendix II and the methods of determining rents are dealt with more fully in the following paragraph.

8.—*Rents of houses subject to special conditions.*

As already indicated, the object to be aimed at is the letting of houses at the rents commonly paid from time to time for ordinary working class houses which were erected before the war. The first thing to be done, therefore, is to determine what are to be regarded as the rents of such ordinary working class houses. These rents are described in the Act as appropriate normal rents and will be determined (exclusive of rates) by the Local Authority themselves in accordance with the rules set out in Appendix II. The Local Authority will be required to deal with the houses in two classes, parlour and non-parlour, and to obtain particulars of all the types in each class, taking care to satisfy themselves that the types taken are representative of all working class houses in the district, and that the number of each type taken is in rough proportion to the total numbers of each type in the district. They should not confine the survey to types comparable with the houses which they are erecting, and should make no addition to the actual average rent of the pre-war houses in respect of differences in amenities, accommodation, etc. If there is a marked difference in in the rent levels in different parts of the area the Local Authority should ascertain the appropriate normal rents for each such part instead of for the district as a whole.

If any material charge takes place in the level of rents in the district the Local Authority should make a new ascertainment of appropriate normal rents.

The rents charged for individual houses by the Local Authority will not necessarily be the appropriate normal rents determined in accordance with the rules. It will be open to the Local Authority to fix different rents for any of the houses, but, except in the circumstances referred to on page 8, the total rents charged by the Local Authority for all the houses must not exceed the total rent which would have been obtained if each house had been let at the appropriate normal rent of its class.

An example will explain the working more clearly (the figures used are, of course, for illustration only).

Local Authority's building proposal :—

450 non-parlour houses of which	50 parlour houses of which
50 are of type X.	20 are of type C.
150 „ „ Y.	10 „ „ D.
250 „ „ Z.	20 „ „ E.

Appropriate normal rents fixed by Local Authority.

Non-parlour houses, 7*s.* 3*d.*

Parlour houses, 8*s.* 3*d.*

Total rents should not exceed :—

450 × 7*s.* 3*d.* + 50 × 8*s.* 3*d.* = £183 15*s.* 0*d.*

Rents which might be charged :—

	£	*s.*	*d.*		£	*s.*	*d.*
Type X.				*Type C.*			
20 at 5*s.* 9*d.*	5	15	0	10 at 7*s.* 0*d.*	3	10	0
5 at 6*s.* 3*d.*	1	11	3	10 at 9*s.* 0*d.*	4	10	0
25 at 6*s.* 9*d.*	8	8	9				
Type Y.				*Type D.*			
50 at 6*d.* 9*d.*	16	17	6				
50 at 7*s.* 1*d.*	17	14	2	10 at 8*s.* 6*d.*	4	5	0
50 at 7*s.* 2*d.*	17	18	4				
Type Z.				*Type E.*			
50 at 7*s.* 0*d.*	17	10	0	10 at 9*s.* 0*d.*	4	10	0
100 at 7*s.* 6*d.*	37	10	0	10 at 10*s.* 0*d.*	5	0	0
100 at 7*s.* 9*d.*	38	15	0				
	£162	0	0		£21	15	0

Total of both classes, £183 15*s.* 0*d.*

If, however, by fixing rents in the manner explained above the estimated annual loss falling on the Local Authority in respect of all the houses erected by them under the Act would after crediting the appropriate Exchequer contribution exceed the aggregate sum equivalent to £4 10*s*. 0*d*. a year for 40 years for each house completed by September 30th, 1927, plus £3 15*s*. 0*d*. a year for 40 years for each house completed after that date such addition can be made to the rents as will reduce the estimated annual loss to the said aggregate sum.

The Local Authority will carry out their building programme by instalments, but will require to fix rents as soon as houses in the first instalment are becoming completed and in estimating the annual loss for this purpose they should base their calculation on the best estimate of capital cost possible at the time. As building proceeds, new calculations should be made from time to time as actual costs become known or further houses are put in hand. In the calculation the Local Authority should make such deductions from the gross exclusive rents for repairs, management, empties, etc., as appear to them reasonable having regard to their experience in administering houses already erected by them.

A simple way of ascertaining the aggregate rent which would involve the Local Authority in a loss equivalent to £4 10*s*. 0*d*. or £3 15*s*. 0*d*. a year for 40 years is as follows:—

(*a*) estimate the total cost of all the houses of the various types;

(*b*) determine what capital sum would be liquidated over 40 years by an annual payment (representing the Exchequer and rate contributions) of £13 10*s*. 0*d*. or £11 5*s*. 0*d*. whichever may be applicable per house (£17 0*s*. 0*d*. or £14 15*s*. 0*d*. in agricultural parishes);

(*c*) calculate the annual loan charges on the difference between (*a*) and (*b*) based on a period representing the estimated rent-producing life of the houses (which would normally be not less than 60 years);

(*d*) add to the amount obtained at (*c*) an appropriate allowance for repairs, management, etc.;

(*e*) the amount at (*d*) is the maximum rent which may be charged unless it is exceeded by the aggregate appropriate normal rent.

The following example, in continuation of the building proposal and appropriate normal rent calculation on page 7, will make the method clear. It is assumed that 200 houses were completed by September 30th, 1927:—

		£
(*a*) Estimated all-in cost of 500 houses (including land, roads and sewers)		240,000
(*b*) Capital value of:—		
£13 10*s*. 0*d*. for 40 years = £232 11*s*. 0*d*. × 200 =	46,510	
£11 5*s*. 0*d*. for 40 years = £193 15*s*. 10*d*. × 300 =	58,137	
		104,647
Difference .		£135,353
(*c*) Annual Loan Charges on £135,353 (60 years basis) . . .		£7,136 6*s*.
(*d*) Allowance for repairs, management, etc., at 30 per cent. of rents .		£3,058 8*s*.
		£10,194 14*s*.

(*e*) £10,194 14*s*. 0*d*. per annum represents £196 1*s*. 0*d*. per week. As this is in excess of the aggregate appropriate normal rent of £183 15*s*. 0*d*., it is the maximum rent which may be charged.

(Calculation on basis of a 5 per cent. half yearly annuity.)

It will be understood that the condition in the Act applies to rents in the aggregate. Subject thereto, it is open to the Local Authority to vary the individual rents or to make separate calculations in respect of houses on different sites, or at different periods. Generally speaking the houses built up to the present have been dealt with as one group and it may be said that they have met the needs of the better paid

members of the working class community. To meet the needs of the less well paid members, Local Authorities should consider whether, where they are charging a rent based on the cost of the houses, it would not now be desirable to charge tenants of the houses built in future from some convenient date (*e.g.*, the commencement of a new housing estate), only the rent appropriate to the cost of those houses.

Rural District Councils.—In areas administered by Rural District Councils the appropriate normal rents will be fixed either for the whole area or for groups of parishes or for parishes or parts of parishes in the area as the Local Authority may determine, and in fixing the actual rents the Local Authority should give special consideration to the needs of agricultural workers, whether living in agricultural parishes or not.

The Council will receive £11 a year for 40 years in respect of all houses in agricultural parishes and £7 10*s.* 0*d.* a year for 40 years for all houses in other parishes. Reference should be made to para. 10 of Circular 1138 with regard to the relations between Rural District Councils and County Councils and the assistance which may be given by the latter. The total expenses of the Rural District Council will be dealt with as general expenses of the whole Rural District.

9.—*Undertaking to comply with special conditions.*

It is necessary under the Act for the Local Authority to give an undertaking to comply with the special conditions in respect of houses included in their approved proposals and the form of this undertaking is set out in Appendix III.

It will be appreciated that compliance with the special conditions is essential if the Exchequer contribution is to be paid.

10.—*Sale of houses erected by Local Authority.*

The Exchequer contribution under this Act is intended to enable houses to be built for letting and will be available only for houses intended to be let.

If a house is sold subject to all the prescribed special conditions the appropriate Exchequer contribution will continue to be paid.

If, however, a house is sold and will not thereafter be subject to special conditions, the Exchequer contribution will cease if the house was completed after September 30th, 1929, or, if the house was completed by that date, will be suitably reduced. In the case of every proposed sale, the prior consent of the Minister will be required. In accordance with the provisions of Section 59 (3) of the Housing Act, 1925 (*a*), the sale must be on the basis of the best price that can reasonably be obtained having regard to any conditions imposed.

11.—*Houses not subject to special conditions.*

If a Local Authority elect to build houses not subject to special conditions, the conditions set out in paragraphs 7 to 10 will not apply, but the Minister considers that a fair wages clause in the usual form should be included in contracts for their erection.

The ordinary provisions of Section 59 of the Housing Act, 1925 (*a*), will apply to the sale of such houses.

III.—HOUSES PROVIDED BY PRIVATE ENTERPRISE WITH ASSISTANCE FROM THE LOCAL AUTHORITY.

12.—*General.*

The object of granting assistance is to ensure the provision of working class houses with the minimum assistance necessary, and the Local Authority should satisfy themselves that the amount of the assistance proposed by them is the minimum required to secure the erection of the houses.

(*a*) 13 Halsbury's Statutes 1036, repealed by the Housing Act, 1936, and replaced by ss. 79 and 127, thereof, *ante*, pp. 1687 and 1729.

In addition to granting assistance to private individuals the Local Authority have power to assist public utility societies and similar bodies.

The procedure to be followed in assisting private enterprise is set out in paragraph 28.

13.—*Special conditions.*

The Local Authority must undertake that the special conditions will be complied with, and it will be for them to frame the grant of assistance so as to secure this result. The special conditions are :—

(i) That the houses shall be let for occupation to tenants who intend to reside in them.

(ii) That it shall be a term of every such letting that the tenant shall not assign, sub-let or part with the possession of the house or any part of it except with the written consent of the Local Authority, and that such consent shall not be given unless it is shown that no payment other than rent has been or is to be received by the tenant in consideration of the assignment, sub-letting or other transaction.

(iii) That no house shall be sold or otherwise disposed of (save by such lettings as aforesaid) without the consent of the Minister of Health, and such consent will be subject to such reasonable stipulations as the Minister may think proper.

(iv) That a fair wages clause, which complies with the requirements of any resolution of the House of Commons applicable to contracts of Government Departments and for the time being in force, shall be inserted in all contracts for the construction of the houses (*see* Appendix IV).

(v) That the rent charged in respect of any house shall not exceed the appropriate normal rent, together with a sum equivalent to the average excess, if any, above the appropriate normal rent which can be charged by the Local Authority in accordance with Section 3 of the Act (*a*) in the case of houses provided by the Local Authority themselves, and that no fine, premium, or other like sum shall be taken in addition to the rent.

It should be noted that the rent to be charged in respect of each house erected by private enterprise is to be determined having regard to (*a*) the appropriate normal rent of the class of house and (*b*) the average excess above the appropriate normal rents which can be charged by the Local Authority, in view of the total cost of all their own houses under the Act. If the Local Authority have not themselves built houses under the Act, they should prepare an estimate of the cost of erection and maintenance by themselves of a house of the class in question (parlour or non-parlour) and calculate therefrom the rent which would be required to limit their contribution to the equivalent of £3 15*s.* 0*d.* a year for 40 years, after allowing for the Exchequer subsidy. The rent to be charged should not exceed this figure or the appropriate normal rent of the same class of house whichever is the greater.

14.—*Amount of Assistance.*

The assistance in respect of houses subject to special conditions will take the form of an annual payment of an amount to be specified for a period not exceeding 40 years to the person for the time being in receipt of the rent payable by a tenant to whom the house is let. The Local Authority will not be able to give assistance by way of lump sums. The amount of assistance to be given by the Local Authority (which may exceed the amount of the Exchequer contribution to the Local Authority) is a matter for the determination of that authority subject to the approval of the Minister. The contribution which can be made by the Minister to the Local Authority towards the expenses incurred by them in affording such assistance will be a maximum of £7 10*s.* a year (or in an agricultural parish £11 a year) for a period of 40 years, and will not in any case exceed the amount of assistance actually given by the Local Authority.

(*a*) *Ante*, p. 1830.

15.—*Sale of Houses erected by Private Enterprise.*

Conditions as to continuance or cessation of Exchequer contribution similar to those described in paragraph 10 in respect of Local Authorities' houses, will apply to the sale of houses provided by private enterprise.

IV.—DESCRIPTION OF HOUSES WHICH WILL QUALIFY FOR ASSISTANCE.

16.—*Type.*

The houses may be :—

(*a*) Two-storied cottages * ; or

(*b*) One-storied cottages or bungalows ; or

(*c*) Houses built in flats, each flat being treated as one house.

17.—*Area and measurement.*

The superficial area of the houses must generally fall within the following limits :—

For a two-storied cottage . .	Minimum 620	superficial feet.
	Maximum 950	,, ,,
For a one-storied cottage or bungalow,		
or for a flat	Minimum 550	,, ,,
	Maximum 880	,, ,,

The Minister, is, however, empowered to permit smaller houses to rank for Exchequer assistance where a Local Authority satisfy him that, having regard to special circumstances existing in their area, there is a need for houses of smaller dimensions. The minimum sizes of houses or flats which are to rank for full Exchequer contribution are 570 superficial feet for two-storied houses and 500 superficial feet for flats or one-storied houses. (A reduced Exchequer contribution is available for houses which fall below those sizes and are provided for aged persons, under Section 46 of the Housing Act, 1930 (*a*), to which reference is made in paragraph 11 of Circular 1138.)

The measurement of superficial area is to be carried out in strict accordance with the rules set out in the following paragraph, namely :—

(*a*) The area will be measured within the external or containing walls of the house (so as to include the area of chimney breasts, bay windows and similar space), and, in the case of two-storey cottages, will be the combined areas, as so measured, of the two storeys.

(*b*) In the case of houses built in flats the space occupied by a staircase will not be included in measuring the area of a flat.

(*c*) Habitable accommodation provided in an attic or storey formed in the roof will be included without regard to the use to which it may be intended to be put. In determining whether accommodation is habitable regard should be had not only to its condition as shown in the plans, but also to the possibility of its conversion into habitable accommodation. The area of so much of the attic as is less than 5 feet in height will be excluded in measuring the habitable accommodation.

(*d*) Cellars will not be included.

(*e*) Outbuildings will be excluded if they are not an essential part of the house, but will be included if they provide accommodation which is necessary to the occupation of the house or is usually included within the containing walls of the house. Outbuildings are buildings not communicating with the house which are outside the containing walls of the house, whether attached thereto or not. Examples of an outbuilding to be included are a W.C., coal-house or scullery. A tool shed, wood shed or bicycle shed would not be included. The area of an outbuilding to be included will be measured within the containing walls of that area.

* An attic would be permitted in addition, subject to limits of area.

(*a*) *Ante*, p. 1857.

(*f*) With regard to covered areas, such as the area of a verandah or porch, the general principle is that where such small areas are covered by light structures which though attached to are outside the containing walls of the house, and consequently do not add to the bulk of the main building, the measurement of these areas should not be included. But the area of porches or other open air spaces included within the lines of the main containing walls of the house which do increase the bulk of the buildings should be included in the measurement of the house.

18.—*Planning and construction.*

The Minister attaches importance to the maintenance of a good standard in the planning and lay out of the schemes to be carried out under the Act, and he has no doubt that he can rely on the co-operation of Local Authorities in doing all within their power to ensure that these features will be creditable to the country and to the Local Authority.

Local Authorities, on submitting proposals, are required to satisfy the Minister—

(*a*) that they have taken into account the requirements of any town planning scheme likely to be made in respect of, or in the neighbourhood of, the area in which the houses are to be provided; and

(*b*) that the rate of density of the houses will not, except with the consent of the Minister, exceed eight per acre in an agricultural parish and twelve per acre elsewhere.

Development work should not be begun by Local Authorities and certificates should not be issued to intending builders until the Minister's approval has been obtained.

The houses must be constructed in a proper and workmanlike manner and must, unless the special approval of the Minister is obtained, be of a type of construction for which a period of not less than 60 years would be allowed by the Ministry for the repayment of a loan. In this connection it should be understood that it is desired to give every encouragement to any new methods of construction which promise economy or speed of erection, and the Minister will consider sympathetically any proposals from Local Authorities which seem likely to attain these objects.

In every case the materials used must be of good quality such as is ordinarily specified by a Local Authority in a contract for working class houses.

Under section 99 of the Housing Act, 1925 (*a*), where housing operations have been carried out in accordance with plans and specifications approved by the Minister, the local byelaws do not apply to such operations in so far as they are inconsistent with the plans, etc. In other respects the local byelaws must be complied with.

Section 100 of the Act of 1925 (*a*) provides for the revocation of existing byelaws and the making of new byelaws where, in consequence of the existing byelaws, the erection of buildings is, or is likely to be, unreasonably impeded.

The following sizes of rooms have been regarded as affording a desirable standard and can be obtained within the limits permitted :—

Living room	about 180 sq. feet.
First bedroom	„ 150 „ „
Second bedroom	„ 100 „ „

Third bedroom not less than 65 sq. feet.

Where a parlour is also provided some reduction in the size of the living room may reasonably be made.

Except where otherwise approved by the Minister on the recommendation of the Local Authority, every house or flat to be eligible for assistance must be provided with a fixed bath in a bathroom.

19.—*Houses which are not eligible.*

Contributions will not be payable in respect of the conversion of an Army hut or similar building, or in respect of any house :—

(*a*) 13 Halsbury's Statutes 1057, 1058, repealed by the Housing Act, 1936, and replaced by ss. 138 and 140, thereof, *ante*, pp. 1736 and 1739 respectively.

(*a*) which is constructed by the conversion, adaptation, or extension of an existing building, or includes any part of an existing building, other than the party wall of a habitable dwelling house ;

(*b*) which contains or is constructed for occupation with an office, shop, business premises, garage, stable or similar building ; or

(*c*) which is built to replace loss by fire.

With regard to (*a*) attention is drawn to the powers of Local Authorities under the Housing (Rural Workers) Act, 1926 (*a*), as explained in Circulars 756 (*b*) and 839 (*c*).

V.—LAND.

20.—*Transfer of land already acquired under* 1919 *scheme.*

Any land acquired under the assisted scheme authorised by the Housing, Town Planning, etc., Act, 1919 (*d*), should, wherever possible, be utilised for the erection of houses under the present scheme, either by the Local Authority or by private builders. The account of the former scheme will, in effect, be credited in respect of the transference with a capital sum equal to the present market value of the land in question, including the value of any development works which have been carried out on the site. Arrangements have been made with the Valuation Office under which the District Valuer will be prepared, on application and receipt of a plan showing the land which it is proposed to take over, to certify the amount to be credited to the 1919 Act scheme on this basis. The transfer should ordinarily take place on the date on which work is started on the land, or at the expiration of two months from the date when the Local Authority are notified by the Minister of his agreement with the proposals of the authority, whichever is the earlier. Where the transfer extends to a large area of land beyond what can be utilised for an immediate building programme, the Minister will be prepared to consider proposals for transferring the land in instalments over a period.

VI.—ASSISTANCE TO PRIVATE ENTERPRISE BY WAY OF LOANS, GUARANTEES, ETC.

21.—*Loans to builders.*

Under Section 92 of the Housing Act, 1925 (*e*), a Local Authority, including a County Council, have power to advance loans to builders and others for the construction of houses or flats of an estimated value not exceeding £1,500 (*f*).

Such loans may be advanced to persons desiring to build houses for their own occupation or to build one or more houses for sale or letting, or to Public Utility Societies or other societies or bodies undertaking to build houses.

Before granting assistance a Local Authority or County Council must satisfy themselves that the houses or flats in respect of which assistance is to be given will, when the works have been completed, be in all respects fit for human habitation, and, in particular, that the superficial area of any such house or flat will not be less than the minimum permissible under section 1 of the Act of 1923 (*g*).

The loans will be secured by mortgage. The amount of the advance may not exceed 90 per cent. of the value of the interest of the mortgagor in the property but will otherwise be within the discretion of the Local Authority, subject to the approval of the Minister.

During construction the Local Authority is empowered to make advances up to 50 per cent. of the value of the work done, including the value of the builder's interest

(*a*) *Ante*, p. 1840.
(*b*) *Ante*, p. 2878.
(*c*) Not here reproduced.
(*d*) 13 Halsbury's Statutes 956 ; see note, *ante*, p. 1809.
(*e*) 13 Halsbury's Statutes 1054, repealed by the Housing Act, 1936, and replaced by s. 91 thereof, *ante*, p. 1699.
(*f*) Reduced to £800 by s. 76 (2) of the Housing Act, 1935 ; 28 Halsbury's Statutes 249, now re-enacted in s. 91 (4) of the Housing Act, 1936, *ante*, p. 1702.
(*g*) *Ante*, p. 1813.

in the site. Loans to persons having a leasehold interest are permissible, but in such cases the unexpired period of the lease at the date of the advance of the loan must be at least 10 years in excess of the period fixed for the repayment of the loan.

Advances may only be made after a valuation duly made on behalf of the Local Authority. The services of the District Valuer are not available to the Local Authority for this purpose. The rate of interest to be charged will be within the discretion of the Local Authority subject to the approval of the Minister. In proposing a rate or rates of interest for approval, the Local Authority should make such addition to the rate at which they may expect to be able to borrow over the period of the loan as they estimate will suffice to cover them against loss, having regard to the proportion of value to be advanced and to the period for which it is proposed to lend.

It is suggested that loans should ordinarily be repayable in 20 years, and that the mortgage should be transferable to the purchaser of a house as required.

Repayments may be made by monthly instalments.

It will be desirable that a Local Authority should prepare a scale showing all legal costs and surveyor's fees.

22.—*Loans to owner-occupiers.*

The Small Dwellings Acquisition Acts 1899 to 1923, (*a*) enable loans to be made to persons who desire to purchase a house of market value not exceeding £1,200 (*b*) for their own occupation. The percentage which may be advanced is within the discretion of the Local Authority, subject to a maximum of 90 per cent. of value. Advances may be made during construction up to 50 per cent. of the value of the work done, including the value of the interest of the borrower in the site. The condition that the purchaser shall be required to reside in the house has effect for a period of three years only from the date when the advance is made or from the date on which the house is completed, whichever is the later, and it is within the discretion of the Local Authority to dispense with this condition at any time.

23.—*Guarantees to building societies.*

Under section 92 (1) (*b*) of the Act of 1925 (*c*) Local Authorities have power to guarantee the repayment to a Building Society of any advance with interest thereon made to any of its members desiring to build or acquire a house of an estimated value not exceeding £1,500, whether the house is within or without the Local Authority's own area.

The object of this provision is to enable a Building Society to advance a larger proportion of the cost of a house than its rules would normally allow.

It is recognised that there must be some elasticity in the negotiations between individual Local Authorities and individual Building Societies. Circular 555 deals with the substantive provisions to be included in any scheme. The precise form of guarantee is a matter for the legal adviser of the Local Authority to determine, and does not require the approval of the Minister.

The third section of paragraph 21 on page [2918] with regard to loans applies also to guarantees.

24.—*Conversion of houses into separate tenements.*

In order to facilitate the conversion of houses into separate tenements, section 92 (1) (*c*) of the Act of 1925 (*c*) empowers the Local Authority to refund during a specified period, not exceeding twenty years, the whole or part of the excess rates on each tenement over and above the rates which would have been payable if the tenement had been rated proportionately with the other tenements in the house on the basis of the rateable value of the house before conversion. There is no restriction on the value of the house to which this provision relates.

(*a*) *I.e.* the Small Dwellings Acquisition Acts, 1899, *ante*, p. 1797, and 1919, and Part III of the Housing, etc. Act, 1923 (see s. 25 (6) of the last-named Act, *ante*, p. 1824).

(*b*) Reduced to £800 by s. 92 (1) of the Housing Act, 1935, *ante*, p. 1875.

(*c*) See note (*e*) to paragraph 21, *ante*, p. 2918.

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The proposals of a Local Authority for the exercise of this power will require the approval of the Minister, and section 92 (2) applies.

* * * * * *

26.—*Registers, records, etc.*

The Local Authority are required to keep separate registers of houses subject to special conditions provided by them. Particulars should be entered as regards each contract showing :—

Address or situation of houses ;
Reference to contract and plans ;
Date of commencement of building under each contract ;
Date of completion of each house ;
Reference to certificate of completion given by Surveyor or other authorised officer (see paragraph 28 and Appendix V).
Particulars of " appropriate normal rents " fixed for the districts in which the houses are to be built.
(Where both parlour and non-parlour houses are to be built, the separate appropriate normal rents for each class are to be stated.)
Numbers of houses proposed to be erected, distinguishing numbers of different types under each class.
Rents charged for each type of house erected.
Where the rents actually charged for the houses exceed in the aggregate the appropriate normal rents, a reference to the detailed estimate of annual loss (see paragraph 8 of this Circular).

Particulars of any houses purchased by the Local Authority should be entered in the register and shown separately : the particulars should include the information indicated above and in addition the date of occupation of the house.

* * * * * *

(4) The Local Authority are required to keep separate Registers of houses erected by private enterprise which are subject to special conditions showing :—
Name of applicant.
Address or situation of house.
Reference to plans.
Amount of grant.
Dates of :—
(i) Examination of plans ;
(ii) Issue of qualification certificate ;
(iii) Commencement of building ;
(iv) Inspection of house on completion and any other inspections ;
(v) Actual date of completion.
Reference to certificate of completion given by Surveyor or other authorised officer (see (5) of this paragraph).
Name of person in receipt of rent.
Address of person in receipt of rent.
Appropriate normal rent determined for different classes of houses for which assistance is to be given to this person.
Number of houses of different classes for which assistance is to be given.
Rents charged for these houses. (Where the rent of any house exceeds the appropriate normal rent for that class a reference to the detailed estimate of the annual loss on houses provided by the Local Authority and the working of the average excess should be given. (*See* paragraphs 8 and 13.)
Reference to the undertaking given by the person to whom assistance is to be given that the conditions made by the Local Authority will be complied with.
Dates on which the houses first became occupied.
Date or dates on which assistance is to be given.

Reference to certificate given by the authorised officer of the Local Authority before payment that the conditions have been observed.

(5) The certificate of completion given by the Surveyor or other authorised officer, which should be carefully filed, should be in the form set out in Appendix V.

29.—*Sanction to loans.*

(*a*) *Loans for operations to be carried out by the Local Authority.*

Application should be made by resolution of the Local Authority, which should be accompanied by :—

A site plan drawn to a scale of 1/500.

The District Valuer's valuation of the land.

Estimates of the cost of land, roads and sewers, buildings, etc. or, where tenders have been obtained, the tender prices.

Certificate of the Surveyor, or other authorised officer of the Local Authority, that the houses as proposed will comply with the prescribed conditions as regards size, materials, type of construction and density.

(*b*) *Loans for purposes of advances under Section* 92 *of the Housing Act,* 1925 (*a*), *or the Small Dwellings Acquisition Acts* (*b*).

The following particulars should be supplied :—

Act under which application is made.

Estimated number of houses for which advances are likely to be made in the next six months.

Percentage of value proposed to be advanced.

Rate of interest and terms of repayment.

Any other conditions which it is proposed to attach.

Whether advances will be made during construction.

30.—*Sanction to proposals for guarantee to building society.*

The following particulars should be furnished :—

Name of Society.

Number of houses.

Estimated value of houses (giving separate particulars for houses of various types).

Proportion of value to be advanced by Building Society.

Period for which advance is to be made.

Proportion of advance of which the repayment is to be guaranteed by the Local Authority and extent of liability of the Local Authority in the event of default of borrower.

When will Local Authority's guarantee terminate.

In connection with any such proposals attention is drawn to Circular 555 of January 30th, 1925 (*c*).

31.—*Payment of Government contribution.*

Forms of application for claiming Exchequer contribution will be supplied to the Local Authority. The contribution will be payable after certification of claim by the District Auditor. The first payment will, in the case of houses provided by the Local Authority themselves, be made in respect of the half-year during which houses were completed, and in the case of assistance to private enterprise, in respect of the half year in which payments were actually made by the Local Authority. In the latter case, the amount payable in respect of any year will not exceed the amount paid by the Local Authority in that year.

Pending certification of the claim by the District Auditor, half-yearly payments will be made on account, after completion of the house.

Before paying a contribution in respect of any houses the Minister may, if he thinks fit, cause an inspection to be made of the houses by one of his officers.

(*a*) 13 Halsbury's Statutes 1054, repealed by the Housing Act, 1936, and replaced by s. 91 thereof, *ante*, p. 1699.

(*b*) See (*a*) on p. 2919, *ante*.

(*c*) *Ante*, p. 2858.

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An additional copy of this circular is forwarded for the use of the Authority's financial officer.

The Clerk to the Authority.

APPENDICES.

I.—*Conditions of Grant approved by the Treasury.*

The formal conditions as to records, certificates, audit or other wise, under section 1 of the Act of 1923 (*a*), which are also applicable to operations under the Act of 1924 (*b*), approved by the Treasury, are as follows:—

(*a*) The houses must comply with the requirements of the Ministry as regards materials and type of construction as set out in paragraph 18 of this Circular;

(*b*) The houses must be constructed in a proper and workmanlike manner;

(*c*) The houses must be of entirely new construction, and may not contain or be constructed for occupation with an office, shop, business premises, garage, stable or similar building, and may not be in replacement of loss by fire;

(*d*) Registers in the form set out in paragraphs 26 and 28 of this Circular must be kept by the Local Authority;

(*e*) Certificates by an authorised officer of the authority in the form set out in Appendix V to this Circular must be obtained by the Local Authority in respect of all houses for which a subsidy is claimed;

(*f*) The registers, all certificates and statements of estimated annual loss, and, where necessary, the plans, contracts and other documents, and in the case of assistance to private enterprise all relevant records and vouchers, must be submitted to the District Auditor for examination;

(*g*) The houses must be open to inspection when required by an officer of the Minister.

(*h*) Any dispute arising in connection with the rules of measurement shall be determined by the Minister.

II.—*Rules for determining the Appropriate Normal Rent made by the Minister of Health under Section 3 (3) of the Housing (Financial Provisions) Act, 1924.*

(1) These Rules may be cited as Housing (Determination of Appropriate Normal Rents) Rules, 1924.

(2) The Local Authority shall obtain particulars of the current rents of working class houses of all types erected in their district before the third day of August, 1914, in such numbers and proportions as are, in their opinion, fairly representative of all those houses in the district:
Provided that—

(i) for this purpose parlour and non-parlour houses shall be treated as separate classes, and

(ii) if there are substantial differences in the rents payable in respect of houses in different parts of the area having similar accommodation, each of such parts shall for this purpose be treated as a separate area and appropriate normal rents shall be ascertained in respect of the houses in each of such parts accordingly.

(2) The appropriate normal rent for each of the two classes of houses in the area or any part of the area as the case may be shall be the average rent payable in respect of the houses of that class of which particulars have been obtained.

III.—*Rules made by the Minister of Health and approved by the Treasury under Section 3 (1) and (2) of the Housing (Financial Provisions) Act, 1924 (c).*

1. These Rules may be cited as the Housing (Form of Undertaking) Rules, 1924.

(*a*) *Ante*, p. 1813.
(*b*) *Ante*, p. 1826.
(*c*) *Ante*, p. 1830.

2.—(1) An undertaking for the purposes of subsection (1) of Section 3 shall be authorised by resolution of the Local Authority.

(2) The undertaking shall be in the following form :—

The Council, by resolution dated the day of 19 , undertake that the conditions set out in subsection (1) of Section 3 of the Housing (Financial Provisions) Act, 1924, will be complied with in relation to the houses to be erected by them at*

3.—(1) An undertaking by the Local Authority for the purposes of subsection (2) of Section 3 shall be authorised by resolution of the Local Authority.

(2) The undertaking shall be in the following form :—

The Council by resolution dated the day of 19 , undertake that the conditions set out in subsection (2) of Section 3 of the Housing (Financial Provisions) Act, 1924, will be complied with in relation to the houses the construction of which is being promoted by them with assistance under the above Act.

4.—(1) An undertaking by a Society, Body of Trustees or Company for the purposes of subsection (2) of Section 3 shall be in writing and under seal.

(2) The undertaking shall be in the following form :—

The Society [Trustees or Company] hereby undertake that the conditions set out in subsection (2) of Section 3 of the Housing (Financial Provisions) Act, 1924, will be complied with in relation to the houses to be erected by them at*

IV.—*Fair Wages Clause specified in the Resolution passed by the House of Commons on March 10th, 1909, and applicable to contracts of Government Departments.*

The Contractors shall, under the penalty of a fine or otherwise, pay rates of wages and observe hours of labour not less favourable than those commonly recognised by employers and trade societies (or, in the absence of such recognised wages and hours, those which in practice prevail amongst good employers) in the trade in the district where the work is carried out. Where there are no such wages and hours recognised or prevailing in the district those recognised or prevailing in the nearest district in which the general industrial circumstances are similar shall be adopted. Further, the conditions of employment generally accepted in the district in the trade concerned shall be taken into account in considering how far the terms of the Fair Wages Clauses are being observed. The Contractor shall be prohibited from transferring or assigning, directly or indirectly, to any person or persons whatever, any portion of his contract without the written permission of the Department. Subletting, other than that which may be customary in the trade concerned, shall be prohibited. The Contractor shall be responsible for the observance of the Fair Wages Clauses by the sub-Contractor.

V.—*Form of certificate of completion of houses.*

HOUSING (FINANCIAL PROVISIONS) ACT, 1924.

CERTIFICATE OF COMPLETION OF HOUSES.

This is to certify that each of the houses described in the schedule below was completed fit for occupation before the date set opposite to the description of the house in that schedule ;

and that the houses have been measured by me, or under my instructions, in accordance with the rules prescribed by the Minister of Health ;

and that the superficial area of each of the houses as so measured is that set opposite to the description of the house in the schedule ;

and that the houses have been constructed in a proper and workmanlike manner, and in compliance with the requirements as to size, materials, type of construction, etc., prescribed by the Acts and by the Minister of Health ;

and that the houses are of entirely new construction, and do not contain or

* [The houses must be described so as to be readily identified.]

are not constructed for occupation with an office, shop, business premises, garage, stable or similar building, and are not built to replace loss by fire;

and that the houses are of a type for which a loan period of not less than sixty years is allowed by the Minister of Health, or which has been specially approved by the Minister of Health.

SCHEDULE.

Name and address of Person entitled to Grant.	Locality and Description of each house.	Date of Completion.	Superficial Area.	Reference Number for Register.

Given under my hand this day of , 19 .

Signed.....

Surveyor or other Authorised

Officer of the Council.....

S. R. & O., 1931, No. 1178.

THE LOCAL AUTHORITIES (ASSISTED HOUSING SCHEMES) AMENDMENT REGULATIONS, 1931, DATED OCTOBER 7TH, 1931, MADE BY THE MINISTER OF HEALTH.

Whereas by subsection (1) of section 7 of the Housing, Town Planning, &c. Act, 1919, (*a*) it is enacted that if it appears to the Local Government Board that the carrying out by a local authority, or by a county council to whom the powers of a local authority have been transferred under that Act, of any scheme approved under section 1 of that Act or the carrying out of a rehousing scheme in connection with a scheme made under Part I or Part II of the Housing of the Working Classes Act, 1890, including the acquisition, clearance and development of land included in the last-mentioned scheme, and whether the rehousing will be effected on the area included in that scheme or elsewhere, has resulted or is likely to result in a loss, the Board shall, if the scheme is carried out within such period after the passing of that Act as may be specified by the Board with the consent of the Treasury, pay or undertake to pay to the local authority or county council, out of moneys provided by Parliament, such part of the loss as may be determined to be so payable under regulations made by the Board with the approval of the Treasury, subject to such conditions as may be prescribed by those regulations:

And whereas by subsection (2) of the said section 7 it is enacted that such regulations shall provide that the amount of any annual payment to be made under the section shall, in the case of a scheme carried out by a local authority, be determined on the basis of the estimated annual loss resulting from the carrying out of any scheme or schemes to which the section applies, subject to the deduction therefrom of a sum not exceeding the estimated annual produce of a rate of one penny in the pound levied in the area chargeable with the expenses of such scheme or schemes:

(*a*) 13 Halsbury's Statutes 956, since repealed, but see the note to s. 6 of the Housing &c. Act, 1923, *ante*, pp. 1819 *et seq.*

And whereas by section 6 of the Housing &c. Act, 1923, section 7 of the Housing, Town Planning &c. Act, 1919 and any enactment amending that section was repealed; but it was enacted that save as in that section provided this repeal should not affect the validity of any regulations made under the said section or the power to amend such regulations:

And whereas by subsection (2) of section 45 of the Housing Act, 1930 (*a*), it is enacted that notwithstanding anything contained in the aforementioned enactments or in the regulations made thereunder, it shall not be necessary that the amount of any annual payment to which section 45 of the Housing Act, 1930 (*a*) relates shall be determined on the basis of the estimated annual loss resulting from the carrying out of the scheme in respect of which the payment is to be made, and, accordingly, amending regulations made under the said enactments by the Minister, with the consent of the Treasury, may provide that, for the purposes of the financial year commencing on the first day of April, 1930, and of every subsequent financial year, the amount of any such annual payment may be determined either—

(*a*) on the basis of the actual loss resulting during the year from the carrying out of the scheme; or

(*b*) if it is so agreed between the Minister and the local authority, on the basis of the estimated annual loss resulting from the carrying out of the scheme; or

(*c*) if it is so agreed as aforesaid, on the basis of actual income or expenditure as respects some items required to be brought into account, and on the basis of estimated income or expenditure as respects other such items.

Now therefore the Minister of Health, in pursuance of his powers under the recited enactments and under any other Statutes in that behalf, hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Local Authorities (Assisted Housing Schemes) Amendment Regulations, 1931.

(2) The Local Authorities (Assisted Housing Schemes) Regulations, 1919, as amended by—

the Local Authorities (Assisted Housing Schemes) Amendment Regulations 1921,

the Local Authorities (Assisted Housing Schemes) Amendment Regulations (No. 2) 1921,

the Local Authorities (Assisted Housing Schemes) Amendment Regulations 1925,

the Local Authorities (Assisted Housing Schemes) Amendment Regulations 1927,

the Local Authorities (Assisted Housing Schemes) Amendment Regulations, 1928, and

the Local Authorities (Assisted Housing Schemes) Amendment Regulations 1929,

shall apply to the determination of the amount of Exchequer Subsidy payable in respect of any financial year ended not later than March 31st, 1930, but in respect of the financial year ended on March 31st, 1931, and every subsequent financial year these Regulations shall apply.

2.—(1) In these Regulations unless the contrary intention appears:—

(*a*) the expression "the Minister" means the Minister of Health;

(*b*) the expression "local authority" means any local authority referred to in Section 7 of the Housing, Town Planning, &c. Act, 1919 (*b*), and includes a County Council to whom the powers of a local authority have been transferred under that Act;

(*c*) the expression "the Act of 1890" means the Housing of the Working Classes Act, 1890;

(*d*) the expression "the Act of 1919" means the Housing, Town Planning, &c. Act, 1919 (*c*);

(*a*) Now s. 111 and Sched. VII of the Housing Act, 1936, *ante*, pp. 1720 and 1786.
(*b*) *Ante*, p. 1820.
(*c*) 13 Halsbury's Statutes 956, and see the note, *ante*, p. 1809.

(*e*) the expression "the produce of a rate of one penny in the pound" means the amount certified as such in accordance with the Rules set out in Schedule A to these Regulations.

(2) The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3. For the purposes of these Regulations—(1) Schemes towards the losses on which the Minister is liable to contribute under section 7 of the Act of 1919, in so far as they are carried out at the expense of any one local authority, shall be regarded together as one scheme, and, if a payment may be made as herein provided in respect thereof, are hereinafter together referred to as an "assisted scheme."

(2) No such payment shall continue to be made in the case of any scheme or part of a scheme under Part I or Part II of the Act of 1890 unless such scheme or part of a scheme is carried out within such period as the Minister may allow, regard being had to the supplies of labour or material available from time to time and all other local or general circumstances affecting the carrying into effect of the scheme.

(3) No such payment shall be made in respect of the cost of acquiring or clearing a site under Part I or Part II of the Act of 1890 where the site was acquired or cleared (as the case may be) before the 6th day of February, 1919.

4.—(1) The local authority shall for the purposes of an assisted scheme, keep separate accounts, to be called "The Housing (Assisted Scheme) Accounts", including a separate revenue account, to be called "The Housing (Assisted Scheme) Revenue Account", and distinguishing between items relating to schemes under Parts I and II and under Part III of the Act of 1890 respectively.

(2) They shall cause to be credited to the Housing (Assisted Scheme) Revenue Account in each financial year:—

(*a*) the produce of a rate of one penny in the pound levied in the area chargeable with the expenses of the assisted scheme, or such less amount as may be necessary to meet the deficit for the financial year;

(*b*) the total income from rents exclusive of rates and water charges in respect of the houses provided or acquired by them under the assisted scheme; and

(*c*) any other income which in the opinion of the Minister may properly be credited to the said account.

(3) They shall cause to be debited to the Housing (Assisted Scheme) Revenue Account in each financial year:—

(*a*) the sums required for interest and repayment of principal in respect of all moneys borrowed by them for the purposes of the assisted scheme (including moneys borrowed for the purchase of land which is approved by the Minister as part of the assisted scheme) which in the opinion of the Minister may properly be debited to the said account;

(*b*) the taxes, rents or other charges (but excluding the rates and water charges) payable by them in respect of any land or houses acquired, leased or provided by them under the assisted scheme, including any sums payable by way of rent, with the approval of the Minister, to any other account of the Local Authority, in respect of land acquired by them for some other purpose and appropriated for purposes of the assisted scheme;

(*c*) the expenditure incurred in respect of supervision and management of the houses acquired or provided by them under the assisted scheme;

(*d*) an annual contribution to a repairs fund; and

(*e*) any other expenses which in the opinion of the Minister may properly be debited to the said account.

(4)—(*a*) In the case of the council of a borough whose accounts under the Housing Acts are not otherwise subject to audit by the District Auditor, the Housing (Assisted Scheme) Accounts shall be made up and shall be audited by the District Auditor in like manner, and subject to the same provisions, as the accounts of an urban district council, and for this purpose, enactments relating to the audit by District Auditors of those accounts and to all matters incidental thereto and consequential thereon,

shall apply, so far as necessary, in lieu of the provisions of the Municipal Corporations Act, 1882 (*a*), relating to accounts and audit.

(*b*) As soon as practicable after the conclusion of each financial year the local authority shall forward to the Minister a copy of the Housing (Assisted Scheme) Revenue Account certified by the District Auditor.

(5)—(*a*) Where an estimate has been agreed under paragraph (*b*) of sub-division (1) of Article 6 of these Regulations the foregoing provisions of this Article shall not apply.

(*b*) Where an estimate has been agreed under paragraph (*c*) of sub-division (1) of Article 6 of these Regulations the provisions of sub-division (1) of this Article shall apply except that where any item of charge or credit has been agreed it shall not be necessary to include in the Housing (Assisted Scheme) Accounts accounts recording the actual income or expenditure in regard to which an agreed figure has been determined and such agreed figure shall be substituted for the figures which would otherwise have been included in accordance with sub-divisions (2) and (3) of this Article.

5. Unless an estimate of loan charges has been agreed under the provisions of paragraphs (*b*) or (*c*) of sub-division (1) of Article 6 the local authority shall not, except with the approval of the Minister, borrow moneys for the purposes of an assisted scheme at a higher rate of interest than that fixed for the time being in the case of loans by the Public Works Loan Commissioners to local authorities for the purposes of the Housing Acts, 1925–1930.

6.—(1) Subject to the provisions of these Regulations and provided that these Regulations are complied with, the annual payment to be made by the Minister to the local authority out of moneys provided by Parliament (in these regulations referred to as " the Exchequer subsidy ") shall be determined in one of the following ways :—

(*a*) the Exchequer subsidy shall be an amount equivalent to the deficit in the Housing (Assisted Scheme) Revenue Account made up at the conclusion of each financial year in accordance with the provisions of Article 4 of these regulations ; or

(*b*) if it is so agreed between the Minister and the local authority, the Exchequer subsidy shall be calculated on the basis of an agreed estimate of the annual loss resulting from the carrying out of the scheme ; or

(*c*) if it is so agreed as aforesaid, the Exchequer subsidy shall be calculated on the basis of actual income or expenditure as respects some items required to be brought into account and on the basis of an agreed estimate of income or expenditure as respects other such items.

(2) The estimates referred to in paragraphs (*b*) and (*c*) of sub-division (1) of this Article shall be in a form approved by the Minister.

(3)—(*a*) An estimate under paragraph (*b*) of sub-division (1) of this Article shall be an estimate of the income and expenditure of the local authority under the assisted scheme in each financial year during the remainder of the period or periods allowed for the repayment of the loans raised by them for the purposes of the scheme.

(*b*) The Exchequer subsidy payable in respect of any financial year, when based upon such an estimate, shall be equivalent to the deficit relating to that financial year as shown by the estimate, subject to the deduction therefrom of the produce in that year of a rate of one penny in the pound.

(4)—(*a*) An estimate under paragraph (*c*) of sub-division (1) of this Article shall be an estimate of the income and expenditure of the local authority under the assisted scheme in each financial year during the remainder of the period or periods allowed for the repayment of the loans raised by them for the purposes of the scheme in respect of such items required to be brought into account as shall be agreed in each case between the local authority and the Minister.

(*b*) Where such an estimate is agreed between the local authority and the Minister the Exchequer subsidy payable in respect of any financial year shall be an amount equivalent to the deficit in the Housing (Assisted Scheme) Revenue Account made up at the conclusion of that financial year in accordance with the provisions of

(*a*) 10 Halsbury's Statutes 576.

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Article 4 of these Regulations, varied as may be necessary by the substitution of the agreed estimates of income and expenditure relating to the same financial year in respect of those of the items required to be brought into account as are included in such estimate.

7.—(1) In the determination of the amount of the Exchequer subsidy such deductions may be made from the amount of the deficit upon which the Exchequer subsidy is calculated as will in the opinion of the Minister represent—

(*a*) an item of expenditure or estimated expenditure which is excessive or not properly chargeable to the debit of the assisted scheme; or

(*b*) the omission from the account or estimate of any item of income which should be included therein; or

(*c*) any deficiency of income or estimated income which is due to the insufficiency of the rents charged or proposed to be charged by the local authority; or

(*d*) any deficiency of income or estimated income which is due to the failure of the local authority to secure due economy in the carrying out or administration of the scheme.

(2) For the purposes of paragraph (*a*) of sub-division (1) of this Article the following items of expenditure or estimated expenditure in respect of any one financial year, shall not be regarded as excessive :—

(*a*) A charge, in respect of unoccupied houses and irrecoverable rents, not exceeding five per centum of the gross estimated rent;

(*b*) A contribution to a repairs fund not exceeding fifteen per centum of the gross estimated rent;

(*c*) A charge, in respect of the cost of supervision and management, not exceeding five per centum of the gross estimated rent; and

(*d*) Any item of expenditure referred to in this sub-division of this article which exceeds the percentages thereby prescribed, but which the Minister, having regard to the special circumstances of the case, considers to be reasonable.

(3).—(*a*) In the event of any difference of opinion arising between the Minister and the local authority with regard to any of the matters referred to in paragraphs (*c*) or (*d*) of sub-division (1) of this Article the question at issue shall be referred for decision to a tribunal appointed as hereinafter provided, and the decision of such tribunal shall be final and conclusive, and the amount of the Exchequer subsidy shall (if necessary) be altered accordingly.

(*b*) Such tribunal shall consist of two members nominated by the Minister, one member nominated by the Association of Municipal Corporations and two members (of whom one only shall be entitled to act in any particular case) nominated by the Urban District Councils Association and the Rural District Councils Association jointly and of a chairman to be appointed by the members so nominated:

Provided that if at a meeting of the tribunal four members nominated as aforesaid shall not be present, the tribunal shall be entitled to act through a committee consisting of the chairman and two members, one of whom shall be a member nominated by the Minister and the other shall be a member nominated either by the Association of Municipal Corporations or by the Urban District Councils Association and the Rural District Councils Association jointly, and any decision of such committee shall be deemed to be a decision by the tribunal.

[(*a*) (4) For the purposes of paragraph (*c*) of sub-division (1) of this Article any rents charged or proposed to be charged by the local authority shall not be regarded as insufficient if they are the best rents which can reasonably be obtained from the classes of tenant in the district for whom the houses were provided, regard being had to any superiority of such houses in accommodation construction or amenities as compared with houses previously built in the district.]

(5) For the purposes of sub-division (2) of this Article the gross estimated rent shall be deemed to be the total amount of the rents, exclusive of rates and water charges, which would be receivable during the financial year in respect of houses included in the assisted scheme if all the houses were occupied.

(*a*) Sub-paragraph substituted by Amending Regulations of 1934 (S. R. & O., 1934, No. 723).

8.—(1) The amount of the Exchequer subsidy, when determined under these Regulations, shall not be varied by the Minister during the period for which the Exchequer subsidy was fixed except as hereinafter provided or except with the concurrence of the Lords Commissioners of His Majesty's Treasury and of the local authority.

(2) When any land or buildings included in an assisted scheme are leased or sold by the local authority, the Minister may notwithstanding that an estimate has been agreed under paragraphs (*b*) or (*c*) of sub-division (1) of Article 6 of these Regulations make such adjustment of the amount of the Exchequer subsidy as may be necessary in consequence of the lease or sale and of the appropriation of the rents or proceeds of the sale :

Provided that the adjustment shall in no case be such as to increase the contribution to be made by the local authority from the rates towards the annual cost of the assisted scheme, and that if, as the result of the appropriation of the rents or proceeds of the sale, the annual deficit to be incurred by the local authority under the assisted scheme is reduced, a proportion of the amount by which the deficit is reduced shall, subject to such conditions as the Minister may determine, be applied under any such adjustment in reduction of the said contribution, as well as of the Exchequer subsidy.

9.—(1) The Exchequer subsidy shall be payable in such instalments (including payments on account) as the Minister may think fit, and in determining the amount of the payments in any year the Minister shall have regard to an estimate of the produce of a rate of one penny in the pound for that year based upon the actual produce in previous years and taking into account any probable increase or decrease in the rateable value of the district of the local authority during that year.

(2) The Minister may withhold payment of the final instalment of Exchequer subsidy in any year until the provisions of paragraph (*b*) of sub-division (4) of Article 4 of these Regulations have been complied with, and in paying the final instalments shall make such adjustment as may be necessary in consequence of any difference between the estimated annual produce and the actual produce of the said rate of one penny in the pound.

10. In any case where one area is affected by two or more assisted schemes the Minister may make such adjustments as may be necessary for securing that in the calculation of the total amount of the Exchequer subsidies in any one financial year, under both or all the assisted schemes affecting the said area, there shall not be taken into account, in respect of that area, the produce of a rate of more than one penny in the pound.

SCHEDULE A.

Rules to be observed in the Determination of the Amount produced by a Rate of One Penny in the Pound.

1. The produce of a rate during any financial year shall be the amount actually realised during that year by the collection of that rate, in accordance with a return made by the duly authorised financial officer of the local authority and certified by the District Auditor.

2. For the purposes of the foregoing rule, the amount of the rate or rates collected during the financial year shall be regarded as having been collected in respect of the rate or rates made for that year.

3. The produce of a rate of one penny in the pound shall be that proportion of the produce of a rate which one penny bears to the total amount in the pound of the said rate.

4. Where it is desired to ascertain the amount of the produce of a rate of one penny in the pound levied in any area comprising two or more parts which are differentially rated,

the said amount shall be separately ascertained in respect of each of these parts in accordance with the foregoing rules, and the sum of the amounts so ascertained shall be the produce of a rate of one penny in the pound levied in the said area.

Given under the Official Seal of the Minister of Health this Seventh day of October nineteen hundred and thirty-one.

(L.S.) H. W. S. FRANCIS.

Assistant Secretary, Ministry of Health.

We approve of these Regulations.

D. EUAN WALLACE.

ALEC. E. GLASSEY.

Two of the Lords Commissioners of His Majesty's Treasury.

S. R. & O., 1932, No. $\frac{514.}{L.16}$

THE RULES OF THE SUPREME COURT (No. 2), 1932, DATED JULY 11TH, 1932.

We, the Rule Committee of the Supreme Court, hereby make the following Rules :—

* * * * * *

2.—(*a*) At the end of the heading to Order LV B of the Rules of the Supreme Court, 1883, there shall be added as an additional part of the heading the expression " VI. Housing Act, 1930."

(*b*) At the end of Order LV B there shall be added as an additional part of that Order the following Rules :—

" *VI. Housing Act,* 1930.

71. An application under section eleven of the Act shall be made by an originating notice of motion to a judge of the High Court selected for the purpose by the Lord Chancellor.

72. The evidence upon the hearing of the application shall be by affidavit except in so far as the court at the hearing may direct oral evidence to be given.

73. The notice of motion shall state the grounds for the application, and the date mentioned in the notice for the hearing of the application shall be not less than fourteen days after the service of the notice.

74. The notice of motion shall be served before the expiration of six weeks after the publication of the notice of confirmation of the order to which the application relates on the local authority by whom the order was made and on the Minister of Health and shall be entered at the Crown Office within the same period.

75. The ordinary practice and rules of the King's Bench Division shall apply so far as they are applicable, and are not inconsistent with the provisions of the Act, or of the Rules contained in this part of this Order.

76. The Rules contained in this Part of this Order supersede the Rules set forth in Part I of the Fourth Schedule to the Act.

77. In this Part of this Order " the Act " means the Housing Act, 1930."

* * * * * *

6. These Rules may be cited as the Rules of the Supreme Court (No. 2), 1932, and shall come into operation on the 1st day of August, 1932, and the Rules of the Supreme Court, 1883, shall have effect as amended by these Rules.

Dated the 11th day of July, 1932.

SANKEY, C.
HEWART, C.J.
HANWORTH, M.R.
MERRIVALE, P.
P. OGDEN LAWRENCE, L. J.
A. A. ROCHE, J.
RIGBY SWIFT, J.
MAUGHAM, J.
B. D. SOMERVELL.
A. W. COCKBURN.
C. H. MORTON.
ROGER GREGORY.

CIRCULAR 1334.

To Housing Authorities
and
County Councils
(England and Wales).

MINISTRY OF HEALTH,
WHITEHALL, S.W. 1.
22nd May, 1933.

HOUSING (FINANCIAL PROVISIONS) ACT, 1933.

SIR,—1. I am directed by the Minister of Health to invite the attention of local authorities to the Housing (Financial Provisions) Act, 1933 (*a*), which received the Royal Assent on the 18th May.

2. *Termination of subsidy under the Housing (Financial Provisions) Act*, 1924 (*b*).

* * * * * *

5. *Future Supply of Working Class Houses.*

For the supply of houses for letting to the working classes, it is anticipated that, with the present re-establishment of more normal conditions, economic forces, operating in a free field, will secure a large volume and variety of production at competitive rents, and that a great number and diversity of persons and organisations will play their part; private builders, housing companies, public utility societies, finance societies and private investors will, it is hoped, all take a share in the ownership of working class houses.

6. There are two matters in which local authorities may be able to facilitate the erection of working class houses by private enterprise. (1) In many instances the local authority have in their possession land originally acquired for housing or other purposes which can be put at the disposal of private enterprise on reasonable terms. (2) In considering the standard of the roads to be provided on working class estates, the local authority can, without sacrificing any of the space between opposed frontages, reduce to the minimum permissible by the traffic needs the width of road to be fully surfaced. In some instances also it may be reasonable to be satisfied with a lower standard of road construction.

7. *Guarantees to Building Societies.**

Many of the agencies of private enterprise will have available the resources necessary to provide new houses. Section 2 of the Act, which relates to guarantees by

(*a*) *Ante*, p. 1862.
(*b*) *Ante*, p. 1826.
* The term "Building Societies" is used throughout this Circular as including Societies incorporated under the Building Societies Acts, 1874 to 1894, or the Industrial and Provident Societies Acts, 1893 to 1913.

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local authorities and county councils of advances made by building societies in regard to the provision of new houses is designed to provide an additional supply of finance on easy terms for those builders and investors who require it. The proposals originate in an offer made by the building societies to make their large financial resources available on favourable terms to private builders and investors willing to undertake the provision of houses for letting to the working classes and will, it is hoped, prove one important means of facilitating the return of private enterprise on a large scale to the provision of such houses.

The new enactment takes the form of an extension of Section 92 (1) (*b*) of the Housing Act, 1925 (*a*). That section enables local authorities or county councils to guarantee advances made by a building society for the provision of houses.

The new provision enables the Minister, where houses are provided to let to persons of the working classes, to share equally with the local authority and the building society the risk involved by making advances up to 90 per cent. of the valuation in lieu of the limited advances (70 per cent. of the valuation) which would, apart from this special arrangement, be made by the building society. The liability of the authority is thus in effect limited to one-third of any excess advance.

Under the scheme embodied in Section 2 of the Act (*b*), the bulk of the risk of making advances is taken by the building societies, and in these circumstances the Minister would think it reasonable that local authorities should, ordinarily, accept and act on the valuation of the houses made for the society concerned, thus avoiding the expense and delay of a double valuation.

County councils have the same power as other local authorities under the Act, and references to the local authority throughout this Circular are intended to include references to the county council unless the context otherwise requires.

8. Societies belonging to the National Association of Building Societies have undertaken to make advances under the new scheme for a period of 30 years (which is at least ten years longer than the usual period) at rates of interest which are 1 per cent. below their prevailing rates, subject to a minimum rate of 3 per cent. For the present, therefore, the rates applicable to such advances will be 4½ per cent. in London and the southern counties and 4 per cent. elsewhere.

It should be emphasised that the new provisions are limited to the building, or acquisition before occupation, of new houses intended to be let to persons of the working classes. The Government's object is to secure the provision of small houses at reasonable rents, and local authorities therefore should satisfy themselves that the cost of any houses to which it is intended to apply the new provisions will be low enough to allow of rents within the capacity of members of the working classes.

9. The Minister will have no power to approve proposals for the erection of houses or flats of less than the minimum dimensions prescribed by Section 92 (2) of the Act of 1925 (*a*), and in view of the Government's object as stated in the preceding paragraph he will not normally be prepared to approve proposals for the provision of houses of a larger superficial area than 800 feet (700 feet in the case of two-bedroomed houses). The proviso to Section 2 of the Act (*b*) requires that unless the Minister's special dispensation has been obtained the number of the houses to be provided on any particular site shall not exceed the rate of 12 to the acre.

10. Attention is drawn to the terms of the Circular issued by the Local Government Board on September 2nd, 1911, in regard to the insertion of the fair wages clause in contracts in which local authorities are interested. The Minister is confident that in considering proposals submitted under the Act local authorities will endeavour to secure that effect is given to the principles of that Circular.

11. It is requested that the local authority, in submitting proposals under Section 2 of the Act to the Minister, will follow as closely as possible the form contained in Part I of the Appendix to this Circular. That form embodies the conditions prescribed by the Statute and certain other conditions which experience of the operation of Section 92 (1) (*b*) of the Act of 1925 (*a*) has shown to be desirable.

(*a*) 13 Halsbury's Statutes 1054, repealed by the Housing Act, 1936, and replaced by s. 91 (2) thereof, *ante*, p. 1701.
(*b*) *Ante*, p. 1862.

12. A model form of guarantee has been prepared in consultation with the building societies and is printed in Part II of the Appendix. It is requested that in the absence of special circumstances the model should be used, and that no substantial departure from the form should be made without prior consultation with the Department. It will be observed from the model that the council's liability under the guarantee will cease when the amount of the advance has been reduced by repayments to 45 per cent. of the valuation.

If there should be default and the Building Society exercise their power of sale, the amount to be deducted from the principal and interest owing in order to arrive at the "deficiency" will be the net proceeds of sale, that is, the proceeds of sale less the costs involved.

13. The Minister, when approving the local authority's general proposals, will undertake to reimburse the authority to the extent of one-half of any loss necessarily sustained by them arising out of guarantees given under the section in accordance with the terms of the approved proposals, and, provided that those terms are observed, it will not be necessary for the authority to submit further specific proposals for approval. The Minister, however, will require to be furnished at March 31st, June 30th September and December 31st of each year with a progress return in the form contained in Part III of the Appendix to this Circular showing the action taken by the authority under the approved proposals.

Before meeting any claim for reimbursement in accordance with his undertaking, the Minister would require to be satisfied that the local authority had taken all reasonable steps to restrict their liability under the guarantee to the minimum.

14. It is important that the local authority should endeavour to secure, so far as possible, that the houses to be provided are well laid out and of good design, and attention is drawn to the duty which is laid on local authorities by Section 38 of the Housing Act, 1930 (*a*), to have regard to the beauty of the landscape or countryside and the other amenities of the locality. Local authorities who do not themselves employ an architect should bear in mind that it is open to them to seek the advice of the advisory panels which have been set up by the Council for the Preservation of Rural England with the help of the Royal Institute of British Architects and its allied societies; and all local authorities are advised to draw the attention of builders and investors to the advantages to be derived from the employment of qualified architects to design the houses.

15. The Minister considers that local authorities will find it useful to call as soon as possible a conference of local builders, representatives of building societies and other persons interested (including any local public utility societies) in order to explain to them the provisions of the Act. (In a few instances it may be desirable that the conference should be called by the county council, but normally it will, no doubt, be more convenient that it should be called by the local authority.) The local authority should take the opportunity to make it clear that, if houses in sufficient numbers and of suitable types are provided by private enterprise for letting to the working classes, the local authority will confine their own efforts to slum clearance and the rehousing of persons displaced from slums. At the same time it should be pointed out that the local authority will remain responsible for the provision of necessary houses in their district if private enterprise does not provide them. It is suggested also that the authority should place before the local builders or public utility societies the information at their disposal as to the need for houses in the district.

16. The representatives of the building societies and the National Federation of House Builders have assured the Minister of their desire to act in close co-operation with the Minister and with the local authorities, and the Minister is confident that he can rely on the whole-hearted support of the county councils and the local authorities in the administration of the new proposals.

* * * * * *

(*a*) 23 Halsbury's Statutes 425, repealed by the Housing Act, 1936, and replaced by s. 142 (1) thereof, *ante*, p. 1741.

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An additional copy of this Circular is enclosed for the information of the Financial Officer of the Authority. Further copies may be obtained from His Majesty's Stationery Office.

I am, etc.

APPENDIX—PART I. (See paragraph 11.)

HOUSING (FINANCIAL PROVISIONS) ACT, 1933.

.....Council of .....

.....County of .....

I am directed by the Council of to apply for the Minister's approval to the following proposals of the Council for guaranteeing advances under Section 2 of the Housing (Financial Provisions) Act, 1933 :—

1. These proposals extend to houses to be let to persons of the working classes, the inclusive cost per house not exceeding £ .
2. The guarantees will (as required by Section 2 of the Act) in no case extend to more than two-thirds of the principal of and interest on the amount by which the sum to be advanced by the building society exceeds the sum which would normally be advanced by them without any guarantee, namely seventy per cent. of the valuation.
3. The rate of interest at which the advances will be made will not exceed per cent. per annum.
4. The area of the houses will not be less than the statutory areas fixed by Section 92 (2) of the Housing Act, 1925, and will not exceed 800 superficial feet in the case of a three-bedroomed house and 700 superficial feet in the case of a two-bedroomed house.
5. Unless the Minister's special approval or dispensation has been obtained—
   (*a*) the density of the houses on any particular site will not exceed 12 to the acre ;
   (*b*) each house will contain a fixed bath ;
   (*c*) the period of all loans in respect of which guarantees are to be given will be 30 years.
6. The loans in respect of which guarantees are to be given will not in any case exceed 90 per cent. of the mortgagor's interest in the property as assessed after a valuation made by the building society in agreement with the Council.
7. The model form of guarantee printed as Appendix II to the Minister's Circular No. 1334 will be followed.
8. Before giving a guarantee the Council will satisfy themselves that the houses to which the guarantee relates comply with the terms of the approved proposals.
9. Quarterly returns of progress substantially in the form set out in Appendix III to that Circular will be duly furnished at the end of each quarter.

APPENDIX—PART II. (See paragraph 12.)

MODEL FORM OF GUARANTEE.

THIS GUARANTEE is made the day of One thousand nine hundred and
BETWEEN THE
(hereinafter called " the Authority ") of the one part and THE
BUILDING SOCIETY incorporated under the Building Societies Acts, 1874 to 1894 (hereinafter called " the Society ") of the other part.

WHEREAS by a Mortgage (hereinafter called " the Mortgage ") bearing the date mentioned in the first column of the Schedule hereto the property which is shortly described in the second column of the said Schedule is mortgaged to the Society to secure payment to them by of (hereinafter called " the Mortgagor ") of the principal sum mentioned in the third column of the said Schedule with interest thereon at the rate of per centum per annum and the Mortgage contains a covenant by the Mortgagor to repay to the Society the said principal sum together with

interest thereon by means of equal [monthly] payments of £ during a period of thirty years commencing on the day of 19 , the first of such [monthly] payments to be made on the day of 19 .

AND WHEREAS the interest of the Mortgagor in the property comprised in the Mortgage is valued at the sum (hereinafter called " the assessed value ") specified in the fourth column of the said Schedule.

AND WHEREAS the principal sum secured by the Mortgage exceeds by the amount (hereinafter called " the additional sum ") specified in the fifth column of the said Schedule the sum which would normally be advanced by the Society that is to say 70 per cent. of the assessed value but does not exceed ninety per cent. of the assessed value.

AND WHEREAS pursuant to the provisions of Section 92 of the Housing Act, 1925, as extended by Section 2 of the Housing (Financial Provisions) Act, 1933, the Authority have agreed to guarantee repayment to the Society of the additional sum in the manner and to the extent hereinafter appearing.

NOW THIS DEED WITNESSETH and it is hereby covenanted and agreed as follows :—

1. If the Mortgagor shall at any time make default in payment in accordance with the terms of the Mortgage and the Society after duly exercising all or any of the powers vested in them as Mortgagees for recovering the principal and interest secured thereby shall have failed to recover the full amount of such principal and interest for the time being outstanding then the Authority shall within one month after demand duly made in that behalf pay to the Society a sum equal to two-thirds of the difference between the actual deficiency which has arisen and the deficiency that would have arisen if the principal sum secured by the Mortgage had been 70 per cent. of the assessed value and the amount of the periodic payments specified in the mortgage had been proportionately less :

PROVIDED always that no liability shall attach to the Authority under the foregoing covenant, unless :—

(i) the Society within one month after the happening of any event giving rise to the exercise of the power of sale of the property comprised in the Mortgage shall have given notice thereof to the Authority by registered letter ; and

(ii) the Society shall have demanded payment of the principal and interest owing on the security of the Mortgage and in default of payment have taken all measures which may be open to them as mortgagees for the recovery of the full amount due to them under the Mortgage and which the Authority may have required them to take.

Provided also that in no case shall the Authority be liable for such deficiency or any part thereof which is caused by or arises from any defect in the title of the mortgagor to the property comprised in the mortgage.

2. The guarantee hereby given shall determine at the date on which the principal sum remaining outstanding under the Mortgage shall have been reduced to forty-five per cent. of the assessed value.

IN WITNESS whereof the Authority and the Society have hereunto affixed their common seals the day and year first written above.

THE SCHEDULE.

Date of Mortgage. 1	Property mortgaged. 2	Amount of Loan. 3	Assessed Value. 4	Additional Sum. 5

APPENDIX—PART III. (See paragraph 13.)

HOUSING (FINANCIAL PROVISIONS) ACT, 1933—(Section 2).

Council of the in the County of

PROGRESS RETURN.

Mortgagor (name, address and description).	Building Society (name and address).	Particulars of houses in respect of which guarantees have been given during the quarter.						Particulars of guarantees.					
			Houses on each site.										
		Name and description of site.	Number.	Type.	Superficial area (sq. ft.) (average for each type).	Weekly rent proposed (exclusive of rates), (average for each type).	Assessed value of house (average for each type).	Amount advanced by Building Society in respect of houses on each site.	Amount guaranteed by Local Authority.	Date of guarantee.	Period of Advance.	Rate of Interest.	Method of repayment (Instalment or Annuity).
				A2									
				A3									
				A2									
				A3									
				A2									
				A3									

Total of houses guaranteed since passing of the Act .. ..

The houses to to which the above quarterly return applies comply with the proposals approved by the Minister.

.....

Clerk of the Council.

NOTE.—Particulars already reported in a previous Quarterly Return need not be repeated unless they need amendment, in which case full particulars should be given, with a reference to the earlier Return for which the new particulars are to be substituted.

CIRCULAR 1335.

To County Councils and
Rural District Councils.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
22nd May, 1933.

RURAL HOUSING.

SIR,—1. I am directed by the Minister of Health to invite the attention of your Council to the application of the Circular (1334) (*a*) which he has caused to be addressed to all local authorities in regard to the provisions of the Housing (Financial Provisions) Act, 1933, to rural conditions.

2. The Minister recognises that the provision of housing accommodation in rural districts, especially for agricultural workers and other workers of low rent-paying capacity, presents special difficulties. The immediate need in most rural districts is for improving the existing housing conditions; and the object of this Circular is to remind the council of the two principal sets of powers and subsidies which are available for this purpose and should be used to the utmost possible extent.

3. The Housing (Rural Workers) Acts, 1926 and 1931 (*b*), under which financial assistance is available for the reconstruction and improvement of rural cottages, afford a most satisfactory and economical method of providing improved accommodation for agricultural workers, and the Committee on Local Expenditure recommended in their recent Report that in the interests of true economy their more widespread operation should be encouraged. It will be recalled that in Circular 1207 of July 23rd, 1931, particular attention was drawn to the need for co-operation between county and district councils, to the comparative economy of improving existing houses as against building new ones and to the fact that improvements, where they have been effected, have not involved any material increase in the rents. The Committee on Local Expenditure recommended that further consideration should be given to the question of placing the administration of the Acts in the hands of rural district councils. The Minister recognises that some of the county councils (in whom the administration is mainly vested at present) have administered the Acts with energy and success. In some counties, however, for various reasons little has been done. The Minister is prepared, in suitable cases, to give sympathetic consideration to applications from rural district councils that the administration of the Acts should be transferred to them.

4. In the case of houses which, in the council's opinion, cannot be repaired at reasonable cost or are not suitable for treatment under the Act of 1926, the council should not hesitate to use their powers under the Housing Act, 1930 (*c*). The provisions of the Act and the details of the procedure are fully explained in Circular 1138 (*d*), which was issued in August, 1930, but it is perhaps not realised by all rural district councils that this Act applies equally to rural as to urban districts and indeed provides a specially increased rate of subsidy in regard to displacements effected in agricultural parishes (*e*). The Exchequer subsidy, combined with the contribution from the rates which the Act requires, is equivalent to about 5*s*. per week (and an even higher amount in agricultural parishes) in the rent of each three bedroomed house provided in replacement of houses demolished by action under the Act. It will be appreciated that the maintenance of the subsidy at this high level is intended to encourage local authorities to concentrate on the rapid removal of insanitary conditions, and the amount of the subsidy makes it possible for all rural district councils to provide the necessary rehousing accommodation at rents within the means even of the lowest paid workers.

(*a*) *Ante*, p. 2931.
(*b*) *Ante*, pp. 1840, 1859.
(*c*) Now the Housing Act, 1936, *ante*, p. 1584.
(*d*) *Ante*, p. 2893.
(*e*) The rates of subsidy were amended by the Housing (Financial Provisions) Act, 1938, *ante*, p. 1866.

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5. The subsidy under Section 26 of the Act (*a*) is available in respect of persons displaced from clearance areas, improvement areas or individual insanitary houses outside such areas which are demolished under the powers of Part II of the Act. In some rural districts there are no doubt some groups of cottages which are so bad that nothing short of demolition is requisite, and such groups of houses may be suitable for declaration as clearance areas under Section 1 of the Act.

Sections 7 and 8 of the Act (*a*) empower local authorities to declare and treat areas which are called improvement areas. These are aggregations of houses in varying degrees of bad condition, more or less badly arranged and often seriously overcrowded; the general conditions are not so bad as to justify wholesale clearance and the Act provides treatment which includes the repairing or demolition of unfit houses, the purchase and demolition of houses to the extent necessary to let in light and air, and the making and enforcement of byelaws to abate overcrowding and prevent its recurrence. Areas of this character are, of course, more common in towns, but are found also in some rural parishes, and where they exist they should be dealt with under the powers of the Act.

The provisions of the Act which are of most assistance to and are most commonly used by rural district councils are those contained in Section 19 (*a*) relating to the demolition of individual unfit houses which are not considered to be repairable at reasonable cost. Old cottages of this class (which are beyond the possibility of reconditioning under the Act of 1926) exist in most rural districts; although the cost of building and the price of money have fallen to relatively low levels, the subsidy is being maintained at a very high level, and rural district councils will be well advised to take advantage of this conjunction of circumstances to secure the early demolition and replacement of all unfit houses in their districts.

It will be remembered that Part IV of the Housing Act, 1930 (*a*), gives to the county councils a special responsibility in relation to the provision of houses in rural districts and by Section 34 (*a*) enables contributions to be made by the county council towards the cost of the provision of houses by rural district councils and requires a contribution to be made where houses are required for the accommodation of the agricultural population of the district. Any contribution so made by the county council reduces *pro tanto* the charge upon the rates which would otherwise fall to be borne by the rural district council.

Further copies of this Circular may be obtained from His Majesty's Stationery Office.

I am, etc.

CIRCULAR 1407.

Housing Authorities (England and Wales).

MINISTRY OF HEALTH,
WHITEHALL,
LONDON, S.W.1.
23rd May, 1934.

HOUSING ACT, 1930: PART I.

SIR,—1. I am directed by the Minister of Health to refer to the circular letter (No. 1331) of April 6th, 1933, (*b*) in which the Minister invited all housing authorities to prepare and submit to him programmes for the demolition of all houses in their area unfit for human habitation and for the provision of the necessary rehousing accommodation.

(*a*) The Housing Act, 1930; 23 Halsbury's Statutes 396, was for the most part repealed by the Housing Act, 1936, and sections here mentioned have been replaced as follows:
S. 8 by ss. 38 and 127, *ante*, pp. 1647, 1729.
S. 19 by s. 11, *ante*, p. 1608.
S. 26 by s. 105, *ante*, p. 1713.
S. 34 by s. 115, *ante*, p. 1722.
Part IV (ss. 32, 33, 34, 35 and 36) by ss. 88, 89, 115, 169 and 170, *ante*, pp. 1697, 1698, 1722, 1756, 1757.
(*b*) Not here reproduced.

The magnitude and promptitude of the response made to the Minister's invitation is evidenced in the White Paper (Cmd. 4535) laid before Parliament in March last. The public spirit shown in the preparation of the programmes submitted, though no more than had been expected by the Minister, is worthy of all commendation. The very magnitude of the response, however, presents an administrative problem, which must be seriously faced if the programmes submitted are to be completed in the anticipated period.

National interests require the completion of the programmes within the anticipated time. The first essential step towards their successful completion is their rapid and general commencement: and the Minister would impress upon all authorities the importance of getting as near as may be, in this the first year of the period, to the performance of a full quota of the programme of clearance and of rehousing.

2. Consistently with the limitations of the Housing Act, 1930—which are largely essential for the prevention of unfairness to the owners of property—the procedure for the clearance of an area, from the setting on foot of the necessary enquiries to the actual rehousing of the displaced persons, cannot be abbreviated at will, and it may therefore prevent the successful completion of a programme within the allotted time if the local authority is content to deal separately and successively with the several areas in the programme. Two methods are ordinarily adopted for dealing with this situation. Either a substantial number of areas is carried through all stages at the same time, or, as soon as the first stages of a new scheme are out of the way and while the second stages of that scheme are still in progress, the first stages of a second scheme are undertaken. In this way one large authority contemplates the submission of orders for clearance or compulsory purchase at intervals of no more than six weeks throughout the five year period.

The procedure as a whole is a matter that must receive express consideration by the local authority. Without attempting in any way to impose upon the local authorities, who have their own traditions and methods of transacting business, any single or uniform procedure, the Minister desires to offer for their consideration the following suggestions, which are based upon his experience of slum clearance work in different areas, and in large part upon successful experiments and innovations which have been adopted by particular authorities. It is suggested that the best method of approach may be to determine the total amount of rehousing required, to divide that rehousing as nearly equally as may be between the years allotted by the local authority to their programme, and to adjust to that production of houses the flow of Orders to be made, or of action in relation to individual houses to be taken, by the local authority, so that displacement will keep pace with the supply of rehousing accommodation.

It will be seen from the preceding paragraph that the Minister does not endorse the practice favoured by some authorities of postponing the provision of rehousing for the confirmation of particular Orders. Where the programmes are large there can be no financial risk in the immediate provision of rehousing accommodation, and even where the programme is small it is quite safe to proceed with the provision of at least a substantial proportion of it, and the Minister has already intimated his willingness to sanction the loans necessary for this purpose.

3. A proper organisation of the machinery of the local authority for carrying out the programme is of vital importance, and with this in view, the Minister desires to call the special attention of local authorities to the following points:—

(i) It should be considered whether the present distribution of business between Committees and officers involves avoidable duplication of work and discussion, and whether an economy of time and trouble could not be secured, for example, by assigning to a single committee reporting direct to the Council (subject of course to the usual scrutiny of the Finance Committee) the whole of the execution of the programme which the Council have adopted.

(ii) There may well be advantage in so arranging matters that when the representation of the Medical Officer is submitted to the Council it is accompanied by the draft declaration of the area and map and perhaps also the draft clearance or compulsory purchase order for simultaneous consideration and approval.

(iii) If the Orders of the local authority are submitted to the Minister immediately

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on their making, the period which has to elapse for the lodging of objections can be used by him for the necessary preliminary examination of the Orders and for making the arrangements for a public inquiry. Unnecessary delay results if, as sometimes happens, the Orders are not sent to the Minister till the period for objections has expired.

(iv) It is of course essential that for the purposes of a public inquiry the local authority should have available full information of the material facts relating to the property under consideration. There is, however, reason to suppose that in some instances time and trouble have been expended in the collection and recording of detailed information which is not essential to the authority's submission that the house concerned is on account of certain major and specified defects unfit for habitation or dangerous or injurious to health.

(v) The Minister would bring to the notice of local authorities generally the practice which is followed by some local authorities of circulating to each objector shortly before the holding of a public inquiry a brief note of the main and material grounds upon which the authority have reached the view that his property is unfit for habitation or dangerous or injurious to the health of the inhabitants of the area. The practice is of value in defining the material issues for consideration, and in avoiding the introduction of issues which are not strictly relevant, and tend to lengthen proceedings and increase expenditure.

(vi) For the purposes of the issue of the Minister's confirming Order, maps—usually amended maps—and sometimes other particulars have to be supplied. Local authorities have not in all cases realised the importance of promptitude in dealing with the Minister's request in this matter.

4. The Minister for his part has already made a substantial increase in the staff of the Housing Division of the Ministry, which is now organised on a basis which will readily permit of any further expansion that be desirable. He desires to take this opportunity of impressing on local authorities the fact that the super-imposition of the slum campaign upon the ordinary course of local administration must involve a substantial addition to the burden borne by their staff, which in many, if not in all, instances must be relieved by at least temporary additions. The cost of staff engaged in general survey work under the Act of 1930 cannot be treated as part of the cost of providing rehousing accommodation; but, in so far as the services of technical staff specially engaged for the purpose are required in connection with the inspection and examination of houses which are the subject of specific clearance or demolition Orders, or with the execution of a confirmed Clearance Order or Compulsory Purchase Order or the provision of the necessary rehousing accommodation in connection with it, the cost may, subject to audit, be charged to capital account and rank as part of the cost of the new houses for the purpose of determining the rents to be charged.

5. The Minister would remind local authorities of the arrangements which have been made for making available to local authorities the services of the District Valuers. Block estimates of the cost of acquiring properties proposed to be included in Compulsory Purchase Orders as Pink or Grey can be obtained before the actual making of the Order, and the District Valuers will, if requested by the local authorities, conduct the negotiations for actual acquisition.

I am, etc.

S. R. & O., 1934, No. 913.

TREASURY MINUTE, DATED AUGUST 15TH, 1934, PRESCRIBING MAXIMUM RATES OF INTEREST.

My Lords read Section 90 of the Housing Act, 1925 (*a*), and Section 73 of the Housing (Scotland) Act, 1925, which respectively provide for advances from the Local Loans Fund to certain companies, societies, associations and persons for the purpose

(*a*) 13 Halsbury's Statutes 1051, repealed by the Housing Act, 1936, and replaced by s. 92 thereof, *ante*, p. 1703.

of constructing or improving or facilitating or encouraging the construction or improvement of dwelling houses for the working classes, and attach certain conditions to such advances if made (i) to companies established for the purpose aforesaid which do not trade for profit or whose constitutions forbid the issue of any share or loan capital with interest or dividend exceeding the rate for the time being prescribed by the Treasury, or (ii) to public utility societies as respectively defined in Section 135 of the Housing Act, 1925 (*b*), and Section 119 of the Housing (Scotland) Act, 1925, viz. societies registered under the Industrial and Provident Societies Acts, 1893 to 1913, or any amendment thereof, the rules whereof prohibit the issue of any share or loan capital with interest or dividend exceeding the rate for the time being prescribed by the Treasury.

My Lords also read Section 3 of the Housing, etc. Act, 1923 (*c*), which provides that contributions may be made out of moneys provided by Parliament towards the expenses of constructing houses, under the conditions prescribed by the Act, incurred by any society, body of trustees or company established for the purpose of, or amongst whose objects or powers are included those of, constructing, or facilitating or encouraging the construction of, dwellinghouses for the working classes, being a society, body of trustees, or company which does not trade for profit or whose constitution prohibits the issue of any share or loan capital with interest or dividend exceeding the rate for the time being prescribed by the Treasury.

They also read the Minute of August 16th, 1923, by which Their Predecessors declared that for the purpose of certain enactments (viz. Section 67 of the Housing of the Working Classes Act, 1890, as amended by Section 4 of the Public Works Loans Act, 1922, Section 40 of the Housing Town Planning, etc. Act, 1919, as amended by Section 6 of the Housing Act, 1921, and Section 31 of the Housing, Town Planning etc. (Scotland) Act, 1919, as amended by Section 8 of the Housing (Scotland) Act, 1920), now incorporated in those mentioned in the first paragraph of this Minute and for the purpose of Section 3 (2) of the Housing, etc. Act, 1923, the prescribed rate should for the time being be at the rate of six per cent. per annum.

My Lords are now pleased to declare that for the purposes of the following Sections, viz. :—

(1) Section 90 (5) (*a*) of the Housing Act, 1925 (*a*), and Section 73 (5) (*a*) of the Housing (Scotland) Act, 1925 :

(2) Section 135 of the Housing Act, 1925 (*b*), and Section 119 of the Housing (Scotland) Act, 1925 :

(3) Section 3 (2) of the Housing Act, 1923 (*c*) ;

the prescribed rate shall for the time being be the rate of five per cent. per annum.

Provided that nothing in this Minute shall affect the rate of interest or dividend on share or loan capital issued before the date of this Minute.

MINISTRY OF HEALTH HOUSING DEPARTMENT.

CONTRACT.

MODEL FORMS OF TENDER AND CONTRACT FOR USE WHERE NO BILLS OF QUANTITIES ARE PROVIDED.

(Revised March, 1935, and amended to accord with the Provisions of Draft Standing Orders with respect to Contracts of Local Authorities issued in March, 1934.)

(*a*) 13 Halsbury's Statutes 1051, repealed by the Housing Act, 1936, and replaced by s. 92 thereof, *ante*, p. 1703.

(*b*) 13 Halsbury's Statutes 1070, now s. 188 of the Housing Act, 1936, *ante*, p. 1766.

(*c*) *Ante*, p. 1818.

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FORM OF TENDER.

To.....

1. I / We the undersigned, hereby tender and undertake to execute for the sum of

* .....

(including all provisional sums mentioned in the Specification and all contingencies) the works shown upon the Drawings and described in the Specification, which drawings and specification have been examined by me / us and are attached to this Tender, such works to be executed in accordance with the conditions set out in the Contract and Specification.

2. I / We further undertake to execute and deliver within ten days after the acceptance of this Tender a contract in the form of the said contract attached hereto.

3. I / We further undertake—

(*a*) that the prices inserted in the Schedule hereto are the prices upon which my / our estimate is based and upon which extras and omissions are to be calculated;

(*b*) that the percentages referred to in Clause 14 (3) of the said contract shall be†.....per cent. in respect of wages and†..... per cent. in respect of the cost of materials, and the percentage referred to in Clause 29 (2) shall be†.....per cent.; and

(*c*) that the date or dates of completion referred to in Clause 19 of the said Contract shall be as follows :—

SCHEDULE OF PRICES.

NOTE.—*These prices include the provision of all plant, materials and labour as described in the specification or shown on the drawings.*

	£	*s.*	*d.*
Excavate over surface to required depth, fill in, spread and level or otherwise deposit as specified . . at per cubic yard			
Excavate in trenches for foundations or house drains, part return, fill and ram, spread and level or otherwise deposit surplus earth as specified . . . . . at per cubic yard			
Portland cement concrete in foundations as specified— at per cubic yard			
Reduced brickwork in lime mortar, including all cutting waste, &c., as specified . . . . . at per rod			
Extra only over ditto for brickwork in cement mortar—at per rod			
Extra only for forming cavity, including wall-ties as specified— at per sq. yard			
Extra only for external facings and pointing all as specified— at per sq. foot			
Extra only for rendering externally in cement on roughcast as specified . . . . . at per sq. yard			

* Amount to be written in words.

† Percentage rate to be written in words.

As witness my/our Hand(s), this day of One thousand nine hundred and

Signature.....

Address.....

.....

The following are the names and addresses of my/our referees as to position and responsibility:

1. (Bankers).....
2. .....
3. .....

CONTRACT.

AGREEMENT made the.....day of 19

between .....

(hereinafter called " the Employers ") of the one part and.....

.....

(hereinafter called " the Contractor ") of the other part.

WHEREAS the Employers are desirous of having constructed.....

.....at .....

and have caused Drawings and a Specification describing the work to be done to be prepared by.....

their Architect, and the said Drawings Nos.....to.....inclusive and the Specification attached to these Presents and marked..... respectively, have been signed by or on behalf of the parties hereto:

AND WHEREAS the Contractor has agreed to execute upon and subject to the conditions and within the time or times hereinafter contained the works shown upon the said Drawings and described in the said Specification for the sum of ..... (hereinafter referred to as the " Contract price ").

Now it is hereby agreed by and between the parties hereto as follows:—

Interpretation Clause.

1. In this Contract the following expressions shall, unless the context otherwise requires, have the meanings hereby respectively assigned to them:—

" The Clerk " means the Clerk for the time being to the Employers;

" The Architect " means Mr.....or other person or persons appointed by the Employers to superintend the construction of the works;

" The Works " means the several works, matters and things comprised or referred to in this Contract and in the Drawings and Specification.

Execution of Works.

2.—(1) The Contractor shall execute and shall provide everything necessary for the execution of the works to the satisfaction of the Architect in accordance with the signed Drawings and Specification and with such further drawings, details, instructions and explanations as may from time to time be given to the Contractor by the Architect.

(2) If the Contractor finds any discrepancy in the Drawings or between the Drawings and Specification, he shall immediately refer the question to the Architect, who shall issue such further instructions and explanations, if any, as may be required. Figured dimensions are to be followed in preference to the scale.

(3) If the work shown on any such further drawings or details, or necessary to comply with any such instructions, directions or explanations is in the opinion of the Contractor extra to that comprised in the Contract, he shall, before proceeding with such work, give to the Architect notice in writing to this effect, and such notice shall include particulars of any claim made by him in respect thereof.

(4) If the Contractor proves that before the receipt of such further drawings, details, instructions and explanations he had properly prepared or bought materials for the purpose of the original Contract and will thereby suffer loss, such loss shall be borne by the Employers.

(5) If the Architect and Contractor fail to agree as to whether or not there is any extra, and the Architect decides that the Contractor is to carry out the said work, the Contractor shall do so, and the question whether or not there is any extra and, if so, the amount thereof, shall, failing agreement, be settled by arbitration, as provided in the last clause of this Contract.

3. *Setting out Work.*—The Contractor shall set out the Works, and during the progress of the building shall, unless the Architect shall decide to the contrary, amend at his own cost any errors arising from inaccurate setting out. A decision of the Architect under this clause shall be final.

4. *Materials and Workmanship.*—(1) Except so far as otherwise provided for in the Specification all goods and materials used in the execution of this Contract shall be goods and materials which have been manufactured and produced in the British Empire, unless the Employers by written consent authorise any departure from this requirement.

(2) All materials and workmanship shall be of the kinds described in the Specification: materials not described in the Specification shall, where a Specification issued by the British Standards Institution is current at the date of the Tender and is appropriate, be in accordance with such Specification, and where no such Specification exists, shall be the best of their respective kinds available, regard being had to the last preceding sub-clause. The Contractor shall, upon the request of the Architect, furnish him with vouchers to prove that the materials comply with the requirements of this Clause.

5. *Access for Architect to Works.*—The Architect and any person authorised by him on behalf of the Employers shall at all reasonable times have access to the Works, and the Architect and his representatives shall at like times have access to the workshops of the Contractor or other places where work is being prepared for the buildings.

6. *Clerk of Works.*—The Clerk of Works shall be considered to act solely as inspector on behalf of the Employers and under the Architect, and the Contractor shall afford him every facility for examining the works and materials.

7. *Plant, &c., not to be removed.*—All plant, tackle and materials used by the Contractor in the execution of the works shall, from the time at which they or any of them are brought upon the site until no longer required for completing the works, be deemed to be the property of the Employers, and the Contractor shall not remove the same nor any part thereof without the written authority of the Architect, but such authority shall not be unreasonably withheld.

Drawings and Specification.

8.—(1) *Signed Drawings and Specification.*—The signed Drawings and Specification shall remain in the custody of the Architect and shall be produced by him as and when required.

(2) *Copies of the Drawings and Specification.*—One complete copy of all Drawings and of the Specification shall be supplied by the Architect free of cost to the Contractor for his own use. The Architect shall furnish to the Contractor, within .....days after the receipt by him of a request for the same, any details which in the opinion of the Architect are necessary for the execution of any part of the work, such request to be made only within a reasonable time before it is necessary to execute such work in order to fulfil the Contract. The Architect or his representative shall at all reasonable times have access to such copies and details

which shall be kept on the works until the completion thereof and thereafter returned by the Contractor to the Architect.

Staff and Workpeople.

9. *Foreman.*—The Contractor shall keep constantly on the Works a competent agent or general foreman, and any directions or explanations given by the Architect to such agent or foreman shall be held to have been given to the Contractor.

10. *Dismissal of Workman by Architect.*—The Contractor shall, on the request of the Architect, immediately dismiss from the Works any person employed thereon by him who may, in the opinion of the Architect, be incompetent or misconduct himself, and such person shall not be again employed on the Works without the permission of the Architect. A decision of the Architect under this clause shall be final.

11.—(1) (*a*) *Fair Wages and Transfer of Contract.*—The Contractor shall in the execution of this Contract pay rates of wages and observe hours of labour not less favourable than those commonly recognised by employers and trade societies (or, in absence of such recognised wages and hours, those which in practice prevail amongst good employers) in the trade in the district where the work is carried out. Where there are no such wages and hours recognised or prevailing in the district those recognised or prevailing in the nearest district in which the general industrial circumstances are similar shall be adopted. Further, the conditions of employment generally accepted in the district in the trade concerned shall be taken into account in considering how far the terms of this Clause are being observed. The Contractor shall be prohibited from transferring or assigning, directly or indirectly, to any person or persons whatever, any portion of his Contract without the written permission of the Employers. Sub-letting, other than that which may be customary in the trade concerned, shall be prohibited. The Contractor shall be responsible for the observance of this Clause by the Sub-Contractor.

(*b*) *Exhibition of Notice at Works.*—The Contractor shall cause a copy of the preceding condition to be prominently exhibited for the information of his workpeople on the premises where work is being executed under the Contract. In trades where it is the practice, the Contractor shall also cause to be exhibited, or have available for inspection, a copy of any signed agreement determining the rates of wages and hours of labour commonly recognised by employers and trade societies in the district.

(*c*) *Inspection of Wages Books, &c.*—The Contractor shall keep proper Wages Books and Time Sheets showing the wages paid to and the time worked by the work people in his employ in and about the execution of the Contract, and such Wages Books and Time Sheets shall be produced whenever required for the inspection of any officer authorised by the Employers.

(*d*) *Subletting.*—The Contractor shall not sublet any portion of the Contract without the consent in writing of the Employers.

(2) In case of breach of this covenant the Employers shall have power to determine this Contract and to recover from the Contractor the amount of any loss arising from such cancellation.

(3) If the Employers have reasonable grounds for believing that the above conditions are not being complied with, the Contractor and Sub-Contractors shall be required to produce proof to the satisfaction of the Employers of the rates of wages paid and hours and conditions observed by him or them in the execution of the works.

Variations and Extras.

12. *Byelaws of Local Authorities, &c.*—(1) The Contractor shall so far as necessary conform to the provisions of every Act of Parliament relating to the Works, and to the regulations, and byelaws of any Local Authority, and of any Water and Lighting Companies with whose systems the structure is proposed to be connected, and shall, before making any variation from the Drawings or Specification that may be necessitated by so conforming, give to the Architect written notice, specifying the variation proposed to be made, and the reason for making it, and applying for instructions

thereon. In case the Contractor shall not in due course receive such instructions, he shall proceed with the work, conforming to the provision, regulation or byelaw in question.

(2) The Contractor shall give all notices required by any such Acts, regulations, or byelaws to be given to any Local Authority and pay all fees payable to any such Authority, or to any Public Officer, in respect of the Works.

13. *Variations.*—(1) The Contractor shall comply with any instruction which may from time to time be given to him by the Architect by way of variation of the original Drawings and Specification, and no such variation shall invalidate the Contract, and every such instruction shall be given in writing or by means of Drawings signed by the Architect.

(2) Except as provided in the last preceding clause hereof, the Contractor shall not make any variation, but a variation made by the Contractor may be subsequently approved in writing signed by the Architect.

14. *Method of Pricing Variations.*—(1) If the Contractor desires to make any claim for additional payment on the ground that any variation which he has been instructed by the Architect, or is required under clause 12 hereof, to make, involves work additional to that comprised in the Contract, he shall, before proceeding with such work, give written notice to the Architect to that effect, stating the particulars of his claim.

(2) If the price of any such additional work (hereinafter referred to as " authorised extras ") has not previously been agreed between the parties, the work shall be valued by the Architect at the rates contained in the Schedule hereto, or, where these do not apply, on the basis of fair measure and value, and a copy of the bill or statement of such measurement and valuation shall be given to the Contractor.

(3) If in the opinion of the Architect the work cannot be properly measured and valued, day work prices shall be allowed therefor, provided that vouchers specifying the time and material employed have been delivered for verification to the Architect or his nominee at or before the expiration of the week following that in which such work has been done. The prices to be allowed for day work shall be in the case of labour the actual wages paid to the workpeople employed, with an addition thereto of.....per cent., and in the case of materials the prime cost of such materials, with an addition thereof of.....per cent. Such prices shall be deemed to cover all insurances, establishment charges, superintendence, use of tools and scaffolding, travelling expenses and profits.

(4) Variations by way of omission made by the Contractor in accordance with the instructions of the Architect shall, unless the price has been previously agreed upon by the parties, be valued in accordance with paragraph (2) of this Clause.

(5) The amount to be allowed on either side in respect of the variations so ascertained shall be added to or deducted from the Contract price, as the case may require.

Improper Work and Defects after Completion.

15. *Removal of Improper Work.*—The Architect shall, during the progress of the Works, have power to order in writing from time to time the removal from the Works, within such reasonable time or times as may be specified in the order, of any materials which, in his opinion, are not in accordance with the Specification or with his instructions, the substitution of proper materials and the removal and proper re-execution of any work executed with materials or workmanship not in accordance with the Drawings and Specification or instructions, and the Contractor shall forthwith carry out such order at his own cost. A decision of the Architect under this clause shall be final.

16. *Defects after Completion.*—Any defects, shrinkage, or other faults which may appear within six months from the completion of the Works and are due to improper or defective materials or workmanship supplied by the Contractor or by any Sub-Contractor, and any damage to pointing by frost appearing within the like period shall upon the order in writing of the Architect and within such reasonable time as shall be specified therein, be amended and made good by the Contractor ; and unless

the Architect otherwise decides such work shall be done at the Contractor's own cost. A decision of the Architect under this clause shall be final.

17. *Power for Employers to remove and amend Works.*—If the Contractor fails to carry out the order of the Architect under either of the two last preceding clauses, the Employers may employ and pay other persons to carry out such work or to make good such defects or damage as the order may specify, and all expenses consequent thereon or incidental thereto incurred by the Employers shall be recoverable by them from the Contractor as liquidated damages or may be deducted by them from any moneys due or to become due to the Contractor.

18. *Work to be opened up at request of Architect.*—The Contractor shall at the request of the Architect within such time as the Architect shall name open for inspection any work covered up, and if the Contractor refuses or neglects to comply with such request, the Architect may employ other workmen to open up the same. If the said work has been covered up in contravention of the Architect's instructions or if on being opened up it is found to be not in accordance with the Drawings and Specification or the instructions of the Architect, the expenses of opening and covering it up again, whether done by the Contractor or such other workmen, shall be borne by or recoverable from the Contractor, or may be deducted as aforesaid. If the work has not been covered up in contravention of such instructions and is found to be in accordance with the said Drawings and Specification or instructions, then the expenses aforesaid shall be borne by the Employers, and if the opening and covering up again have been done by the Contractor, shall be added to the Contract price: Provided that in the case of foundations or of any other urgent work so opened up and requiring immediate attention, the Architect shall within a reasonable time after receipt of notice from the Contractor that the work has been so opened up, make or cause the inspection thereof to be made, and at the expiration of such time, if such inspection shall not have been made, the Contractor may cover up the same and shall not be required to open it up again for inspection except at the expense of the Employers. A decision of the Architect under this clause shall be final.

Date of Completion: Default by Contractor.

19. *Date of Completion.*—Possession of the site (or premises) shall be given to the Contractor on or before the.....day of.....

He shall commence the Works immediately after such possession, shall regularly proceed with them and shall complete the same or parts of the same in the order and by the date or dates set out below:—

20. *Damages for Non-completion.*—If the Contractor fails to complete any part of the Works by the date specified in the preceding clause as the date of completion for that part, or within any extended time allowed by the Architect under this Contract, and the Architect certifies in writing that the Works could reasonably have been completed by the said date or within the said extended time, the Contractor shall pay or allow to the Employers the sum of £.....per week as liquidated damages for every week beyond the said date or extended time, as the case may be, during which that part of the Works shall remain unfinished.

21. *Extension of Time.*—(1) If the Works are delayed by *force majeure* or by reason of any exceptionally inclement weather, or of any extras or additions, or of any combination of workmen or strike or lock-out affecting any of the building trades, or by any other cause beyond the control of the Contractor, the Architect shall make a fair and reasonable extension of time for completion in respect thereof, and in case of such strike or lock-out, the Contractor shall, as soon as may be, give to the Architect written notice thereof.

(2) The Contractor shall nevertheless use his best endeavours to prevent delay and shall do all that may reasonably be required to the satisfaction of the Architect to proceed with the Works.

22. *Suspension of Works by Contractor.*—(1) If in the opinion of the Architect the Contractor neglects or fails to proceed with due diligence in the execution of the Works, or if he more than once makes default in the respects mentioned in Clause 15, the Architect acting on behalf of the Employers may give him notice in writing

requiring that the Works be proceeded with in a reasonable manner and with reasonable dispatch. Such notice shall not be unreasonably or vexatiously given, and must signify that it purports to be a notice under the provisions of this clause, and must specify the act or default on the part of the Contractor upon which it is based.

(2) If the Contractor fails for.....days after such notice has been given to proceed with the Works as therein prescribed, the Employers may by notice to the Contractor in writing under the hand of the Clerk determine the Contract so far as regards the performance or completion thereof by the Contractor, but without affecting in other respects the obligations and liabilities of the Contractor or the rights of the Employers under the next following provision of this Clause.

(3) On such determination of the Contract as aforesaid, the Employers shall have power to enter upon and take possession of the Works, and all plant, tackle and materials on the ground, and either complete the Works themselves or enter into a fresh contract with some other person or firm for their completion, without prejudice to their rights to recover from the Contractor or his sureties (if any) as damages under the Contract the loss sustained by them owing to the Contractor's default.

Method of Payment.

23. *Interim Payments.*—(1) No money shall become due to the Contractor unless and until the Architect shall certify in writing the amount thereof and that the Contractor is entitled thereto.

(2) When work to the value of £.....has been executed and thereafter at monthly intervals the Architect shall certify in writing to the Contractor and the Employers the amount from time to time payable to the Contractor under this Contract, and shall issue such monthly certificate not later than the fifteenth day of each month following that in which the first certificate is given, and the Employers shall within fourteen days of the date of issue of the certificate pay to the Contractor the sum so certified.

(3) The amount to be certified by the Architect on his first and monthly certificates as due to the Contractor shall be at the rate of 90 per cent. of the value of all work (including authorised extras and day work) executed, and materials delivered on the site, up to the first day of the month in which payment is made. The balance of 10 per cent. of the value of the work shall be retained until the sum so retained (hereinafter called "the retention fund") amounts to £.....,* after which the Contractor shall be entitled to be paid monthly to the full value of all work executed and material supplied. One half of the retention fund shall be paid (subject to the conditions set out herein) to the Contractor at the completion or occupation of the Works and the other half, together with any further sum found due to the Contractor at the final adjustment of the accounts by the Architect, shall be paid.....months after completion or occupation of the works, provided that all defects for which the Contractor is liable are made good and that he has otherwise discharged his liabilities under this Contract.

(4) The Architect may nevertheless before issuing the second or any later certificate give notice in writing to the Contractor requiring him to furnish a statement in writing showing the value of the work executed and of the materials delivered on the site up to the first day of the month in which the certificate is due together with such invoices, vouchers, and other documents relating to the value of such work and materials as the Architect may reasonably require.

(5) The sums forming the retention fund shall be deposited by the Employers as they accrue in a Bank to be agreed between the parties in the name of the Employers, and any interest on such sums shall be the property of the Contractor, and shall be paid to him by the Employers at the time of the final payment after completion.

(6) No certificate of the Architect, except for the final balance, shall be considered conclusive evidence of any works or materials to which it relates, nor to the value thereof, nor shall it relieve the Contractor from his liability to make good any defects as provided by this Contract, nor shall it in any way prejudice the Employers in the

* The retention fund should not be less than 5 per cent. of the Contract price.

final settlement of the accounts in any case where the Contractor has been overpaid during the progress of the Works.

24.—(1) If the Architect fails at any of the proper times to certify the sums to which the Contractor is entitled or if the final adjustment of the account is not completed within.....months after the completion of the Works, and the delay in the issue of the said certificates or in the final adjustment of accounts is not due to the Contractor's failure to submit any such statement of value and documents as may be required under Clause 23 (4) hereof in a sufficient time in which to allow the Architect to issue such certificate and calculate the final amount due, the Employers shall pay to the Contractor, in addition to the sums which have become due, interest on such sums, calculated at a rate being 1 per cent. above the current Bank rate, computed from the dates when such sums should have been certified or finally adjusted, as the case may be.

(2) If the Architect requires any detailed measurements on which to base any certificates other than the final certificate, it shall be his duty to cause such measurements to be made from time to time at the cost of the Employers, and to agree such figures with the Contractor, and such measuring and agreement of figures shall be carried out by the time necessary to enable the Employers to make the payments to the Contractor as hereinbefore provided.

(3) If the Employers fail to pay to the Contractor any sum certified by the Architect, whether by way of interim or final certificate, within the period of fourteen days from the date of such certificate, the Contractor may give written notice to the Employers of such default, and if the Employers fail to pay such sum forthwith after the receipt of such notice, the Contractor shall be at liberty to determine the Contract by notice in writing to the Employers.

(4) If the Architect fails at any of the proper times to certify the sum to which the Contractor is entitled, the Contractor shall give notice to the Employers of such failure or delay, and the Employers shall take steps to cause a proper certificate to be issued, and if the Architect fails for the second time to issue a proper certificate and the Employers decline or neglect to take such action as shall be necessary to cause such certificate to be issued, the Contractor shall be at liberty to determine the Contract by notice in writing to the Employers.

(5) If the Contractor determines the Contract under either of the two preceding paragraphs, he shall be entitled to recover payment in full for all work executed and materials supplied, and for any loss he may sustain upon any plant or material supplied or purchased or prepared for the purpose of the Contract, together with loss of profit on that part of the Contract remaining uncompleted.

25. *Payments to Sub-Contractors.*—(1) If any Sub-Contractors are engaged on the Works, the Architect shall state in any certificate issued by him the amount or amounts agreed by him with the Contractor and included in respect of such Sub-Contractors, and shall inform each Sub-Contractor of the granting of such certificate and of the amount included therein for his work.

(2) The Contractor shall, within seven days after receiving payment of the instalments due to him on the said certificate, pay over to such Sub-Contractors the amount included for them in such instalment, and shall not be entitled to obtain another certificate from the Architect for a further instalment unless and until he satisfies the Architect, by the production of vouchers or other sufficient evidence, that he has settled with such Sub-Contractors for the proportion due to them of the instalment paid under the previous certificate.

(3) This provision shall not imply or involve any contract between the Employers and the Sub-Contractor or any responsibility or liability on the part of the Employers to the Sub-Contractor.

Miscellaneous Provisions.

26. *Execution of other Works.*—(1) The Employers shall at all times have access to the Works and to other places where work under this Contract is being prepared and may execute and carry on any other works, or may appoint others to execute and carry on such, and the Contractor shall afford reasonable facilities for so doing.

(2) If such work impedes or interrupts the Contractor in his progress, he may, by giving notice to the Architect at any time during the continuance of the impediment or interruption, claim to be allowed time for the completion of the Works or of the part thereof affected in addition to the time specified in Clause 19 hereof, and if the Architect, being satisfied that the claim is a proper one, grants a time order, such additional time as is specified in the order will be allowed. Any time order which the Architect may think fit to grant shall be given by him within 21 days after the delivery of the Contractor's claim.

(3) Save as aforesaid, the Employers shall not be liable for any claim made by the Contractor on the ground of any alleged impediment to or interruption in the execution of the Works.

27. *Damage to Person and Property.*—(1) The Contractor shall be responsible for all damage to property, and for injury to persons, animals, or things, caused by the works or workmen, and shall indemnify the Employers against any claims or proceedings in respect thereof, and also against any claims or proceedings made at Common Law or under any Act of Parliament, including the Fatal Accidents Act, 1846, the Employers' Liability Act, 1880, and the Workmen's Compensation Act, 1906, or any amendment thereof, by any person in the employ of the Contractor or or any Sub-Contractor or by any person claiming through such person.

(2) The Contractor shall, if and when required by the Employers so to do, secure the due performance of these indemnities either by entering into such policy or policies of insurance as the Employers shall approve, or by otherwise securing the Employers to their satisfaction against any liability hereunder.

(3) The policy or policies and receipts for premiums shall be produced to the Architect from time to time upon request, and in case of failure to do so the Employers shall be entitled to insure and deduct the amounts of the premiums from any sums due to the Contractor.

(4) The Contractor shall also be responsible for all injuries caused to the Works by frost or other inclemency of weather, and shall reinstate all damage caused thereby.

28. *Fire Insurance and Care of Works.*—(1) From the commencement until the delivering up of the Works the care of the same shall rest entirely with the Contractor, and he shall be responsible for anything that may be lost, stolen, or damaged by fire, or other accident, or in any other way, and he shall insure the same against fire to the full value thereof in the joint names of the Employers and the Contractor in a Fire Insurance Office to be approved by the Employers and pay all expenses incurred thereby.

(2) The policy and receipts for premiums from time to time shall be deposited with the Architect on behalf of the Employers. All moneys received under any such policies shall be applied in or towards the rebuilding, reinstatement, or reparation of the works destroyed or injured. In case of failure of the Contractor to effect and maintain such insurance the Employers shall be at liberty to insure, and deduct the amount of the premiums paid from any moneys payable to the Contractor.

29. "*Prime cost*" *and Provisional Sums.*—(1) "The Prime Cost" of any articles or materials means the net cost after deducting any trade or other discount except a cash discount not exceeding 2½ per cent., and includes the cost of packing and of carriage and delivery to the site.

(2) In respect of any items for which prime cost prices or provisional sums are included in the Specification, if more or less than the amount stated in the Specification is expended or an item is deducted in full, the tender price shall be adjusted accordingly, the addition or deduction made including an amount in respect of profit calculated at the rate of.....per cent.

30. *Sub-Contractors.*—(1) The Architect may nominate some person other than the Contractor to execute any work or supply any article for which a prime cost price or a provisional sum is included in the Specification, unless the Contractor makes reasonable objection to the nomination of such person.

(2) All persons so nominated and all specialists or other persons engaged by the Contractor with the approval of the Architect to execute any work are hereby declared to be Sub-Contractors employed by the Contractor.

(3) The Contractor shall enter into a contract with every Sub-Contractor which shall embody (whether by reference to this Contract or otherwise) the terms and conditions contained in this Contract so far as they are applicable and shall indemnify the Contractor against any claim made by a person in the employ of the Sub-Contractor or a person claiming through such person, or by any other person against the Contractor in consequence of any act, omission or default of the Sub-Contractor, his servants or agents.

31. *Royalties and Patent Rights.*—(1) The Contract sum shall include all royalties or other sums payable in respect of the supply and use in carrying out the Works of any patented articles, processes, or inventions which have been included in the Specification.

(2) The Contractor shall indemnify the Employers from and against all claims, proceedings, damages, costs and expenses which may be brought or made against the Employers, or to which they may be put by reason of the Contractor infringing or being held to have infringed any patent rights in relation to any such articles, processes and inventions, and in the event of any injunction being obtained against the use of the same the Contractor shall forthwith replace the same with other materials or appliances, as the case may be, satisfactory to the Employers, which do not infringe any such patent rights.

32. *Bankruptcy Clause.*—(1) If the Contractor shall become bankrupt or insolvent, or enter into liquidation, whether compulsory or voluntary (except liquidation for the purposes of reconstruction), or shall suffer execution for debt in any court of law, or shall propose any composition with his creditors for the settlement of his debts, or shall enter into, make, or execute any Deed of Arrangement, as defined by the Deeds of Arrangement Act, 1914, or shall carry on, or shall propose to carry on, his business under inspectors on behalf of his creditors, or shall commit any act of bankruptcy, the Employers may require the works to be proceeded with, and if this requisition is not satisfactorily complied with within seven days from the date of the Architect's notice to that effect, the Employers may by notice to the Contractor in writing under the hand of the Clerk determine the Contract so far as regards the performance or completion thereof by the Contractor, but without affecting in other respects the obligations and liabilities of the Contractor or the rights of the Employers under the next following provision of this Clause.

(2) On such determination of the Contract as aforesaid the Employers shall have power to enter upon and take possession of the Works, and all plant, tackle and materials on the ground, and either complete the Works themselves or enter into a fresh contract with some other person or firm for their completion, without prejudice to their rights to recover from the Contractor or his sureties (if any) as damages under the Contract the loss sustained by them owing to the Contractor's default.

33. *Notices.*—Any notice required or authorised by these conditions to be given by one party to the other, or by the Contractor to the Architect, or the Architect to the Contractor, shall be given in writing, delivered at or sent by registered letter to the office of the Employers or of the Architect, or the place of business of the Contractor, as the case may require.

34. *Gifts, Inducements, and Rewards.*—The Employers shall be entitled to determine this Contract and to recover from the Contractor the amount of any loss resulting from such determination, if the Contractor shall have offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing or forbearing to do or for having done or forborne to do any action in relation to the obtaining or execution of this Contract or any other Contract with the Employers, or for showing or forbearing to show favour or disfavour to any person in relation to this Contract or any other Contract with the Employers, or if the like acts shall have been done by any person employed by the Contractor or acting on his behalf (whether with or without the knowledge of the Contractor), or if in relation to this Contract or any other Contract with the Employers the Contractor or any person employed by him or acting on his behalf shall have committed any offence under the Prevention of Corruption Acts, 1889 to 1916, or shall have given any fee

or reward the receipt of which is an offence under subsection (2) of Section 123 of the Local Government Act, 1933 (*a*).

35. *Arbitration.*—In all questions and disputes arising under or in connection with this Contract the decision in writing of the Architect, whether by way of certificate or otherwise, shall be binding as between the Employers and the Contractor; but, except where the Architect's decision is stated in the Contract to be final, it shall be open to either party within fourteen days after receiving notice of such decision to require by notice in writing to the other party that the matter in dispute be settled by arbitration. The matter shall thereupon be referred to the arbitration of a single arbitrator to be agreed by the parties hereto or in default of such agreement to the arbitration of a person to be appointed on the request of either party by the President for the time being of the Royal Institute of British Architects, and the award of such arbitrator shall be conclusive and binding upon the Employers and the Contractor.

SCHEDULE.

The Schedule of Prices upon which the Contractor's estimate is based and upon which extras and omissions are to be calculated.

(NOTE.—*The prices include the provision of all plant, materials and labour as described in the specification or shown on the drawings.*)

	£	*s.*	*d.*
Excavate over surface to required depth, fill in, spread and level or otherwise deposit as specified . . at per cubic yard			
Excavate in trenches for foundations or house drains, part return, fill and ram, spread and level or otherwise deposit surplus earth as specified . . . . . at per cubic yard			
Portland cement concrete in foundations as specified— at per cubic yard			
Reduced brickwork in lime mortar, including all cutting waste, &c., as specified . . . . . at per rod			
Extra only over ditto for brickwork in cement mortar at per rod			
Extra only for forming cavity, including wall-ties as specified— at per sq. yard			
Extra only for external facings and pointing all as specified— at per sq. foot			
Extra only for rendering externally in cement or roughcast as specified . . . . . at per sq. yard			

HOUSING ACT, 1935.

MEMORANDUM A—GENERAL.

1. The Housing Act, 1935 (*b*), gives local authorities new powers and imposes upon them new duties in relation to the abatement of overcrowding and the redevelopment of congested areas. It provides for the consolidation of the housing accounts

(*a*) *Ante*, p. 913.

(*b*) This Act (28 Halsbury's Statutes 199) was almost wholly repealed by the Housing Act, 1936, and the sections referred to in this memorandum replaced as indicated in the notes.

of local authorities, for the continuation of the subsidy under the Housing Act, 1930 (*a*), at its present rate until March 31, 1938, and for a new form of Exchequer assistance towards the cost of rehousing overcrowded persons, and makes many important amendments and additions to the housing powers of local authorities.

Separate Memoranda noted at the foot of the preceding index deal with certain matters of principal importance arising under the Act.

In the present Memorandum the other chief provisions of the Act are outlined under certain main headings and alterations in the present administrative procedure which may be necessary are indicated.

Alterations Affecting Part I of the Act of 1930.

2. *Clearance Areas.*—The new Act does not alter the general definition of, or the procedure for declaring a clearance area, as laid down in the Housing Act, 1930, but it alters in two respects the classes of property which may be included in such an area.

In the first place it provides in Section 67 (*b*) that a clearance area may include, or may be wholly composed of, property belonging to the local authority themselves. The restriction contained in Section 4 of the Housing Act, 1930 (*c*), whereby a local authority could only include property which they had acquired under Sections 54 or 63 of the Housing Act, 1925 (*d*), has been removed, and the only restriction which now remains affecting property owned by a local authority is that they cannot include in a clearance area property which they have acquired in such circumstances that an obligation rests upon them under the Fifth Schedule of the 1925 Act (*e*) to submit a rehousing scheme to the Minister.

In the second place, Section 80 of the Act (*f*) makes it clear that a local authority may include in a clearance area any hut, tent, caravan or similar structure which, although once movable, has in effect become a fixed structure used as a permanent dwelling and is unfit for human habitation. The criterion of distinction between a really movable dwelling and such a structure is that the structure has remained in the same enclosure during the period of two years immediately before it is included in the clearance area.

3. *Clearance Orders.*—The general procedure for the making, submission and confirmation of clearance orders is, with two important exceptions, untouched by the new Act. The first is that a local authority, when making a clearance order at any time after the date of the new Act in relation to property in a clearance area, must exclude from the clearance order any dwelling-houses or other buildings which have only been included in the area on the ground that, by reason of their bad arrangement in relation to other buildings or the narrowness or bad arrangement of the streets, they are dangerous or injurious to the health of the inhabitants of the area (Section 62 (*g*)). It will be seen, therefore, that if, in a clearance area declared by a local authority, there is a dwelling-house which is not in itself unfit for human habitation but which has been included in the area only as helping to congest other properties, it must be excluded from any clearance order relating to that area. Nothing in the section limits the power of the local authority to deal with a house which is of itself unfit. Generally under this provision a building other than a dwelling-house cannot be included in a clearance order, but a building, part of which is dwelling accommodation and part accommodation for some other purpose, may be included in a clearance order if the part not used for that other purpose is unfit for human habitation by reason of disrepair or sanitary defects. The question whether such a building should be included in a clearance order is one to be determined on the merits of each case. If the building is such that the dwelling accom-

(*a*) 23 Halsbury's Statutes 396.
(*b*) Now s. 28 of the Housing Act, 1936, *ante*, p. 1635.
(*c*) 23 Halsbury's Statutes 400.
(*d*) 13 Halsbury's Statutes 1033, 1038, repealed by the Housing Act, 1936, and replaced, as to s. 63, by ss. 74 (1) and 104 (1) thereof, *ante*, pp. 1684 and 1713.
(*e*) 13 Halsbury's Statutes 1075, repealed by the Housing Act, 1936, and replaced by Sched. XI thereof, *ante*, p. 1784.
(*f*) Now s. 41 of the Housing Act, 1936, *ante*, p. 1651.
(*g*) Now s. 40 and Sched. III of the Housing Act, 1936, *ante*, pp. 1650 and 1781.

modation forms only a subsidiary part of the main building, the appropriate course will normally be the making of a closing order on the unfit accommodation under the extended powers of the new Act (see paragraph 16).

The second alteration in procedure is made by Section 63 (*a*) which provides that the public inquiry into a clearance order cannot be held until at least fourteen days after the Minister is satisfied that the local authority have served on every objector a written notice setting out the facts on which they rely as their principal grounds for being satisfied that the property is unfit. It will therefore be necessary for local authorities to proceed with the preparation of these notices at an early stage in the proceedings in order to avoid delay in the fixing of inquiries.

4. *Compulsory Purchase Orders.*—The general procedure for the making, submission and confirmation of compulsory purchase orders under Part I of the Act of 1930 is somewhat modified by the new Act. The most important modifications are those which correspond to the modification in the clearance order procedure already mentioned. In the first place, there must be written notice under Section 63 to all objectors before the public inquiry can be held, and in the second place properties which, under the term of Section 62, cannot be included in a clearance order, can only be acquired compulsorily on the same basis of compensation as applies to property outside the clearance area, that is to say, compensation assessed in accordance with Part II of the Third Schedule of the Housing Act, 1930 (*b*), and these properties must be distinguished in the compulsory purchase order. The considerations mentioned in the preceding paragraph will apply in the case of a "mixed building."

In addition (1) the abolition of the reduction factor (see paragraph 5 of this memorandum) will make it unnecessary to distinguish in compulsory purchase orders land which it is proposed to use for rehousing; and

(2) Section 65 (*c*) provides that, where the local authority have submitted a compulsory purchase order to acquire property in a clearance area and on application by the authority and the owner of any particular property the Minister is satisfied that the owner might reasonably retain the land if he demolished the buildings thereon, the Minister may, (*a*) if the compulsory purchase order has not been confirmed, authorise the local authority to make without any of the usual formalities of notice, publication, etc., a clearance order with respect to that particular property and may then without a local inquiry confirm this clearance order and modify the compulsory purchase order accordingly; (*b*) if the compulsory purchase order has been confirmed but the local authority have not yet bought the property belonging to the owner in question, authorise the local authority not to proceed to purchase the land but to take binding covenants from the owner for the demolition of the property on his land.

5. *Abolition of the Reduction Factor.*—Section 62 repeals the proviso to Section 46 (1) of the Housing Act, 1925, which provides for a reduction of compensation payable in respect of the compulsory purchase of land comprised in a clearance area where the land is to be appropriated for rehousing. This repeal is effective as regards land included in any compulsory purchase order made by the local authority on or after December 20, 1934. If compensation for land acquired under such an order has been settled on the old basis, the owner can claim to have the matter re-opened and his compensation re-assessed.

6. *Payments in respect of well maintained houses.*—Section 64 (*d*) provides that in certain circumstances the local authority shall make a payment to the owner of a house which, though unfit for human habitation and therefore properly included in a clearance order or in a compulsory purchase order for purchase at site value, has been as well maintained as is practicable in all the circumstances. The houses concerned are those included in clearance orders or as pink property in compulsory purchase orders made by a local authority on or after December 20, 1934. The decision whether this payment is to be made in respect of a particular house will be taken

(*a*) Now s. 41 of the Housing Act, 1936, *ante*, p. 1651.
(*b*) 23 Halsbury's Statutes 440, repealed by the Housing Act, 1936, and replaced by s. 40 and Sched. IV thereof, *ante*, pp. 1650, 1783.
(*c*) Now s. 31 of the Housing Act, 1936, *ante*, p. 1638.
(*d*) Now s. 42 of the Housing Act, 1936, *ante*, p. 1652.

by the Minister after considering the report of an Inspector. The Inspector's recommendation in this matter will be based on his findings as a result of his personal inspection of the property.

The total payment made in respect of any property, including compensation assessed under Part I of the Third Schedule to the Housing Act, 1930 (*a*), is not to exceed the compensation which would be payable if Part II of that Schedule were applicable. Subject to this limit the payment under Section 64 will be either (*a*) the amount by which the expenditure which the local authority are satisfied has been incurred on the property during the five years immediately preceding the date of the order exceeds an amount equal to 1¼ times the rateable value, or (*b*) an amount equal to 1½ times the rateable value of the house, whichever is the greater. In the case of an owner-occupier of three years' standing, or more, the minimum payment will be three times the rateable value. For this purpose the rateable value means the value of the house as shown at the date on which the order was made in the Valuation List in force at that date or, if the net annual value differs from the rateable value, the net annual value.

In certain circumstances defined in the Section, a payment under Section 64 may be made to some person other than the owner. It is to be made (*a*) to the owner if he is the occupier, and (*b*) in cases where the house is not owner-occupied, to the person or persons liable for the maintenance of the house, being apportioned, if there is more than one person liable, in such a manner as the authority think equitable. A further provision enables the local authority to pay the whole or part of the sum to some other person (*e.g.* the tenant) who may not be legally responsible for the maintenance of the house but satisfies the local authority that in fact the good maintenance of the house is materially due to work carried out by him or at his expense.

7. *Ex-gratia Allowances towards cost of removal or in cases of financial loss.*—Section 88 (*b*) extends Section 41 of the Act of 1930 (*c*), which empowers a local authority to make certain allowances to persons displaced from unfit property, by bringing within the scope of the Section (*a*) persons displaced from property not within a clearance area acquired by compulsory purchase under Part I of the Act of 1930; (*b*) persons displaced from property in a redevelopment area which is acquired at site value as being unfit for human habitation, and (*c*) retail shopkeepers whose premises are in the neighbourhood of a clearance area and who can satisfy the local authority that, as a result of the clearance operations having diminished the population of the locality, they have suffered loss involving personal hardship. In estimating any such loss, the local authority are to have regard to the probable future development of the locality.

The substance of Section 41 is not otherwise changed. The allowances are still entirely at the discretion of the local authority. The Minister trusts, however, that every local authority will exercise their power of making reasonable allowances in suitable cases in order to mitigate the hardships to shopkeepers and others which may result from the large scale clearance operations which are now proceeding. The Minister will be prepared to sanction loans to cover any expenditure incurred by a local authority in the exercise of their powers under Section 41, and these expenses or the necessary loan repayments may be included in the Housing Revenue Account.

8. *Compensation to Statutory Undertakers.*—Section 91 (*d*) provides a new code for the assessment of compensation to statutory undertakers whose pipes, mains, etc., are interfered with by clearance or redevelopment schemes of a local authority.

The Section deals with two cases—(*a*) where the removal of the statutory undertakers apparatus is necessary for the purpose of enabling the local authority to exercise their powers of clearance or redevelopment, and (*b*) where it is necessary for the purposes of the undertakers themselves. The term "apparatus" is defined in Section 97 (*e*) as meaning pipes, wires, etc., used for conveying to any premises a

(*a*) See note (*a*) to last paragraph.
(*b*) Now s. 44 of the Housing Act, 1936, *ante*, p. 1654.
(*c*) 23 Halsbury's Statutes 427.
(*d*) Now ss. 46 (3) and 49 of the Housing Act, 1936, *ante*, pp. 1656, 1659.
(*e*) Now ss. 68 and 188 of the Housing Act, 1936, *ante*, pp. 1678, 1766.

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supply of water, gas, etc. It does not include apparatus on the premises themselves. In the first case the local authority may do the necessary work of removal and substitution and the undertakers are entitled to claim compensation for loss due to the destruction of apparatus. No claim is sustainable for loss of profits. In the second case the undertakers are empowered to call upon the local authority to carry out the work, and since it is done to meet the necessities of the undertakers, no question of compensation arises. In both cases the work must be carried out by the local authority to the reasonable satisfaction of the undertakers, but the latter have the option of doing the work themselves at the cost of the authority. Any dispute between the two bodies as to whether the works which the local authority propose or are required to carry out are necessary or reasonable is to be settled by arbitration.

These provisions take the place of Section 13 (2) of the Act of 1930, so far as regards the pipes, wires, etc., of statutory undertakers. As regards rights of way, easements, etc., vested in other persons, subsection (7) of Section 91 amends Section 13 (2) of the earlier Act by providing that such rights and easements are to be extinguished and compensation paid to any person who suffers loss by the extinguishment.

9. *Improvement Areas.*—The "improvement area" procedure which was set up by Sections 7 and 8 of the Act of 1930 is repealed by Section 19 (*a*) of the new Act. Byelaws relating to overcrowding will no longer be necessary in any case, as overcrowding in all areas is covered by the new Act; and a general power—and in certain circumstances a duty—of making housing byelaws on the other matters arising under Section 8 of the 1930 Act is conferred on local authorities by Section 68 of the Act (*b*) (see paragraph 27).

Where a local authority have already declared an improvement area but have not, before the passing of the new Act, taken the consequential step of making byelaws, the obligation to make byelaws for the area lapses and is absorbed in the other provision made by Section 2 and Section 68. Where such byelaws have already been made and are in force at the date of the passing of the new Act, they will remain in force until the "appointed day." This will be the day when the statutory overcrowding code comes into operation in the area of the local authority. As from that date that part of the byelaws relating to overcrowding in ordinary houses will lapse, but the remainder of the byelaws dealing with houses let in lodgings or with the sanitary conditions and amenities to be provided in houses will continue in force in relation to property in the improvement area.

Other Amendments affecting Part I of the Act of 1930.

10.—(a) *Minister to state reasons for his decision that property is unfit.*—Section 63 (2) of the new Act (*c*) provides that any objector who appeared at the Public Inquiry in support of his objection shall, if his property is included in a confirmed clearance or compulsory purchase order as unfit, be entitled, on making a request in writing, to be furnished by the Minister with a written statement of his reasons for deciding that the property was unfit.

(b) *Section* 13 *of the Act of* 1930 (*Closing of Rights of Way*) (*d*).—Section 81 (*e*) of the new Act amends Section 13 of the Act of 1930 with the object of avoiding delay. Under Section 13, a local authority who had purchased land in a clearance area or land immediately adjoining, could proceed to make an order closing any highways and extinguishing any rights-of-way on the land for the purpose of enabling them to redevelop the area properly, but this latter order could only be made when the land had been purchased. Section 81 provides that the local authority may proceed to make and submit to the Minister the order dealing with the closing of highways as soon as they have decided to purchase (*i.e.*, in the usual case, have submitted the compulsory purchase order to the Minister). The Minister, in approving the order closing the highways, will direct that it shall operate either from the date on which the buildings are vacated, or from some subsequent specified date.

(*a*) Now s. 189 (3) of the Housing Act, 1936, *ante*, p. 1772.
(*b*) Now ss. 6, 8 and 189 (4) of the Housing Act, 1936, *ante*, pp. 1590, 1602, 1772.
(*c*) Now s. 41 of the Housing Act, 1936, *ante*, p. 1651.
(*d*) 23 Halsbury's Statutes 406.
(*e*) Now s. 46 (2) of the Housing Act, 1936, *ante*, p. 1656.

(c) *Section 2 of the Act of* 1930 (*a*) (*Restrictions on Cleared Sites*).—For the purpose of removing doubts, Section 80 of the new Act (*b*) declares that the powers conferred on local authorities by Section 2 (5) of the Act of 1930 to impose restrictions on the use of the cleared site of a clearance area, includes the power to impose restrictions on the erection or placing on the site of any hut, tent, caravan or similar structure.

(d) *Section 5 of the Act of* 1930 (*c*) (*Exchange of Land*).—Under this section, a local authority is empowered, subject to certain conditions, to sell land which they have acquired in a clearance area. It is sometimes possible for a local authority to acquire land in a clearance area on favourable terms by arranging with the owner for an exchange of that land for other land which the local authority possess or can acquire. Section 66 of the new Act (*d*) empowers a local authority to make such an exchange.

(e) *Work carried out by Owners.*—In certain circumstances where owners have themselves carried out works to their property, that property cannot be dealt with under Part I of the Act of 1930. (See paragraphs 14 and 15.)

Alterations affecting Part II of the Act of 1930.

11. *Closing Orders.*—Section 84 (*e*) repeals and re-enacts with modifications, Section 20 of the Act of 1930, (*f*) which empowers local authorities to make closing orders in certain cases. A local authority will now be able to make a closing order (*a*) on any part of a building which is occupied by the working classes, and not only, as at present, on any part of a building which is let as a separate habitation; (*b*) on any part of a house which, though not occupied, is suitable for occupation by the working classes; and (*c*) on an underground room whether used for sleeping purposes or not, falling within the definition of Section 18 of the Act of 1925 (*g*). Moreover, the effect of a "closing" order will in future be to limit the use of the room or part of the building to which it applies to a specified use approved by the local authority. Any aggrieved person may appeal to the County Court against a restriction imposed by a closing order. Section 68 of the new Act (*h*) provides that byelaws made under Section 6 of the Act of 1925 (*h*) may include provisions for the prevention of nuisances arising from or in a room or part of a building to which a closing order relates.

12. *Demolition Orders.*—(*a*) Section 83 (*i*) amends Section 19 of the 1930 Act directing that an owner if he wishes to submit an offer to carry out works to property in respect of which he has received a Section 19 notice (*i*) from the local authority must so inform the authority within twenty-one days. If he does so, the authority must allow him a reasonable time in which to submit his list of works. If he does not do so, and the matter goes to the Court, he will not be able to submit the undertaking to the County Court.

(*b*) Section 55 (*k*) directs that in certain circumstances where owners have themselves carried out works to their property, that property shall not for a number of years be made the subject of a demolition order or a closing order (see paragraph 15).

(*c*) Where a local authority exercise their new powers of cleansing from vermin a house to be demolished (see paragraph 28), the date on which the demolition order in respect of that house operates is postponed.

13. *Obstructive Buildings.*—Sections 58–61 (*l*) of the new Act reproduce the substance of Sections 19–22 of the Housing Act, 1925, (*m*) which gave local authorities power to secure the removal of obstructive buildings. The sections in the 1925 Act were repealed by the 1930 Act as being generally unnecessary in view of the special

(*a*) 23 Halsbury's Statutes 398.
(*b*) Now s. 26 (8) of the Housing Act, 1936, *ante*, p. 1633.
(*c*) 23 Halsbury's Statutes 400.
(*d*) Now ss. 30 and 127 of the Housing Act, 1936, *ante*, pp. 1637, 1729.
(*e*) Now ss. 12 and 15 (1) of the Housing Act, 1936, *ante*, pp. 1611, 1615.
(*f*) 23 Halsbury's Statutes 413.
(*g*) 13 Halsbury's Statutes 1013; now s. 12 (2) of the Housing Act, 1936, *ante*, p. 1611.
(*h*) Now s. 6 of the Housing Act, 1936, *ante*, p. 1599.
(*i*) Now s. 11 of the Housing Act, 1936, *ante*, p. 1608.
(*k*) Now s. 51 of the Housing Act, 1936, *ante*, p. 1662.
(*l*) How ss. 54–56 of the Housing Act, 1936, *ante*, p. 1665.
(*m*) 13 Halsbury's Statutes 1013.

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power given to local authorities in connection with improvement areas to acquier and demolish buildings where that course was necessary for the purpose of opening out the area. As the improvement area procedure is being repealed by the new Act, the power to deal with obstructive buildings has been re-inserted.

Redevelopment and Reconditioning by Owners.

14. *Redevelopment by Owners.*—Sections 54–56 (*a*) of the Act contain new provisions to facilitate the redevelopment and reconditioning of their property by owners. Owners wishing to carry out a scheme for the redevelopment of property, may submit plans of their proposals to the local authority. If the local authority are satisfied with the proposals (which will imply that they are of opinion that the proposals are not likely to conflict with any scheme to be carried out by themselves), they may approve the proposals and specify the time or times within which the work must be carried out. Thereupon, if the work proceeds according to the specified time schedule, the local authority are debarred from dealing with the property either under the 1930 Act or under the redevelopment provisions of the new Act. Proposals of this kind cannot be made in relation to property which is already the subject of a demolition order or has already been included in a clearance or compulsory purchase order confirmed under the Act of 1930 or a redevelopment plan approved under the new Act. If the property in question is included in an area which has already been declared to be a clearance or redevelopment area but as regards which no decision has been taken by the Minister, the local authority, in lieu of considering the owner's proposals themselves, may treat them as objections to their own proposals for dealing with the area and submit them to the Minister for his consideration when dealing with their subsequent order or redevelopment plan.

Section 54 also provides that, where a local authority have approved an owner's redevelopment proposals and the owner has to obtain possession of a rent-restricted (controlled) house in order to carry out his proposed works, the local authority can, if satisfied with the new accommodation which is to be provided for the tenants to be displaced, issue a certificate to the effect that suitable alternative accommodation within the meaning of the definition in Section 12 (*b*) is being provided. Such a certificate will have effect as if it were a certificate under the Rent Restriction Acts stating that the local authority were themselves rehousing the tenants, and will thus facilitate the owner's obtaining possession of the property.

15. *Reconditioning by Owners.*—Section 55 (*c*) provides that when an owner proposes to recondition property by works of structural alteration or improvement, including the provision of additional or improved fixtures or fittings, he may submit a list of works to the local authority with a request that they will state whether, in their opinion, the house would, after the execution of the works be fit for human habitation, and with proper maintenance, would remain fit for at least five years, or alternatively, what additional works would be necessary for that purpose. It is the duty of the local authority to comply with a request of this kind, and if not satisfied with the owner's proposals to state what other works they think are necessary. If subsequently all the works considered necessary by the local authority have been carried out to their satisfaction, they must, on request, issue to the owner, on payment of a fee of 1s., a certificate that the house is in all respects fit for human habitation and that it will, with reasonable maintenance, remain so fit for a period (not less than five years or more than 10 years), to be stated in the certificate. The possession of such a certificate by the owner will mean that his house cannot, during that period, if reasonably maintained, be made the subject of a demolition or closing order or be included in a clearance order or in a compulsory purchase order to be purchased at site value.

The foregoing procedure is not available in respect of any property which is the subject of a demolition order or is already included in a confirmed order or redevelopment plan, and if the property is included in an area already declared by the local authority to be a clearance area (or a redevelopment area under the new Act),

(*a*) Now ss. 50–52 of the Housing Act, 1936, *ante*, p. 1661.
(*b*) Now s. 68 of the Housing Act, 1936, *ante*, p. 1679.
(*c*) Now s. 51 of the Housing Act, 1936, *ante*, p. 1662.

then the local authority, instead of proceeding as provided for in Section 55, may submit the owner's proposals to the Minister for his consideration when he is dealing with their order or redevelopment plan.

The new rights conferred on owners by this section may, in certain areas, throw a considerable amount of extra work upon the local authority and their staff. It will be necessary that every application shall be carefully considered before a local authority approve the specified list of works as being sufficient, and that applications shall be dealt with expeditiously.

Housing Associations.

16. *Definition.*—Section 26 (*a*) defines the new term "Housing Association." For the most part the definition is taken from Section 3 (2) of the Housing, etc., Act, 1923 (*b*). It covers all bodies (including public utility societies and limited companies) dealing with working class housing, which do not trade for profit or issue shares or loan stock with interest or dividend exceeding a rate prescribed by the Treasury. The rate at present prescribed is 5 per cent.

17. *Arrangements with Housing Associations.*—Section 27 (*c*) provides that, with the approval of the Minister a local authority may make arrangements with any housing association for the association to—

(*a*) provide rehousing for persons displaced by the local authority by action under the 1930 Act from unfit houses;

(*b*) carry out the whole or any part of the housing work involved in the redevelopment of a congested area;

(*c*) provide rehousing for persons displaced by the local authority to abate overcrowding; or

(*d*) undertake the reconditioning and management of property bought by the local authority for that purpose.

The approved arrangements between the local authority and the housing association must *inter alia* specify the types of houses to be provided and the rents at which they are to be let. There are no special statutory conditions as to rent, tenancy, etc., apart from the terms of the approved arrangements, but in considering any proposed arrangements the Minister would have regard to the general conditions imposed on local authorities by Section 51 (*d*) of the new Act with a view to their adaptation, as far as practicable, to the circumstances of the association.

The local authority are required to pay to the association any grant which would be paid if the authority had themselves provided the accommodation, and this grant will be paid by the Minister to the local authority. The authority may, out of the rates, increase the amount of their contribution to the association beyond the amount of the grant.

The Minister, on the complaint of a housing association that a local authority have unreasonably refused to make arrangements with them, may require the authority to furnish him with a report on the matter, stating the reasons for their refusal.

Power is reserved to the Minister to reduce, suspend or discontinue his payment to the local authority where he is satisfied that the association are not carrying out the approved arrangements. If the Minister takes action of this sort, the local authority may take corresponding action in relation to their contribution to the housing association.

Section 28 (*e*) makes provision whereby a housing association which is receiving contributions under different enactments, subject to the observance of the special conditions laid down by those enactments, may request the Minister to make a scheme for the consolidation of the grants and the unification of the conditions. Before taking action the Minister must consult the local authority concerned. The new conditions applicable to the consolidated grant are to be based on the conditions in Part IV of the Act.

(*a*) Now s. 188 of the Housing Act, 1936, *ante*, p. 1769.
(*b*) 13 Halsbury's Statutes 988.
(*c*) Now s. 94 of the Housing Act, 1936, *ante*, p. 1707.
(*d*) Now s. 85 of the Housing Act, 1936, *ante*, p. 1693.
(*e*) Now s. 95 of the Housing Act, 1936, *ante*, p. 1708.

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18. *Guarantees to Housing Associations.*—Section 29 of the Act (*b*) contains provisions which enable the Public Works Loan Board to make advances to housing associations up to a maximum of 90 per cent. of the value of houses to be erected by them. Section 90 (5) of the Housing Act, 1925 (*c*), empowered the Board to advance money to public utility societies up to two-thirds of the value of the houses provided. Under the new section, a housing association may offer as security for an advance, not only the houses to be erected but any existing working class houses which they own. The Board will be empowered to make an advance up to 90 per cent. of the value of the property mortgaged when the payment of principal and interest is guaranteed under Section 70 of the 1925 Act (which requires the Minister's consent to be given) by a local authority or County Council. When a housing association cannot obtain such a guarantee, the advance may equal 75 per cent. of this value, but if it exceeds $66\frac{2}{3}$ per cent. the Public Works Loan Commissioners will require collateral security.

The powers of local authorities to assist public utility societies under Section 70 of the 1925 Act (*d*) are extended to cover assistance to all bodies included in the new definition of "housing association." Section 107 of the Act of 1925 (*e*) is extended by Section 77 of the new Act (*f*) to enable a local authority to provide buildings, recreation grounds, etc., which will serve a beneficial purpose in connection with the requirements of persons for whom housing accommodation has been provided by a housing association under approved arrangements with the local authority.

19. *Central Housing Association.*—Section 30 (*g*) provides that if a Central Housing Association is in existence or is formed in the future to assist and advise housing associations the Minister may give such an association official recognition and may, for a period of five years, make a grant in aid of the expenses of that association.

Housing (Rural Workers) Acts, 1926 to 1931 (h).

20. *Extension and Alteration of the Acts.*—Section 37 (*i*) extends the period of operation of these Acts from October 1, 1936, when they were due to expire, until June 24, 1938. It is expressly provided that this alteration of date will not necessitate the re-submission for approval by a local authority of schemes which have already been approved. In those approved schemes in which October 1, 1936, appears, a reference to June 24, 1938, is automatically substituted for the earlier date.

The rate of interest on loans granted under the Acts will not in future be prescribed by order of the Minister. It is fixed at a rate of $\frac{1}{4}$ per cent. in excess of the Public Works Loan Board's rate for housing loans to local authorities which was current one month before the terms of the loan were settled.

Section 3 (1) (*b*) of the 1926 Act (*k*) which provides that the maximum increase of rent for a reconditioned cottage shall not exceed 3 per cent. of the part of the estimated cost of the work borne by the owner himself, is amended by the substitution of 4 per cent. for 3 per cent., but this alteration will not apply in respect of a dwelling where the reconditioning was completed by January 1, 1935.

(*a*) 23 Halsbury's Statutes 420.
(*b*) Now s. 93 of the Housing Act, 1936, *ante*, p. 1705.
(*c*) 13 Halsbury's Statutes 1052, repealed; see now s. 92 (6) of the Housing Act, 1936, *ante*, p. 1704.
(*d*) 13 Halsbury's Statutes 1041, repealed; see now s. 93 of the Housing Act, 1936, *ante*, p. 1705.
(*e*) 13 Halsbury's Statutes 1061, repealed; see now s. 80 of the Housing Act, 1936, *ante*, p. 1689.
(*f*) Now s. 80 of the Housing Act, 1936, *ante*, p. 1689.
(*g*) Now s. 96 of the Housing Act, 1936, *ante*, p. 1708.
(*h*) *Ante*, pp. 1839, 1859 and 1875.
(*i*) *Ante*, p. 1863.
(*k*) *Ante*, p. 1844.

21. *Houses owned by Local Authorities.*—Section 38 (*a*) of the Act enables a local authority to obtain the same grant in respect of works which they carry out to property belonging to themselves as a private owner whould have obtained if he had carried out those works. Where the local authority carrying out the works are not the local authority under the Housing (Rural Workers) Acts, they will proceed exactly as if they were private owners, *i.e.*, make an application in the proper form to the authority administering the Acts.

Where the local authority carrying out the works are the authority administering the Acts the application for assistance must be made direct to the Minister and should be accompanied by such details (including plans, specification and information as to rents to be charged, etc.) as would have been submitted by a private owner to the authority when making application for a grant. In such a case, if the local authority receiving grant are the County Council, the rent conditions contained in Section 3 of the Act of 1926 (*b*) will apply as if the County Council had received a grant of twice the amount which they actually receive. The effect is that the County Council, not being in a position to recoup themselves by an increase of rent except as to one-third of the estimated cost, will share with the Exchequer the remaining two-thirds, and the cost to the rates will thus be the same as if the grant had been made to a private owner. If the authority receiving grant are the Housing Authority for the district, the rent conditions contained in the Act of 1926 will not apply. (See Section 52 (2) (*c*).) Together with all other special conditions, they are replaced by the general conditions set out in Section 51 of the new Act (*c*). There is, however, a specific requirement that, where a Housing Authority receive a grant, they shall contribute an equivalent amount out of the rates.

The Minister knows that there is a wide scope for operations under these Acts and hopes that the new provisions enabling a local authority themselves to obtain grants will lead to greatly increased activity under those Acts. In many cases the most economical as well as the most satisfactory way of providing additional housing accommodation, especially to meet overcrowding, may be the making of extensions and additions to existing cottages, and local authorities are now armed with complete powers and facilities for seeing that the necessary work is done. In the case where, for some reason or other, desirable work of this kind is not carried out by the owner, the local authority have power compulsorily to acquire the property (see paragraph 24).

Housing Management Commissioners.

22. Section 25 (*d*) empowers a local authority to set up a Housing Management Commission to whom they may transfer their housing functions relating to the management, regulation, control, repair, etc., of all or any of the housing estates of the authority. The transfer is to be made by a scheme submitted by the local authority for the approval of the Minister. Any such scheme would include provisions as to the method of appointment and term of office of the members of the Commission and as to the financial relations between the local authority and the Commission. Section 25 itself includes a list of the most important subjects with which the scheme would have to deal.

It is contemplated that a scheme will normally provide that the Commission shall make an annual payment to the local authority in respect of the property transferred to them and should then be responsible for letting, repairs, maintenance, etc., and that, subject to carrying out this task satisfactorily, they would be a permanent body, though provision would require to be made in the scheme for the dissolution of the Commission and re-transfer of the property to the local authority on grounds to be specified.

This section is the first provision in the Housing Acts which recognises that a distinction may legitimately be drawn between the body responsible for providing housing accommodation when and where it is needed, and the body to be responsible for the management and control of that accommodation when it has been provided.

(*a*) *Ante*, p. 1864.
(*b*) *Ante*, p. 1844.
(*c*) Now s. 85 of the Housing Act, 1936, *ante*, p. 1693.
(*d*) Now s. 87 of the Housing Act, 1936, *ante*, p. 1695.

HOUSING There is no question but that the duty of seeing that the housing needs of their area are adequately met must rest solely upon the local authority, but there is a growing body of opinion that the local authority may not necessarily be the most appropriate body permanently to manage and control the houses when they have been provided. Housing Management Commissions of the type contemplated in the Section would secure continuity of policy and would extend the scope of professional house management, which experience has shown is so advantageous both from the point of view of improving the conditions of the tenants and from that of preventing the depreciation of the property. The section confers on local authorities a power to establish such Housing Management Commissions and does not impose a duty to do so, but the Minister hopes that every local authority will take the question of exercising their powers into serious consideration. The matter in the present stage is experimental, but the Minister sees no reason why a local authority should not take advantage of its new powers to set up a Housing Management Commission which could, in the first instance at any rate, operate over a limited area. Experience obtained from such an arrangement would then be available as a guide to the authority when considering its extension.

Apart from houses which may be placed in the charge of Management Commissions, the Minister desires to emphasize the importance of employing trained housing estate managers in connection with housing estates remaining under the management of local authorities. Attention has already been directed to this matter in the Minister's Annual Reports, where reference has been made to the successful results which have been achieved by the Octavia Hill system of management, which is also advocated in the Report of the Departmental Committee on Housing under the chairmanship of Lord Moyne. Operations under the Housing Act, 1930, have made it necessary for authorities to provide accommodation for many persons who have hitherto had little opportunity of learning to make the fullest use of, and to care for, the facilities afforded by a modern dwelling. The steps now to be taken to abate overcrowding will add to their number. Experience has shown that often such persons more readily derive the full advantage which should follow removal to healthy modern surroundings when encouraged by skilled help and guidance. At the same time it is of special importance that new houses in the occupation of such tenants should be regularly, though not necessarily formally, inspected, so that minor repairs to fittings, etc., may be carried out before the damage becomes worse by continued use. Trained housing estate managers have been remarkably successful in this work. The tenants have been found to respond readily to their help, while at the same time arrears of rent are kept to a minimum. In normal circumstances a single full-time manager is able to take charge of some 300 houses.

It is understood that twenty-eight authorities already employ trained housing estate managers, and the Minister feels that the question might with advantage receive wider consideration, especially where any appreciable number of persons removed from unsatisfactory surroundings are to be rehoused.

Central Housing Advisory Committee.

23. Section 24 (*a*) imposes on the Minister the duty of setting up a Central Housing Advisory Committee, the personnel of which will be announced in due course. The Committee will be charged with the duty of advising the Minister on any representations made by a local authority under Section 4 of the Act for the issue of an order modifying the overcrowding standard, of advising Housing Management Commissions, of advising the Minister on any housing question which he may from time to time refer to them and of considering the operation of the Housing Acts and making representations to the Minister with respect ot matters of general concern arising under them.

Other Amendments of the Housing Acts.

24. *Compulsory Purchase.*—The powers of a local authority to purchase property compulsorily are extended in two directions. Section 20 amends Sections 57 and 58

(*a*) Now s. 135 of the Housing Act, 1936, *ante*, p. 1735.

of the Act of 1925 (*a*), so as to enable a local authority to acquire compulsorily any houses or other buildings which are or may be made suitable as dwelling-houses for the working classes, together with any land occupied with such houses or other buildings, or any estate or interest in such houses or buildings and land. These powers will enable a local authority to carry out schemes of reconditioning working class property where they are satisfied that this course is the most economical and desirable in all the circumstances. In particular, taken in conjunction with the extension of the Housing (Rural Workers) Acts, they should greatly assist rural authorities in dealing with their housing conditions.

In this connection local authorities are reminded of the duty laid upon them by Section 38 of the Housing Act, 1930 (*b*)—which applies equally to housing under the new Act—of having regard in their housing proposals to the desirability of preserving existing works of architectural, historic or artistic interest. Houses of this character will often be found in clearance areas or may occur as individual houses which, as they stand, are unfit for human habitation. Their number has, however, been rapidly diminishing and accordingly local authorities should be careful to see that in their operations they are not destroying property which it would be better, in the interest of the general amenity of their town, to preserve. It is not, of course, suggested that houses which are unfit for human habitation should be allowed to remain in use as houses, but there will often be cases where the architectural or other interest of the building would make it worth the while of the local authority to acquire it and carry out more or less extensive works of reconstruction which would enable the building to be kept in use, whether as a dwelling or for other purposes, for a long period of years.

Section 70 amends Section 58 (3) of the Act of 1925 (*c*) so as to enable a local authority to purchase compulsorily for the purposes of Part III of the Act of 1925 land which the Minister considers is likely to be required within ten years.

25. *Compensation on Compulsory Purchase.*—Section 73 of the Act (*d*) provides that where land is purchased compulsorily for the purposes of Part III of the Act of 1925, the compensation payable shall be assessed in accordance with the provisions of Part II of the Third Schedule to the Housing Act, 1930 (*e*). The basis of compensation for such land is therefore assimilated to the basis of compensation for land other than land in a clearance area which is compulsorily acquired under Part I of the Housing Act, 1930.

Part II of the Third Schedule to the Housing Act, 1930, is itself amended by Section 90 of the new Act (*f*). A local authority claiming that compensation should be reduced owing to the premises being in a state of defective sanitation, or not in reasonably good repair, are required to furnish to the arbitrator and to the claimant a written statement setting out the alleged defects. The arbitrator is required to embody in his award a statement showing separately whether compensation has been reduced for any of the reasons set out in the Schedule, and, if so, the amount of reduction under each head.

26. *Advances for House Purchase.*—The limit on the market value of houses in respect of which advances may be made either under the Small Dwellings Acquisition Acts (*g*) or under Section 92 of the Act of 1925 (*h*), has been reduced (*i*) in respect of advances made after October 31, 1935, to £800. Local Authorities should not, therefore, enter into any further commitments to intending borrowers in respect of houses above this value, unless they are satisfied that it will be possible for them to have the mortgage completed before October 31, 1935. The date on which the mortgage is executed is deemed to be the date of the advance under the Acts.

The rate of interest on advances under the Small Dwellings Acquisition Acts is

(*a*) 13 Halsbury's Statutes 1034. Now s. 73 of the Housing Act, 1936, *ante*, p. 1683.
(*b*) 23 Halsbury's Statutes 425. Now s. 142 (1) of the Housing Act, 1936, *ante*, p. 1741.
(*c*) 13 Halsbury's Statutes 1036. Now s. 74 (2) of the Housing Act, 1936, *ante*, p. 1685.
(*d*) Now s. 74 (3) of the Housing Act, 1936, *ante*, p. 1685.
(*e*) 23 Halsbury's Statutes 440. Now s. 74 (3) and Sched. IV of the Housing Act, 1936, *ante*, pp. 1685, 1783.
(*f*) See paras. 1, 2 and 6 of Sched. IV of the Housing Act, 1936, *ante*, p. 1783.
(*g*) *Ante*, pp. 1797, 1809, 1822.
(*h*) 13 Halsbury's Statutes 1054. Now s. 91 of the Housing Act, 1936, *ante*, p. 1699.
(*i*) By s. 92 of the Housing Act, 1935, *ante*, p. 1865.

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now fixed, by Section 92, at ¼ per cent. over the rate, current one month before the date on which the terms of the advance were settled, charged by the Public Works Loan Board for housing loans to local authorities.

27. *Byelaws.*—The powers of a local authority to make byelaws relating to housing are amended and extended by Section 68 of the new Act (*a*). Such byelaws will in future be deemed to be made under Section 6 of the 1925 Act (*a*) instead of being made under the Public Health Acts and the duty is laid upon a local authority to make such byelaws when required to do so by the Minister. The provision which limits the application of byelaws under Section 6 (except in an improvement area) to houses let in lodgings or to houses occupied by members of more than one family, is repealed. In future, therefore, such byelaws can relate to houses occupied by only one family, but the local authority is given the power to make some byelaws applicable to all houses, and others (*e.g.*, registration with the local authority) applicable only to houses let in lodgings or occupied by members of more than one family. It will be seen that a local authority now have the power to propose byelaws providing for a minimum standard of fittings, structural equipment, etc., which will apply to all working class houses in their district.

The matters which hitherto could have been dealt with by byelaws made under Section 6 of the Act of 1925 are specified in that Section. The new Act makes two alterations. In the first place, the byelaws may now deal with the prevention of nuisances arising in a room or part of a building which is the subject of a closing order. In the second place, the reference to overcrowding is deleted in view of the general standard laid down by the new Act. In so far as a local authority have already byelaws in operation in their area which contain provisions relating to overcrowding, these provisions will cease to operate from the appointed day when the national overcrowding standard comes into force in their area. Model Byelaws * have been prepared and are available for the assistance of local authorities. The pamphlet summarising the principal provisions of the Housing and Public Health Acts in relation to the maintenance of dwellinghouses in a reasonably fit condition for human habitation has been revised and is now on sale.

28. *Cleansing from Vermin.*—Section 82 of (*b*) the Act empowers a local authority to cleanse from vermin before it is demolished, any house to which a demolition order or clearance order applies. Where the authority are satisfied that a house ought to be cleansed in order to prevent the spread of vermin which might be caused by the distribution of the materials obtained by demolition, they may at any time between the date of confirmation of the clearance order (or date of making the demolition order) and the date on which the order becomes operative serve notice on the owner of their intention to cleanse, and the owner must not start demolition until the authority have cleansed the building and authorise him to proceed. If the owner is anxious to proceed with demolition he can serve a counter notice on the local authority requiring them to complete the cleansing within fourteen days.

The Minister hopes that local authorities will make full use of the powers conferred on them by this section in view of the importance of any step which will assist to prevent the dissemination of bed-bugs.

29. Among other minor amendments effected by the new Act it appears necessary to mention only the following. Section 94 (*c*) provides that in future, where a local authority build houses under Part III of the Act of 1925, whether subsidised or unsubsidised, the contract for those houses must contain a fair wages clause in the usual form, and the houses themselves must contain a fixed bath in a bathroom unless the authority have obtained the prior consent of the Minister to a departure from that requirement. The Sixth Schedule amends paragraph 1 of the Fourth

* Series XIII. For securing the improvement of housing conditions.
Series XIII B. Houses intended or used for occupation by the working classes and let in lodgings or occupied by members of more than one family.

(*a*) 13 Halsbury's Statutes 1006 ; 28 Halsbury's Statutes 245. Now s. 6 of the Housing Act, 1936, *ante*, p. 1590.
(*b*) Now s. 17 of the Housing Act, 1936, *ante*, p. 1620.
(*c*) Now s. 72 (3) of the Housing Act, 1936, *ante*, p. 1682.

Schedule to the Act of 1925 (*a*) and provides that housing bonds shall bear interest at such rate as the local authority may determine at the time of issue. HOUSING

Ministry of Health.
October, 1935.

HOUSING ACT, 1935 (*b*).

MEMORANDUM B—THE PREVENTION AND ABATEMENT OF OVERCROWDING.

NOTE.—The forms and rules referred to in this Memorandum as having been prescribed were "The Housing Acts (Overcrowding and Miscellaneous Forms) Provisional Regulations, 1935 (*c*)."

1. *Introductory.*—Sections 1 to 12 of the Housing Act, 1935 (*d*), together with the First Schedule (*e*), contain the specific provisions of that Act for the abatement and prevention of overcrowding. The general scheme is to provide a standard for measuring overcrowding, and, subject to suitable safeguards, to make it, as soon as practicable, a punishable offence to infringe that standard; to provide for a survey by every housing authority to ascertain the extent of overcrowding in their area and the places where it exists; and to secure that the new accommodation required to abate overcrowding is provided in the places where it is needed. Other provisions in the Act (in particular those relating to the redevelopment of overcrowded and congested areas, which are dealt with more fully in Memorandum C of this series), have a close bearing on the question of the effective action to be taken by local authorities in abating overcrowding, and these are referred to where necessary in this memorandum. The first part of the memorandum is mainly an outline of the provisions contained in Sections 1 to 12 of the Act. The second part deals in detail with the necessary steps to be taken by local authorities to carry out the survey which they are required to make, and the form in which the report on that survey and the proposals of the authority should be submitted to the Minister.

2. *The Survey.*—Section 1 (*f*) imposes on every local authority the duty of carrying out an inspection of their district within a period to be fixed by the Minister in order to ascertain what houses are overcrowded (as defined in Section 2 and the First Schedule) and of reporting the result to the Minister with their proposals for building new houses, or flats where necessary, to abate the overcrowding. The method of carrying out the survey is dealt with in detail in Part II of this memorandum.

Generally speaking, once a complete survey has been carried out and the overcrowding abated, there should be no need for any subsequent survey on the same scale, but to meet exceptional conditions provision is made for a further survey to be carried out by the local authority if they consider that occasion for it has arisen, or the Minister so directs.

The duty, imposed upon local authorities by Section 25 (1) of the Act of 1930 (*g*), of reviewing the housing needs of their area from time to time remains in force, but Section 25 (2) of the 1930 Act which imposes on every urban authority with a population of over 20,000 the duty of making quinquennial surveys (in 1935, 1940, etc.) of the housing needs of their district, and submitting proposals to the Minister for meeting those needs, is repealed.

3.—*The Overcrowding Standard.*—Section 2 and the First Schedule to the Act (*h*), set out the new overcrowding standard which, subject to any temporary modification

(*a*) 13 Halsbury's Statutes 1074. See now Sched. VIII, para. 1 of the Housing Act, 1936, *ante*, p. 1791.
(*b*) This Act (28 Halsbury's Statutes 199) has, with the exception of the sections printed, *ante*, pp. 1862 *et seq.*, been repealed by the Housing Act, 1936, *ante*, p. 1583. The sections of the 1936 Act by which the sections mentioned in this memorandum are replaced are indicated in the notes.
(*c*) See now the Housing Act (Overcrowding and Miscellaneous Forms) Regulations, 1937, *post*, p. 3082.
(*d*) Now ss. 57-68 of the Housing Act, 1936, *ante*, p. 1668.
(*e*) Now Sched. V to the Housing Act, 1936, *ante*, p. 1784.
(*f*) Now s. 57 of the Housing Act, 1936, *ante*, p. 1668.
(*g*) 23 Halsbury's Statutes 416. See now s. 71 of the Housing Act, 1936, *ante*, p. 1692.
(*h*) Now s. 58 and Sched. V of the Housing Act, 1936, *ante*, pp. 1669, 1784.

made by order under Section 4 of the Act (*a*), is to apply throughout the whole country. It is relevant to point out that this standard does not represent any ideal standard of housing, but the minimum which is in the view of Parliament tolerable while at the same time capable of immediate or early enforcement. Local authorities providing housing accommodation for overcrowded persons who are to be displaced will be bound by the provisions of Section 37 of the 1930 Act (*b*), as regards the number of persons who may be deemed to be properly accommodated in any replacement houses belonging to themselves.

The overcrowding standard consists of two parts. Section 2 (1) (*a*) provides that there must be sufficient sleeping accommodation in a house to secure proper sex separation. Section 2 (1) (*b*) is a standard of capacity, and in conjunction with Schedule 1, fixes in relation to the accommodation in any particular house the maximum number of persons, irrespective of sex, who may be permitted to sleep in that house at one time.

For convenience, the two tables in the First Schedule to the Act are here reproduced:—

TABLE I.

Where a house consists of—	The permitted number of persons is—
(*a*) One room	2
(*b*) Two rooms	3
(*c*) Three rooms	5
(*d*) Four rooms	7½
(*e*) Five rooms or more	10 with an additional 2 in respect of each room in excess of five.

(In using this Table, a room of less than 50 square feet is not counted as a room.)

TABLE II.

Where a room in a house has a floor area of—	
(*a*) 110 sq. ft. or more	2
(*b*) 90 sq. ft. or more, but less than 110	1½
(*c*) 70 sq. ft. or more, but less than 90	1
(*d*) 50 sq. ft. or more, but less than 70	½
(*e*) Under 50 sq. ft.	Nil

In the application of these tables account is only to be taken of rooms which are normally used in the locality either as a living room or as a bedroom.

In applying Table II, each room of the size mentioned is to be reckoned as capable of accommodating the number set out in the Table, and the aggregate for all the rooms in the house is ascertained in this manner. The "permitted number" for the house is the aggregate number so obtained or the number given by Table I, whichever is the smaller.

It will be seen that if all the rooms in a house to which the Tables are to be applied are of 110 square feet or more in area only Table I will have to be used. Table II is to be applied only when one or more of these rooms is between 50 and 110 square feet in size. In such a case, the total number of persons which would be allowed under Table II according to the size of the rooms in the house is calculated. The number so reached will be the permitted number if it is less than the number given by Table I.

In considering the application of the standard in relation to particular families it is to be noted—

(i) that in the case of a house part of which is sub-let, the rooms occupied by the sub-tenant constitute a separate house; (Section 12, definition of dwelling-house);

(ii) that children between the ages of 1 and 10 years count as half a person and that a child under 1 year of age does not count at all (Section 2 (2));

(*a*) Now s. 60 of the Housing Act, 1936, *ante*, p. 1672.
(*b*) 23 Halsbury's Statutes 425. Now s. 136 of the Housing Act, 1936, *ante*, p. 1735.

(iii) that apart from the number of persons who may occupy a house there is an overriding condition that the accommodation available for a particular family must be such that no two persons both of 10 years of age or over of opposite sexes, except persons living together as husband and wife, must sleep in the same room (Section 2 (1) (*a*));

(iv) that only rooms normally used in the locality for sleeping or living purposes are counted as rooms, so that bathrooms, sculleries, etc., are not counted as part of the accommodation (Section 12, definition of "room").

A few examples are appended.

CASE 1.—*The House of* 1 *Room.*

In this case the permitted number of persons is 2 according to Table I of the standard. If the room happens to be less than 110 square feet in area the permitted number of persons will be found in Table II. The following families could occupy a house of one room of normal size :—

(*a*) A husband and wife with or without a child under 1 year of age.

(*b*) One parent with 2 children under 10 years.

(*c*) Any two adults of the same sex.

The following families could not occupy a house of one room without infringing the standard :—

(*a*) Two adults of opposite sexes not living together as husband and wife, *e.g.*, brother and sister, mother and son over 10 years of age, father and daughter over 10 years of age ;

(*b*) Any family where the total number of persons exceeds 2, *e.g.*, father and mother with one or more children over 1 year of age.

If the room had a floor area of 95 square feet it could only accommodate 1½ persons (Table II). Accordingly it would be overcrowded if occupied by a man and his wife but not if occupied, say, by one adult and one child under 10 years.

CASE 2.—*The House of* 2 *Rooms.*

The permitted number of persons for a house of 2 rooms is given by Table I as 3. In the following examples it is assumed that the rooms are of such areas that Table II does not operate, so that 3 is the permitted number of persons. Typical families who could live in such a house without infringing the standard are :—

(*a*) Father, mother and 1 child over 10 years.

(*b*) Father, mother and 2 children under 10 years.

(*c*) Father, grown-up daughter and 2 children under 10 years.

In any of the above cases, of course, there might be in addition a child (or children) under 1 year of age.

The following families could not occupy a house of 2 rooms without infringing the standard :—

(*a*) Parents with child under 10 years and child over 10 years (3½ persons).

(*b*) Parents with 3 children under 10 years (3½ persons).

(*c*) Father, grown-up son, grown-up daughter and 1 child under 10 years (3½ persons).

In the case of a 2-roomed house the sex separation part of the standard is always complied with if the permitted number of persons is not exceeded.

CASE 3.—*The House of* 3 *Rooms.*

According to Table I the permitted number of persons for a house of 3 rooms is 5. The following families could occupy a 3-roomed house, none of the rooms of which were of less than 110 square feet :—

(*a*) Father, mother and 3 children over 10 years.

(*b*) Father, mother, 2 children over 10 years and 2 children under 10 years.

(*c*) Father, mother, grandmother and 2 children over 10 years.

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The following families could not occupy a normal 3-roomed house without infringing the standard :—

(*a*) Father, mother, 2 children over 10 years and 3 children under 10 years ($5\frac{1}{2}$ persons).

(*b*) Father, mother and 4 children over 10 years (6 persons).

4. *Overcrowding Offences.*—Section 3 (*a*) deals with the relation of the individual occupier or landlord to overcrowding. The general effect is that overcrowding existing at the appointed day (see paragraph 13) is not an offence until alternative accommodation has been offered and refused, but the creation after the appointed day of overcrowding in a house where it does not exist on the appointed day will be punishable.

By Section 3 (1) overcrowding after the appointed day is made an offence on the part of the occupier who causes it, and of the landlord who permits it. An offence is punishable by a fine not exceeding five pounds, with a further fine not exceeding two pounds per day in respect of each day on which the offence continues after conviction.

Section 3 (2) gives special protection to persons who are in occupation on the appointed day. Where there has been no change of occupier since the appointed day, and no addition to the occupants except by births, then notwithstanding that the house is overcrowded, no offence is committed by the occupier unless he refuses an offer of "suitable alternative accommodation" (defined in Section 12), or declines to take reasonable steps to get ridof some person who is not a member of his family (such as a lodger or sub-tenant) to whom suitable alternative accommodation has been offered. The removal of such a person might abate the overcrowding entirely; in any case it would ameliorate the conditions, and might justify the local authority in postponing further action until more urgent cases had been disposed of.

Section 3 (3) contains safeguards to cover the case where a family living in uncrowded conditions becomes overcrowded in course of time owing to increases in the number or ages of the children. These safeguards are general and apply to all occupiers whether or not they were in occupation on the appointed day. An occupier whose dwelling becomes overcrowded in the circumstances mentioned, provided that he has not subsequently increased the overcrowding by taking in additional persons, should apply to the local authority for alternative accommodation, and if he does so and does not refuse suitable accommodation which is offered to him, or fail in the particular case where it would be reasonable and practicable to ameliorate the overcrowding by the displacement of some lodger or sub-tenant (not a member of his family), will not be guilty of an offence.

Section 3 (4) gives a further safeguard where a house is overcrowded solely because a member of the occupier's family who does not normally live in the house is temporarily residing with him. This provision is to protect an occupier where a son or daughter or other member of the family returns home for a short stay.

Section 3 (5) sets out the two cases in which a landlord can be prosecuted for an overcrowding offence. They are :—

(*a*) where the landlord or his agent is informed in writing by the local authority that his tenant is committing an overcrowding offence, and the landlord does not take steps, including, if necessary, an application to the Court to obtain possession, to put an end to the offence, and

(*b*) where on the letting of a house the landlord, or person letting it on his behalf, had reasonable cause to believe that it would be overcrowded, or did not inquire the number, age and sex of the persons who were going to occupy it.

It will be observed in connection with the first provision that Section 9 of the Act (*a*) provides that in such a case the Rent Acts shall be no bar to the obtaining of possession by the landlord and that the obtaining of possession in such circumstances shall not lead to the decontrol of the house, while Section 10 (*a*) confers on the local authority powers, analogous to the powers in Section 39 of the Housing Act, 1930 (*b*), enabling them to take proceedings themselves for the eviction of the tenant.

(*a*) Now ss. 59, 65, 66 of the Housing Act, 1936, *ante*, pp. 1670, 1676, respectively.
(*b*) 23 Halsbury's Statutes 425. Now s. 155 of the Housing Act, 1936, *ante*, p. 1747.

The creation of new overcrowding must be prevented as far as possible, and the second provision will help to ensure that no landlord connives at or encourages its creation.

5. *Temporary Modifications of the Overcrowding Standard.*—Section 4 (*a*) gives the Minister the power, on the application of a local authority and after consultation with the Central Housing Advisory Committee, to modify temporarily the overcrowding standard in its application to houses in the district of a particular local authority or in any part of that district. It may be necessary to have recourse to this power in relation to exceptional areas where the normal housing accommodation available for the working classes is such that some considerable measure of overcrowding on the standard in the Act is unavoidable for a substantial period.

An order made under the section for the relaxation of the standard cannot operate for more than three years in the first instance, although it may be renewed. Any order may be revoked or varied, as circumstances may require, after consultation with the Central Advisory Committee.

The section sets out the circumstances which must exist before the Minister can make an order. They are that in the whole area of the authority, or in some defined part of it, a large proportion of the accommodation for the working classes consists either of (*a*) houses with a small number of rooms, or (*b*) houses with very large rooms, or (*c*) houses with very small rooms, and that in consequence the immediate application of the new standard would be impracticable in a particular district or in relation to particular types of houses. Normally, it is contemplated that any relaxation provided for by an order under Section 4 would apply to particular types of house and not to all the houses in an area.

Before the authority can be in a position to consider the necessity for a representation to the Minister that an Order under Section 4 should be issued, it will be necessary for them to have completed their survey and report under Section 1 of the Act in relation to the area in question, and so to have a general picture of what the conditions are likely to be on the appointed day. The Minister does not anticipate that any substantial number of local authorities will find it necessary to make representations under this provision.

6. *Overcrowding Licences.*—Section 5 (*b*) gives a local authority power, on the application of an occupier or intending occupier of a dwellinghouse, to issue a licence allowing that dwellinghouse to be occupied for a limited period by a number of persons in excess of the permitted number for the house. Such a licence can only be granted when the local authority are satisfied that exceptional circumstances exist which make it expedient to do so, but it is specially provided that exceptional circumstances in this sense may be held to include a seasonal influx of population into a town. The licence cannot continue in force for more than 12 months and may be revoked by the local authority at any time if they think this course desirable. Within seven days after issuing a licence to an occupier, the local authority must serve a copy of the licence on the landlord. While the occupier holds the licence and complies with any conditions attaching to it, he is not guilty of an offence. The form of licence and the form of revocation of a licence have been prescribed.

The power of a local authority to issue licences subject to such conditions as they think fit to impose will enable them to exercise control over temporary overcrowding which may be unavoidable. Such temporary overcrowding may arise in various circumstances. A not unusual case will be that of a family who are obliged to move, but cannot find at the moment any accommodation in which they will not infringe the standard. Apart from such individual cases, recourse to licensing might be necessitated by a temporary increase of the population of a small district caused (*e.g.*) by workmen carrying out constructional works. The Act itself contemplates that the circumstances of holiday resorts may be such as to require the issue of licences on rather a large scale.

In all cases where a licence is issued it is important to ensure that it is so framed as to permit only the minimum amount of overcrowding for the shortest possible time. This will be comparatively easy in the case of an application from an occupier for a

(*a*) Now s. 60 of the Housing Act, 1936, *ante*, p. 1672.
(*b*) Now s. 61 of the Housing Act, 1936, *ante*, p. 1673.

licence to cover the occupation of a house by himself or by certain specified persons for a limited period, but in the case of licences granted to meet the circumstances of holiday resorts it will be necessary for the local authority to exercise special care. In many cases the application received by the local authority will take the form of a request for a general permit to take in visitors during the normal holiday season, and in the Minister's view it is desirable that in those circumstances any licence should cover any lettings during the season, so that an occupier would not have to make more than one application. On the other hand, the conditions of the licence should be determined by the circumstances of the case and in considering the degree of relaxation to be permitted, the local authority should have primary regard to the occupier's own family and the accommodation available for them. It would in suitable circumstances be proper for the local authority to make it a condition of the licence that at all times a certain specified number of rooms should be retained by the occupier for the exclusive use of himself and his family.

It will be necessary for the local authority to make arrangements for the keeping of records of all licences issued and of their period of operation.

7. *Power to Obtain Information relating to Overcrowding.*—Section 6 (3) of the Act (*a*) confers on a local authority a power of entry into a house for the purpose of ascertaining the number of rooms occupied and the measurement of those rooms, so that they can ascertain the permitted number for the dwellinghouse.

Section 8 (*a*) makes it the duty of a landlord or his agent under penalty of a £2 fine, to inform the local authority when it comes to his knowledge after the appointed day that his house is overcrowded. This does not apply to overcrowding which existed on the appointed day or to overcrowding which has been notified to the landlord by the local authority or is covered by licence, but should secure the early notification of any fresh overcrowding which may occur.

Section 10 (3) of the Act (*a*) provides that a local authority may serve notice on the occupier of a dwellinghouse requiring him to furnish them within 14 days with a statement in writing of the number, age and sex of the persons sleeping in the house. The form of notice for this purpose has been prescribed. The occupier is liable to a fine of £2 if he does not comply with the request or knowingly makes a false statement.

The power to obtain information from occupiers will be useful to local authorities both in carrying out the survey required by Section 1 of the Act, and later in any case where they have reason to suppose that a house is overcrowded. It is not suggested, however, that a local authority in the conduct of their survey should serve such a notice on every occupier. Their power should be used where an occupier refuses to give information to the officer of the authority making the survey.

8. *Supply of Information by the Local Authority.*—Section 6 (2) of the Act (*b*) makes it the duty of the local authority on the application of the landlord or the occupier of a dwellinghouse to inform him in writing of the permitted number of persons in relation to the house. This information will often be in the possession of the local authority as a result of the survey of their area. If it is not, it will be necessary to obtain it by inspection and in some cases measurement of the rooms. The Act does not specify the time within which this information must be supplied, but, as the permitted number is required to be inserted in rent books, it will be necessary to supply it some time before the date on which it becomes obligatory on a landlord to insert the information in the rent book (see paragraph 9).

Section 7 of the Act (*b*) empowers a local authority to publish information for the assistance of landlords and occupiers of dwellinghouses as to their rights and duties in regard to the new overcrowding provisions. It will be observed that various provisions of the Act are expressed to come into force on an "appointed day" or six months after an appointed day. There will not necessarily be one appointed day for all purposes within the area of a local authority, and the appointed day for the same purpose may vary as between the areas of different local authorities. It is therefore essential that there should be local publicity to ensure that all persons

(*a*) Now ss. 157 (*d*), 64, 66 (3) of the Housing Act, 1936, *ante*, pp. 1750, 1675, 1676, respectively.

(*b*) Now ss. 62 (2), 63 of the Housing Act, 1936, *ante*, pp. 1674, 1675, respectively.

concerned are fully aware of the dates on which the several provisions of the Act come into force. Section 7 will enable local authorities to post notices and take other effective steps for this purpose. It will also enable them if they think fit, to prepare leaflets setting out the main provisions of the Act affecting landlords and occupiers for distribution to persons seeking information. A judicious use of the powers conferred by this section may prove of great assistance in securing the enforcement of the overcrowding provisions.

9. *Information in Rent Books.*—Section 6 (*a*) provides that, as from six months after the appointed day (*i.e.*, the day appointed for the purposes of this section), all rent books or similar documents relating to working-class houses must contain a summary in a form prescribed by the Minister of those provisions of the Act relating to overcrowding which affect occupiers, together with a statement showing the permitted number of persons in relation to that house. A landlord who fails to comply with this requirement is liable on prosecution by the local authority to a fine of £10. To ensure compliance with these provisions, local authorities are empowered by Section 6 to call for the production of rent books, and any person who fails to produce the rent book within 7 days is liable to a fine of £2. The form of summary has been prescribed by the Minister.

10. *Number and Size of Rooms.*—As already mentioned the permitted number in respect of a dwellinghouse is determined solely by the number and size of the rooms in that house, and local authorities have a right of entry to ascertain these facts. By Section 6 (5) of the Act (*b*) a certificate of the local authority stating the number and floor areas of the rooms in a dwellinghouse and that the floor areas have been ascertained in the prescribed manner is made, for the purposes of any legal proceedings, *primâ facie* evidence of the facts stated therein. The rules for the measurement of floor areas have been prescribed by Regulations. Briefly, the rules are to the effect that the floor area is to be ascertained in the simplest possible manner without taking account of internal projections such as chimney-breasts, and that in the case of rooms with sloping ceilings, any part of the floor where the height is less than five feet is to be excluded.

11. Information to be supplied to the Minister.—In addition to the report which must be made to the Minister after the local authority have carried out the survey under Section 1 of the Act, it is provided that the Minister shall receive periodical reports of the progress made in dealing with the abatement of overcrowding. For this purpose Section 11 (*c*) provides that it shall be the specific duty of the Medical Officer of Health to report annually to the Minister as to conditions in relation to overcrowding, and in particular to furnish details with regard to dwellinghouses in which overcrowding had recurred after being abated by the local authority. Regulations dealing with this matter will be found in Draft Rules and Orders No. 83298 (relating to London) and No. 80146 (relating to the rest of the country) (*d*).

12. *Enforcement of the Overcrowding Provisions.*—Section 10 of the Act (*e*) provides that it shall be the duty of a local authority to enforce the overcrowding provisions in their area and that only a local authority can prosecute for an overcrowding offence. There is one exception to this. Where a local authority are themselves the landlords of houses and are guilty of an overcrowding offence, it is open to any person, with the consent of the Attorney-General, to take proceedings. The Minister is confident that local authorities can be relied upon to use their powers of prosecution with due discretion. The powers are necessary in order that local authorities may be fully armed to deal with the problem of overcrowding, but the normal procedure, even when the overcrowding constitutes an offence, will doubtless be to assist the overcrowded family to find other and more suitable accommodation and, if persuasion fails, to secure an order for their eviction. In practice if this normal procedure is followed it should rarely be found necessary to prosecute an occupier, although the power of prosecution must be used to meet the case of flagrant and repeated offences.

(*a*) Now s. 62 of the Housing Act, 1936, *ante*, p. 1674.
(*b*) Now s. 62 (4) of the Housing Act, 1936, *ante*, p. 1674.
(*c*) Now s. 67 of the Housing Act, 1936, *ante*, p. 1677.
(*d*) See now the Housing Act (Overcrowding and Miscellaneous Forms) Regulations, 1937, *post*, p. 3082.
(*e*) Now s. 66 of the Housing Act, 1936, *ante*, p. 1676.

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Section 10 (2) gives a local authority power to obtain vacant possession of a house which is overcrowded in such circumstances as to constitute an offence, if the occupier, after 14 days' notice in writing from the local authority, has not abated the overcrowding. In these circumstances the local authority may apply to a Court of Summary Jurisdiction for an order for vacant possession to be given to the landlord. Cases may arise in which a tenant complies with the authority's notice for a short time but then again overcrowds the house, but the local authority will be able, if the offence is repeated at any time within three months after the date of the first notice without serving any fresh notice, to make the application to the Magistrate. The expenses of their proceedings will be recoverable by the local authority from the landlord, on whom, but for this special provision, the onus of taking proceedings would have fallen.

13. *Appointed Days.*—"Appointed day" is defined in Section 97 (*a*) as such day as the Minister may appoint, and the Minister may fix different days for different purposes and different provisions of the Act and for different localities. The appropriate date for the "appointed day" for any purpose in any local authority's area will depend on the progress made under the Act. Strict enforcement of the law would be unreasonable until the local authority have made substantial progress in the provision of new accommodation which is required. On the other hand, if the "appointed day" is fixed appreciably later than this, there would be a risk of the recurrence of overcrowding in a dwelling which had already been decrowded and of a liability to find further alternative accommodation in respect of the same house.

The appointed day for the purposes of the insertion of notices in rent-books will not be fixed until local authorities have had time to obtain the information necessary to comply with requests for a statement of the permitted number in respect of any dwellinghouse in their area.

14. *Definitions.*—The definitions appropriate to the overcrowding sections of the Act will be found in Section 12 (*a*).

"Dwellinghouse."—A dwellinghouse is defined as any premises used as a separate dwelling by persons of the working classes or of a type suitable for such use. It therefore includes any part of a building which is used, or is capable of use as a separate dwelling by persons of the working classes. The part of a house occupied by a sub-tenant is therefore a separate dwellinghouse for the purposes of the overcrowding provisions.

"Landlord."—A landlord is defined as the immediate landlord of an occupier or, in the case of a service tenancy, the employer of an occupier. Thus the tenant of a whole house is the landlord in relation to the sub-tenant of part of his house.

"Agent."—An agent is defined as the person who collects the rents of a landlord or, in the case of a service tenancy, the person who pays remuneration to the occupier on behalf of the employer.

"Room."—A room is defined as not including any room of a type not normally used in the locality either as a living room or as a bedroom. It is further provided in the First Schedule that no room with a floor area of less than 50 sq. ft. shall be counted as a room. As the certificate of a local authority stating the number and sizes of the rooms in a house will be treated in any proceedings as prima facie evidence of the facts stated therein, it will be for the local authority in the first instance to determine whether or not any particular room is of a type normally used in the locality either as a living room or as a bedroom.

"Suitable alternative accommodation."—The definition of suitable alternative accommodation follows closely that contained in the Rent Restriction Acts. It means a dwellinghouse in which the occupier and his family can live without overcrowding, and one which is certified by the local authority to be suitable to the needs of the occupier and his family as respects security of tenure and proximity to place of work, and to be suitable in relation to his means. If the house belongs to the local authority, they must also certify that it is suitable in extent, having regard to the standard in Section 37 of the 1930 Act. The form of certificate for this purpose has been prescribed. A local authority will generally have no difficulty in certifying accommodation which they themselves have provided. Where the

(*a*) Now s. 68 of the Housing Act, 1936, *ante*, p. 1678.

alternative accommodation which is being offered to an occupier is accommodation provided by a private landlord, the local authority should assure themselves that the terms of the definition are being satisfied. In such cases a definite arrangement with the landlord to afford to the tenant reasonable security of tenure so long as he pays a rent which the authority regard as suitable to his means, will usually be necessary.

PART II.

15. *The Duty of Inspection.*—Section 1 of the Act makes it the duty of every local authority " before such dates as may be fixed by the Minister as respects their district, to cause an inspection thereof to be made with a view to ascertaining what dwellinghouses therein are overcrowded, and to prepare and submit to the Minister a report showing the result of the inspection " and of the necessary action which the local authority propose to take. The Act does not define any more closely the form which the inspection is to take ; it must be such an inspection as will bring to light all cases of overcrowding. The date or dates to be fixed by the Minister must obviously have regard to the length of time which an inspection which will be adequate for the purpose in view will take, and this in turn depends on the arrangements made for carrying out that inspection. A comprehensive and detailed examination of all working class accommodation in the district, including the measurement of all the habitable rooms in every house, may be regarded as the ideal form of survey. Not only would it disclose accurately all cases of overcrowding, but it would provide a large amount of information including that required for the purpose of informing a landlord or occupier, on request, of the permitted number in respect of any particular dwellinghouse. But such an inspection would be a lengthy proceeding, and though measurement will ultimately be generally necessary would be more elaborate than is necessary to comply with the duty imposed by Section 1. Accordingly the Minister, in considering the question of the dates which he shall fix under that section, has had in mind a more limited survey designed primarily to serve the specific objects of the section, namely to ascertain the amount of overcrowding and the amount of new accommodation required to abate that overcrowding. The kind of inspection contemplated is dealt with generally in the next paragraph and in detail in subsequent paragraphs of this memorandum. The Minister is satisfied that by working on the method suggested or on some similar method, the inspection contemplated by Section 1 of the Act can be carried out by any local authority speedily and efficiently.

16. *Method of Survey.*—As the Act does not prescribe any particular method in which the inspection is to be carried out, local authorities are at liberty to use the method they consider most suitable. Whatever method is used, it is important to bear in mind that, in order to get an accurate picture of the position the inspection, once started, should be completed within the shortest possible time. Otherwise the movement of the population and other factors might invalidate the results. To assist local authorities, the Minister has drawn up in consultation with the associations of local authorities a procedure and forms of survey (appended to this memorandum) which, in his opinion, could with advantage be generally adopted and would enable local authorities to obtain speedily a comprehensive view of the overcrowding situation in their areas. Returns on a uniform basis are necessary to enable the Minister to obtain a complete picture of the housing conditions in the country as a whole, which is of the first importance for administrative purposes.

The general scheme contemplates a preliminary house to house survey of all working class houses in the area of a local authority. This survey will be directed as respects each such house only to the questions (*a*) whether it is empty, and (*b*) if it is occupied what is (i) the number of families and of persons in each family, and (ii) the number of rooms occupied by each family. The application to the facts so disclosed of Table I in the First Schedule (see paragraph 3 of this memorandum) will at once show a certain number of families to be overcrowded. This preliminary survey will not, however, disclose those families which, though not overcrowded when regard is had solely to the number of rooms in accordance with Table I, would nevertheless be found to infringe the standard when Table II, which takes account of the size of rooms, is applied. A family which is not overcrowded according to Table I but which is overcrowded when Table II is applied, must be very near the over-

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crowding level on Table I. It should accordingly be possible on the first survey to pick out all the cases which are likely to fall within the latter category and to arrange for a further inspection and measurement of the rooms in the houses concerned. It will of course also be necessary to measure the rooms in each house shown to be definitely overcrowded, in order to ascertain the exact extent of the overcrowding, but this step can await the completion of measurement in the doubtful cases. The procedure to be followed and the appropriate forms of record to be used (Forms A and B) are dealt with in the appendix to this memorandum. It will facilitate the summarizing of the results obtained from the Forms if from the commencement arrangements are made whereby the forms relating to particular areas (*e.g.*, wards) or particular classes of property are kept separate. For example, there might well be one set of forms relating solely to houses in the area owned by the local authority, while the arrangements should, if possible, ensure that the authority can separate those forms relating to houses which are likely to be dealt with under the slum clearance programme. It is suggested also that for ease of handling by the enumerators the forms should be printed in blocks of 100 with a cover on which are printed the instructions to the enumerators. Where this is done, the sheets should be provided with a perforated edge to facilitate removal of any particular form where this is necessary.

The Minister is satisfied that the house to house enumeration which forms the foundation of the return can be completed in a comparatively short space of time. It will necessitate in some cases the division of the areas of local authorities into separate districts and the employment of temporary staff, and arrangements for instructing that staff in their duties. As a result of consultations with representatives of local authorities, the Minister considers that one enumerator could reasonably be expected to visit, and complete the forms for, 300 houses per week. In making their arrangements the local authority should bear in mind that technical qualifications on the part of the enumerator are not essential; in many cases they may be able to make temporary use of members of their staff normally employed on other work. Local authorities will doubtless consider the desirability of giving occupiers written intimation beforehand of the time and purpose of the enumerator's visit and of providing him with some suitable form of authorisation for production to the occupiers. It will be remembered in this connection that a local authority have power to enter and obtain particulars of occupation under the Act (see paragraph 7). The staff should in all cases be selected with due regard to the need for tact and courtesy and where measurement of rooms is necessary, only persons on whose accuracy reliance can be placed should be employed. If, at the date when the report on the inspection is to be submitted to the Minister, the authority have not been able to complete all necessary room measurements, they should not delay the submission. Their experience of the houses already measured will enable them to make a close estimate of the position of those still to be measured, and this estimate should be used to complete their report.

It is suggested that when Form B has been completed in respect of a particular house it should form the basis of the record of the local authority's action in dealing with the overcrowding in that house. For this purpose the back of the form, if provided with suitable headings to meet the needs of the locality, could conveniently be used.

17. *The Record of the Inspection.*—Whatever form of record is used, it is essential that it shall show the number of families found to be overcrowded and the sizes of those families, together with the amount of new accommodation which would be necessary to abate the overcrowding, regard being had to any existing vacant accommodation and the accommodation which would be rendered available by displacements. The Minister has thought it desirable to draw up a model form (Form C appended) in which the results of the survey can be presented to the local authority and to him.

Form C will be completed by a simple process of addition of the facts disclosed by the separate returns. It will be seen that the form is intersected by a diagonal line by the help of which the completed form will at once give a picture of the housing conditions (so far as density is concerned) of the working classes in the area concerned. The figures to the left of the diagonal line show the overcrowded families—those to the right the families which are not overcrowded. Further, the entries on the form

will show as regards each size of overcrowded family the accommodation which it occupies and consequently the extent of the deficiency which has to be made up. And there are many other directions, such as the selection of the most pressing need requiring immediately alleviation, in which information of substantive importance to the housing authority can be derived from such a summary.

Form C may be completed either for the whole area of a local authority, for separate wards or other parts of that area, or for particular classes of houses, *e.g.*, those belonging to a local authority or those included in the slum clearance programme of a local authority. In every case a form covering the whole area of the authority and forms covering the houses in the area belonging (*a*) to that authority and (*b*) to other local authorities are to be forwarded to the Minister, and should be accompanied by copies of any subsidiary forms which the local authority have prepared for their own purposes.

From the completed Forms C the authority will make their first rough estimate of the accommodation required to abate overcrowding. For this purpose there can be estimated from the form the total numbers of two-roomed, three-roomed, four-roomed, etc., houses which would be required to rehouse the families shown to be overcrowded. From these totals are to be deducted the number of houses of the same sizes which would be left vacant by the removal of the overcrowded families. The number of vacant houses of the same sizes which were vacant at the time of the survey should also be deducted. The resulting estimate of need, adjusted to take account of the difference between the overcrowding standard and the standard of Section 37 of the 1930 Act, would only be approximate, but in most cases would be sufficient to form the basis of at any rate the first rehousing proposals.

The survey, the report to the Minister on that survey incorporating Form C and the submission of housing proposals based on that report are to be carried through before dates which are, under Section 1 of the Act, to be fixed by the Minister who is now in correspondence with the Associations of Local Authorities on this matter and hopes to issue definite directions in the near future. But there is one further factor which will require consideration before the process of providing additional accommodation is completed, and this is the extent to which the overcrowding and the need of additional accommodation turns upon the presence of lodgers, or sub-tenants, and at a later date it will be necessary again to analyse the individual forms collected in the course of the survey so as to deal with this factor. The Minister will address a further communication to local authorities in due course to deal with this matter, which is mentioned at the present stage merely to ensure that the survey forms (even if they are not, as they can be, used as the basis of future housing records in the area) are preserved for this purpose.

18. *Proposals for Rehousing.*—Section 1 of the Act provides that unless a local authority are satisfied that the necessary accommodation shown by their report to be required for the abatement of overcrowding will be otherwise provided, the local authority must prepare and submit to the Minister proposals for providing such accommodation. The financial assistance available to local authorities in connection with the provision of such accommodation is explained in Memorandum D.

As already indicated, the date by which the general proposals of the local authority should be in the hands of the Minister will be given in a later communication. Generally, no doubt, the necessary accommodation will take the form of cottages and there should be no difficulty in such cases in the submission by the local authority at an early date of specific proposals for providing such accommodation. In considering their proposals the authority must take into account the number of overcrowded unfit houses which will fall to be dealt with as unfit houses under their slum clearance programme under the 1930 Act and not under the new Act, and also the accommodation provided, or likely to be provided, by private enterprise. Many local authorities will find that they have a certain number of very large families to provide for who cannot be adequately accommodated in the type of house normally provided by them. To meet the needs of such families, a local authority may sometimes be able to acquire suitable existing houses and for this purpose the powers of compulsory acquisition conferred by Section 20 of the Act will be available, if necessary. In other cases the local authority may themselves have to build houses containing five or even six bedrooms. Where this is necessary an endeavour should

be made so to plan the house that at a later date it can readily be converted into two houses suitable for the occupation of two families.

In the larger centres of population it may not be practicable to meet the needs of displaced families and others who, for industrial or other reasons, require accommodation in central areas otherwise than by building flats. Where it is necessary to use for rehousing expensive central sites the erection of flats will be the only adequate and reasonably economical method of development, and the Act, recognising this, makes provision for the payment of a special subsidy in such circumstances. The sites of clearance areas and such vacant sites in central areas as can be acquired will normally lend themselves to this method of development, but there will be areas where nothing short of the exercise by the local authority of their powers of redevelopment—more fully dealt with in Memorandum C—will meet the needs of the case. In submitting their proposals under Section 1 of the Act, local authorities who intend to exercise those powers should indicate how many of the total number of overcrowded houses, as disclosed by the survey, are situated in the part of their area to be redeveloped, and how many constitute the balance to be covered by the proposals submitted.

In submitting their proposals to the Minister, the local authority should give their estimate of the total number of houses of the various types and sizes which they consider will be necessary. This total estimate will be based on the results of the analysis of Form C, as modified by other information in the possession of the local authority such as the effect of future demolitions and rehousing under the 1930 Act, the effect of building by private enterprise and the possibility of further cases of overcrowding arising in the near future by the growth of families in age and numbers. Where the amount of rehousing thus shown to be necessary is comparatively small, the local authority should submit specific proposals for the building of the total number of houses. Where, however, a substantial amount of rehousing is indicated as being required, the local authority should in the first instance submit specific proposals providing for only a proportion of the total number. In choosing the houses to be included in the first specific proposals, the local authority will of course have regard to the necessity for relieving the worst cases of overcrowding first and the first proposals should include houses of the proper types and suitably placed for this purpose. Form D appended to this memorandum is based on and largely reproduces the Form in which housing proposals have been submitted to the Minister. As revised it can conveniently be used for the submission of specific proposals based on the survey.

When the houses included in the first proposals of the authority have been completed they should, when submitting further proposals for building, furnish a report to the Minister showing how far the accommodation already provided has abated overcrowding and to what extent the accommodation rendered vacant by the removal of overcrowded families has been re-utilised. Experience gained in this way may lead the local authority to consider that their original estimate of need ought to be revised. In this connection it is relevant to point out that local authorities may often be able to make arrangements whereby the landlord of an overcrowded house, the occupants of which are being removed to alternative accommodation, may agree to accept as tenants persons from another house with the result that overcrowding in this other house is also abated. Often, too, a local authority may find that aged persons, owing to the lack of accommodation more suited to their needs, are occupying houses suitable for families, and in such a case the provision of houses suitable for aged persons may reduce the need for the provision of larger houses. Arrangements of this kind made with the agreement of all the parties concerned, may greatly reduce the amount of accommodation apparently necessary to abate overcrowding.

Ministry of Health.

October, 1935.

FORM A [*post*, p. 2978].

Instructions to enumerators.

A separate form must be used for each structurally separate dwelling.

Entries 1 *and* 2.—May in some cases be filled in at the office in advance.

Entry 3.—Insert brief description of property, *e.g.*, two-storied house, tenement house, etc.

Entry 4.—The name of each tenant and sub-tenant occupying a portion of the premises as a separate dwelling is to be entered here.

Entry 5.—Must only include rooms normally used as living rooms or bedrooms in the locality.

The age to be taken into account is the age on the birthday next *after* the date of the enumeration.

NOTE.—Particulars should be filled in as far as possible whether the house is occupied or not. When dealing with an empty house the enumerator should enter the word "none" under entry 4, and if it is not possible to obtain precise information as to the number of rooms he should enter his estimate under column 5 putting E after the number. Thus if he estimates that the house has 3 habitable rooms he should enter 3E in column 5.

Instructions to office.

Entries 1 *and* 2.—May be found in the rate book (if filled in at the office).

Entry 7 (*a*).—This is calculated from entry 6. Persons over 10 count as 1. Persons under 10 count as $\frac{1}{2}$.

Entry 7 (*b*).—This is the number calculated from 5 using column (*b*) in the table below.

Entry 7 (*c*).—This is the number calculated from entry 5 using column (*c*) in the table below.

Entry 7 (*d*).—If 7 (*a*) is greater than 7 (*b*) (*i.e.* definite overcrowding) put + + here.

If 7 (*a*) is greater than or equal to 7 (*c*) (*i.e.* possible overcrowding) but less than or equal to 7 (*b*) put + here.

TABLE.*

Number of habitable rooms. (*a*)	Permitted number.	
	Actual. (*b*)	Reduced. (*c*)
1	2	$1\frac{1}{2}$
2	3	$2\frac{1}{2}$
3	5	4
4	$7\frac{1}{2}$	6
5	10	8
6	12	$9\frac{1}{2}$
7	14	11
8	16	13
9	18	$14\frac{1}{2}$
10	20	16
11	22	$17\frac{1}{2}$
12	24	19

* This table is based on the assumption that in the ordinary dwelling some of the rooms will be below 110 square feet in area, and that consequently the permitted number ascertained solely from number of rooms without regard to their size would normally be in excess of the exact permitted number. The allowance for this factor in the table given is about one-fifth. The Medical Officer of Health may, however, find a different factor more appropriate for his district, in which case he will amend the third column of the table accordingly.

Instructions for filling in Form B [*post*, p. 2979]. (*At the House.*)

A separate form must be used for each structurally separate dwelling.

The office will normally have filled up entries 1, 2, 3, 4, 5, but if any of these are left blank the inspecting officer should elicit the facts and fill them up at the inspection. The inspecting officer should append his initials and the date.

Entry 6.—The "landlord" means the immediate landlord of the occupier in column 5. Thus in the case of a sub-tenancy, the "landlord" will be the tenant letting out the sub-tenancy.

Entries 7 *and* 8.—These will include only the persons normally sleeping on the premises. For entry 8 the age of persons under 10 is to be entered in years and twelfths of a year, (*e.g.* 5 years 9 months as $5\frac{9}{12}$, the age to be reckoned on the day of the month which corresponds with his birthday and follows next after the date of the inspection. Thus if a child was born on the 10th of January and the inspection in on the 20th of April, the age to be taken is the age on the 10th of May—*i.e.* so many years and 4 months; if he was born on the 25th of January the age to be taken would be that on the 25th of April.

[*Continued on* p. 2982, *post*]

FORM A.

No. of premises in rate book .....

OVERCROWDING SURVEY

PRELIMINARY ENUMERATION.

1 Address or situation of premises .....

2 Name of occupier .....

3 Description of property .....

To be filled in by enumerator.				To be filled in at the office.			
Names of tenants and sub-tenants.	Number of habitable rooms.	Number of persons normally sleeping therein.		Equivalent number of persons sleeping in the dwelling.	Permitted number.		Whether overcrowded.
		10 or over.	Under 10.		Actual.	Reduced.	
4	5	6		7 (*a*)	7 (*b*)	7 (*c*)	7 (*d*)
(1)							
(2)							
(3)							
(4)							
(5)							

Enumerator.....

Date.....

FORM B. OVERCROWDING SURVEY.

1.	2.	3.	4.
Number in Rate Book ..... Address	Name and address of owner or agent.	Number of Families in the house	Name of responsible tenant of whole house (if any). .....

To be filled in by the Inspecting Officer :—Initials..... Date..... | To be filled in at the office.

5.	6.	7.			8		9.				10.	11.	12.	13.	14.	15.	16.	17.
Name of Tenant (or sub-tenant).	Landlord's Surname.	Number of persons normally sleeping in premises.					Description and sizes of rooms.					Number of persons.					If overcrowded put +	Date for review.
		Aged 10 or over.			Ages of persons under 10.		Description, e.g. kitchen bedroom, living room.	Length. ft. ins.	Breadth ft. ins.	Floor area. sq. ft.		Allowed per room on Table II.	Total allowed on Table II.	Allowed on Table I.	Permitted	Equivalent adults (Date .....).		
		As Married Couples.	Other Males.	Other Females	Males	Females												
(1)																		
(2)																		

FORM C.

OVERCROWDING SURVEY.

REPORT.

1. Name of Local Authority.....
2. Area to which the Form relates.....

Number of "persons" in family.	Number of families containing the number of persons in the first column occupying dwellings with the permitted number shown at the head of this column.																Totals.
	1	1½	2	2½	3	3½	4	4½	5	5½	6	6½	7	7½	8	8½	
1																	(a) Overcrowded (b) Uncrowded (c) Total
1½																	(a) (b) (c)
2																	(a) (b) (c)
2½																	(a) (b) (c)
3			×														(a) (b) (c)
3½																	(a) (b) (c)
4																	(a) (b) (c)

(a) (b) (c)												
4½												
5	(a) (b) (c)											
5½	(a) (b) (c)											
6	(a) (b) (c)											
6½	(a) (b) (c)											
7	(a) (b) (c)											
7½	(a) (b) (c)											
8	(a) (b) (c)											
8½	(a) (b) (c)											

Signature.....

Town Clerk
or
Clerk of the Council.

Entry 9.—Normally the length and breadth will be entered—the area being computed and entered at the office—measurements being taken according to the instructions issued, but where rooms have a very awkward shape the inspecting officer should himself measure the floor area and complete entry 10.

Entries 11, 12, 13, 14, 15, 16 will be filled up at the office.

Instructions for filling in Form B [*ante*, p. 2979]. (*At the Office.*)

This form is to be filled up as far as possible at the office but if there is any doubt as to facts (*e.g.*, the responsible tenant) they should be left for the inspecting officer to elicit and fill in.

Entries 1, 2, 3, 4, 5 will normally be filled in at the office from Form A.

One Form is to be used for each house, the separate tenancies (1), (2), etc., being filled in from Form A. From the number of rooms given on Form A it will be possible to draw the line between the various tenancies. In practice it will probably be better to leave space for one or two rooms extra to avoid confusion if a mistake has been made on Form A.

Entries 6, 7, 8, 9 will be filled in by the inspecting officer, together with his initials and the date.

Entry 10 will normally be filled in at the office, but if it is not possible to measure length and breadth (*e.g.*, if the room has a very awkward shape), the inspecting officer will have entered his estimate of the floor area.

Entries 11, 12, 13, 14, 15, 16 will be filled in at the office.

Entry 11 will be the number of persons allowed for each room according to Table II having regard to the description of the room (rooms not normally used in the locality as living rooms or bedrooms should not be counted).

Entry 12 will be the sum of entries 11.

Entry 13 will be the number allowed under Table I.

[*N.B.*—No room under 50 square feet or not normally used as a living room or a bedroom in the locality may be counted.]

Entry 14 is the lesser of entries 12 and 13.

Entry 15 is calculated from entries 7 and 8 and is the number of persons of 10 or over plus half the number of children of 1 year, or over, but under 10.

Children below 1 year will not be counted but in making entry 15, due regard should be paid to the difference in the date of making this entry and the date entered by the inspecting officer on his inspection.

For example, if 3 months have elapsed, all children entered as of age $9\frac{9}{12}$, $9\frac{10}{12}$, $9\frac{11}{12}$, will be counted as of age 10 or over, and each must count as a whole unit and not a half. Similarly, all children of age $\frac{9}{12}$, $\frac{10}{12}$, $\frac{11}{12}$ must be entered as children between 1 and 10 years.

Entry 16 will be made at the same time as entry 15. A + sign should be put :—

(*a*) If the number under 15 exceeds that under 14 ; or

(*b*) If there are insufficient rooms to allow of proper segregation of the sexes for persons of 10 or over.

Entry 17 should be filled in for those houses which if still occupied by the same family (which includes children under 10) are likely to become overcrowded within two years. The entry will be the month and the year, one month after which the house would be overcrowded. For example, if the survey is made in January, 1935, for a house having a permitted number of 3 persons and the occupants are a man, wife, one child entered as $\frac{5}{12}$ and another as $8\frac{7}{12}$, then in 7 months the number of "persons" will be 3, and in 1 year and 5 months it will be $3\frac{1}{2}$, *i.e.*, the house will be overcrowded. The "date for review" will then be 1 year and 4 months after January, 1935, *i.e.*, May, 1936, and the entry will be $\frac{5}{36}$.

Table I.

No. of rooms.	Permitted No. of persons.
1	2
2	3
3	5
4	$7\frac{1}{2}$
5	10
and two persons extra for each additional room. No room under 50 sq. ft. should be counted.	

Table II.

Size of rooms.	Permitted No. of persons.
110 sq. ft. or over	2
90 sq. ft. or over, but under 110 sq. ft.	$1\frac{1}{2}$
70 sq. ft. or over, but under 90 sq. ft.	1
50 sq. ft. or over, but under 70 sq. ft.	$\frac{1}{2}$
Under 50	Nil.

FORM D.

Local Authority.....

HOUSING ACT, 1935—REHOUSING.

1. Particulars of rehousing proposals.

Name, situation and area of site, whether already acquired and, if so, for what purpose.†	Proposed houses.			No. of persons for whom the houses would provide accommodation on basis of Sec. 37, 1930.	Estimated all-in cost per house.					Probable date of completion.
	Type.	No. of each type.	Superficial area of each type.		Land. £	Roads and Sewers. £	Building £	Other costs (if any). £	Total. £	
	Total		Total							

† If the Council possess land already acquired for housing purposes and do not propose to utilise it for the present scheme the reasons should be stated.

[Form D continued on next page]

[Form D continued]

2. Families for which above proposals are intended to provide alternative accommodation.

Number of persons in family.	Number of such families.
.....	.....
.....	.....
.....	.....
.....	.....
Total ...	

Signature .....
(Town Clerk or Clerk of the Council.)

Date .....

Instructions for Completing Form C.

This form is a summary of the information obtained from Form A and Form B, and the particulars in relation to every house covered by those Forms should be entered whether or not the house is overcrowded.

The Form printed on pages 26 and 27 deals with families up to a size corresponding to $8\frac{1}{2}$ "persons"; the Form actually used must of course extend sufficiently far to deal with the largest family in the district covered by the Form.

The method of compilation is simple. In any individual case the number of persons in the family (*i.e.*, the *line* on the Form) will be given in Form B or in column 7 (*a*) of Form A and the permitted number in the dwellings occupied (*i.e.* the *column* of the Form) either in Form B or, where this Form has not been completed, in column 7 (*c*) of Form A. For example, if the entries on Form A are 3 persons, in column 7 (*a*) of the Form, and 2 persons in column 7 (*c*) of that Form, a note will be made in Form C in line 3 of column 2 as indicated by ×.

Cases where overcrowding exists will fall below the stepped diagonal line, and the worst cases will be those which are farthest from this line.

The totals column at the side is obtained by adding the entries on each line. The total at (*a*) in each line is the sum of the entries in the line in the spaces to the left of the diagonal; that at (*b*) is the sum of the entries to the right of the diagonal.

(If desired similar totals of columns could be inserted at the foot of the Form.)

HOUSING ACT, 1935 (*a*).

MEMORANDUM C—THE REDEVELOPMENT OF OVERCROWDED AREAS.

1. *Introductory.*—The existence of serious overcrowding in the central parts of some of the cities and larger urban areas constitutes a special problem which the efforts of public and private enterprise have so far notoriously failed to solve. It is recognised that a solution cannot be found in new building, however intensive, on sites more or less remote from the areas affected, and special provisions have been introduced as the basis of effective action to deal with the evil. These central overcrowded areas contain aggregations of houses, often let out in parts to several families though ill adapted for the purpose, which are largely occupied by persons who for various reasons, including the desire to be near their place of work, are unwilling or unable to move far from their present homes. The resultant pressure on the limited accommodation available frequently produces overcrowding in an acute degree. Bad development, with mean and narrow streets, is usually a characteristic of such areas, the houses and other buildings being congested and arranged in a manner least calculated to secure adequate and economic use of the valuable sites which they occupy. The only way in which the overcrowding in such areas can be materially alleviated is by the provision within the areas of suitable accommodation for as many persons as the sites which are, or can be made, available will allow, if adequately developed in accordance with modern standards. As such areas usually contain few, if any, vacant sites, the problem resolves itself into clearing away a large part of the existing buildings and redeveloping the cleared sites. Provisions have accordingly been inserted in Part I of the new Act (*b*) which will arm local authorities with the necessary power to clear these congested areas and redevelop them on modern lines. Where certain specified conditions calling for the exercise of these powers are found to exist in any area within the jurisdiction of an urban authority, it will be the duty of the authority, by resolution and definition on a map, to declare the particular area to be a redevelopment area, and to take the further action for securing the necessary redevelopment which is detailed in later paragraphs of this Memorandum.

2. *The Importance of Proper Planning.*—The statutory provisions contemplate a close connection between the treatment of redevelopment areas and town planning. One of the specified conditions which must exist before an area can be declared a redevelopment area is that "it is expedient in connection with the provision of housing accommodation for the working classes that the area should be redeveloped as a whole," and the Act specifically requires that, in the preparation of a redevelopment

(*a*) See footnote (*b*) on p. 2965, *ante*.
(*b*) Ss. 13–19. Now ss. 34–37 of the Housing Act, 1936, *ante*, p. 1641.

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plan, regard is to be had to the provision of any planning scheme or proposed scheme relating to the area and neighbouring land.

These two objects, the provision of adequate housing accommodation and the correlation of the development thereby entailed with the provisions of wider planning schemes, must therefore be borne in mind from the commencement by a local authority proposing to operate the redevelopment provisions of the new Act.

Once they have decided that the conditions in a particular part of their area are such that it becomes their duty to declare a redevelopment area, the actual limits of that area will depend almost as much on planning considerations as on housing and financial considerations. From the very earliest stage of their proceedings, therefore, it is essential that the Housing Committee and the Town Planning Committee should work in the closest co-operation. How this is to be arranged should receive the careful consideration of the local authority, and the Minister does not wish to urge any particular method beyond suggesting that in many cases joint sittings of the two Committees would be helpful. This co-operation must obviously continue throughout the preparation of the redevelopment plan. If there is any planning scheme in existence or in preparation relating to the area, the redevelopment plan will naturally follow this scheme. If there is no such scheme in existence or contemplation, the redevelopment plan will as regards the area affected be the practical equivalent of such a scheme. It is essential, therefore, that any redevelopment plan proposed by a local authority should have the full concurrence of the Planning Committee.

3. *Financial Considerations.*—It will frequently be the case that the local authority will find themselves faced with the problem of rehousing in a redevelopment area at least the same number of working class families as now reside there. Both for this reason, and also to secure the proper utilisation of the expensive sites, the rehousing will normally take the form of the erection of blocks of flats of three or more storeys in height over a considerable portion of the redevelopment area. The estimated cost of the site will be known, and from this the rate of the Exchequer subsidy per flat and of contribution from the rates can be calculated by reference to the Table given in the Third Schedule to the Act (*a*) (see also Memorandum D of this series), while in the case of property which is unfit for habitation the Exchequer subsidy and rate contribution under the 1930 Act will be known. So far, therefore, as the redevelopment area is to be used for rehousing, the authority will be able to form estimates of the capital cost of redevelopment and of the annual charges to be met. Where, as will often be the case, the whole redevelopment area is to be used for such rehousing, no other considerations will arise. Where, however, part of the area is to be developed for purposes other than housing, the local authority must from the first have regard to the fact that after the plan has been approved, it will be their duty to buy any land in respect of which effective arrangements have not been made for compliance with the plan, either by continuance of the existing user, or by redevelopment where the plan contemplates a change of user, and to hold that land until they can sell or lease it on terms which secure that it is used or redeveloped in accordance with the plan. A local authority may for the first few years of the scheme have to meet the loan charges on the capital cost of the land they have purchased without a corresponding income, but ultimately they may reasonably expect to be fully recouped for their expenditure. Such temporary charges in the first years of the scheme would necessarily fall on the rates, as the transactions relating to land in the redevelopment area not to be used for rehousing will not form part of the Housing Revenue Account.

4. The Bill as introduced contemplated that redevelopment areas would not be found necessary as a means to secure the improvement of housing except as regards the largest towns. In the course of discussion in Parliament it appeared that there might well be smaller towns in which housing difficulties could not be entirely met either by slum clearance or by the provision of additional houses on the outskirts of the built-up area, and accordingly the Act as passed confers the redevelopment powers on all urban authorities.

5. *The Redevelopment Area.*—Section 13 (*b*) lays down the conditions which must

(*a*) Now Sched. VI of the Housing Act, 1936, *ante*, p. 1785.
(*b*) Now s. 34 of the Housing Act, 1936, *ante*, p. 1641.

exist in an area before it can be declared a redevelopment area. They are (*a*) that the area contains 50 or more working-class houses; (*b*) that at least one-third of the working class houses in the area are overcrowded or unfit for human habitation and not capable at reasonable expense of being rendered so fit, or so arranged as to be congested; (*c*) that the industrial and social conditions of the local authority's district are such that the area should be used to a substantial extent for rehousing; and (*d*) that it is expedient in connection with the provision of housing accommodation that the area should be redeveloped as a whole.

Such an area should include all the property within a continuous line. It may include properties belonging to the authority and properties which the authority cannot, or do not propose to, interfere with in any way. Such properties might, for example, be churches, railway property or properties belonging to private owners the user of which it is not proposed to change.

Where a local authority find that the foregoing conditions exist in relation to any area in their district, it is their duty to declare the area to be a redevelopment area. They should—

(1) Define the area on a map.

(2) Pass a resolution declaring the area so defined to be a proposed redevelopment area.

(3) Publish in one or more newspapers circulating in their district a notice stating that the resolution has been passed and naming the place where a copy of the resolution and map may be inspected.

(4) Forward to the Minister a copy of the map and of their resolution.

The map should be on a scale of not less than 1/2500.

In submitting the copies of the map and resolution, the Council should inform the Minister, if the facts are not already given in the resolution, of the number of working-class houses in the area and the number which have been found to be overcrowded or which, in the opinion of the authority, are unfit for human habitation and not capable at reasonable expense of being rendered so fit, or are so arranged as to be congested, giving separately the number of houses in each such category. They should also furnish the Minister with a copy of each of the local newspapers containing the notice relating to the resolution.

6. *The Redevelopment Plan.*—Section 14 (*a*) provides that within six months after passing the resolution declaring a redevelopment area or within such extended period as the Minister may allow, the authority are to prepare and submit to the Minister a redevelopment plan for the area.

The plan is to show the manner in which the area is intended to be laid out and the land used whether for existing purposes or for purposes which necessitate redevelopment. In particular, it must indicate the land intended to be used for working-class houses, for streets and for open spaces. It is not either necessary or practicable for the plan to prescribe in detail the precise sites of particular buildings which will be permitted, but it should indicate the general purposes—industrial, commercial, and so forth—for which the land is to be appropriated. As explained below, the method of securing the development and use of the land for these purposes will be that of imposing contractual obligations on the owners.

If the local authority desire an extension of the six months period in any case, they should apply to the Minister at least one month before the expiration of the statutory period setting out their reasons for desiring the extension. Apart from this, the general procedure will be as follows:—

(1) The redevelopment plan should be prepared by the Housing and Planning Committees of the Council acting in co-operation and should be approved by the authority. The plan should be on a scale sufficient to show with precision the lines of the streets, the land to be used for working-class houses and the land to be kept for open spaces, and should show generally by the use of distinctive colouring the purposes for which it is proposed that the other land in the area should be used. The plan should also show clearly any properties in the area which the redevelopment would leave untouched. It is very desirable that the plan should be prepared in accordance with the

(*a*) Now s. 35 of the Housing Act, 1936, *ante*, p. 1642.

instructions contained in a Memorandum, T. & C.P.5, relating to the preparation of planning maps, issued by the Minister in February, 1935. Copies of this memorandum can be obtained by application to the Ministry.

(2) Notice in the prescribed form should be published in one or more local newspapers stating that a plan has been prepared, naming the place where it can be inspected and specifying the time within which, and the manner in which, objections to the plan can be made.

(3) Notice to the same effect should be served in the prescribed form on every owner, lessee and occupier (except tenants for a month or less) of any land in the area and on every local authority, company, body or person owning mains, pipes, electric lines, etc. in the area.

(4) The Minister should be furnished with—

(*a*) copies of newspapers containing the advertisement and of notices;

(*b*) certificate of service of notices;

(*c*) certified copy of the redevelopment plan;

(*d*) a formal resolution of the authority applying for approval of the plan.

(5) If objections are made to the plan and are not withdrawn, a public local inquiry will be held.

(6) The Minister may approve the plan with or without modifications, and notice of the Minister's approval must be published in local newspapers and sent to those objectors who appeared at the Inquiry. The Minister has prescribed forms of notice for this purpose.

If, after a plan has been approved, the local authority desire to modify the layout of any of the land included in the approved plan, it will be necessary for them to submit a new plan covering the area of which the layout is to be modified, and before this new plan can be approved, the procedure appropriate to a redevelopment plan must be complied with.

The provisions of subsections (3), (4) and (5) of Section 11 of the Act of 1930 (*a*) apply to the Minister's approval of a redevelopment plan as they apply to the Minister's confirmation of orders under the 1930 Act. In effect, this means that the Minister's approval becomes operative six weeks after the publication of notice of his approval unless within that time the validity of his action has been questioned by proceedings taken in the High Court.

7. *Redevelopment by Owners.*—It is explained in paragraphs 14 and 15 of Memorandum A that owners wishing to carry out a scheme for the redevelopment of their own property may submit plans of their proposals to the local authority. If the property in question is included in an area which is likely to be declared a redevelopment area by the local authority in the near future, the authority, in considering such proposals, should take steps to satisfy themselves that they are not likely to conflict with any redevelopment plan they have in mind. If the property is included in an area which has already been declared to be a redevelopment area, the local authority, in lieu of considering the owner's proposals themselves, may treat them as objections to their own proposals for dealing with the area and submit them to the Minister for his consideration when dealing with the subsequent redevelopment plan.

8. *The Carrying out of the Plan.*—Once the plan has been approved by the Minister, it will rest with the local authority to secure that the redevelopment shown in the plan is carried out. The work of constructing new streets, providing new housing accommodation and open spaces, will be carried out by the local authority themselves, or under arrangements made by them with a housing association, but the remaining development will fall to be carried out by private enterprise.

(a) *Redevelopment for Housing.*—It may sometimes be possible for a local authority to make arrangements with the owners of property in the area to be used for rehousing whereby those owners will themselves redevelop the property in conformity with the plan. Any such arrangements should secure to the satisfaction of the authority that the new housing accommodation will be suitable to the needs of the persons for whom it is required. Where arrangements of this kind cannot be made, the local

(*a*) 23 Halsbury's Statutes 405. Now Sched. II of the Housing Act, 1936, *ante*, p. 1778.

authority should endeavour to purchase the land by agreement, and failing this, must, before the expiration of six months from the date on which the approval of the plan becomes operative, submit a compulsory purchase order to the Minister. A local authority is not empowered however to purchase compulsorily the property of a local authority or of statutory undertakers. The period of six months may be extended by the Minister on the application of the authority. Any such application for extension should reach the Minister at least one month before the expiration of the fixed period.

The form of compulsory purchase order to be used has been prescribed by the Minister, and the land acquired will be deemed to have been purchased under Part III of the Housing Act, 1925, so that all the powers of dealing with such land which are conferred on local authorities by Section 59 of that Act will apply (*a*). They also have all the additional rights and powers to deal with the land which they have in the case of land in a clearance area which is the subject of a compulsory purchase order. They may make and submit orders to the Minister for the closing of streets, and they may remove or divert pipes, mains, etc. in those streets.

(b) *Redevelopment other than for Housing.*—A local authority should endeavour to make arrangements whereby the existing owners of land in the redevelopment area or other persons undertake to carry out the redevelopment, or in a case where no change of user is contemplated, to continue the existing use of the land in accordance with the plan. Section 78 (*b*) gives the authority power to enforce covenants against any persons deriving title under the covenantor. In so far as such arrangements have not been made, it is the duty of the local authority to purchase the land in the area by agreement, or within two years from the date when the scheme becomes operative to submit compulsory purchase orders for the acquisition of the property. This date may be extended by the Minister on the application of the authority. Local authorities are empowered to acquire compulsorily land outside the redevelopment area for the purpose of providing accommodation for persons occupying premises within it which the authority propose to purchase. Where a local authority have purchased land—other than land for housing purposes—in a redevelopment area, they are empowered, with the consent of the Minister, to sell or lease that land subject to the condition that it shall be redeveloped in accordance with the redevelopment plan, and have the same powers of closing streets, etc., as they have in the case of land in a clearance area which has been compulsorily acquired.

It is essential that the conditions on which the land is disposed of should ensure not only proper redevelopment but also that the use of the land when redeveloped should accord with the plan, and that there should be no danger of the area slipping back into its previous condition. In deciding whether to dispose of the freehold of the land or to grant leases, the local authority should bear this point in mind. In some cases it may be desirable to supplement the contractual obligations imposed on the purchasers or lessees of the land by provisions in a planning scheme.

9. *Unfit Houses in a Redevelopment Area.*—A redevelopment area will normally contain a number of houses which are unfit for human habitation and not capable at reasonable expense of being made so fit. The existence of such houses may have been one of the grounds upon which it became the duty of the authority to declare the redevelopment area, but once this step has been taken, there is nothing in the redevelopment sections of the new Act which in any way prevents a local authority from taking any action under the 1930 Act which is called for by the circumstances. They may, for instance, serve closing orders and demolition orders as if the redevelopment area had not been declared. This course may be desirable, for example, where the owner wishes to be left with the site to develop it himself. In many cases, however, the proposals of the local authority will involve the acquisition of these unfit houses, and in order to avoid duplication of procedure, it is provided that where a local authority submit a compulsory purchase order relating to property in a redevelopment area, the houses which they consider to be unfit for human habitation and not capable at reasonable expense of being rendered so fit are to be distinguished in the order. The provisions of Section 63 (*c*) of the Act will be applicable, so that it

(*a*) 13 Halsbury's Statutes 1036. Now s. 79 of the Housing Act, 1936, *ante*, p. 1687.
(*b*) Now s. 148 of the Housing Act, 1936, *ante*, p. 1744.
(*c*) Now s. 41 of the Housing Act, 1936, *ante*, p. 1651.

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will be necessary for the local authority to inform persons objecting to the compulsory purchase of houses as unfit houses of the principal grounds on which their property is considered unfit, in the same way as if the property had been dealt with under the 1930 Act. Unless the Minister modifies or rejects the order, the result so far as the unfit property is concerned, will be the same as if that property had been comprised in a compulsory purchase order relating to property in a clearance area, that is to say, the basis of compensation will be site value and the rehousing subsidy under the Act of 1930 will be available (Section 35 (1) of the Act (*a*)). Where such property is included in a confirmed order. Section 88 of the Act (*a*) applies, Section 41 of the Act of 1930 (*b*) (power to make allowances to certain persons displaced), and Section 64 of the Act (*a*) (payments in respect of well-maintained houses) will also apply.

10. *Basis of Compensation.*—Apart from the unfit houses dealt with in the preceding paragraph, the basis of compensation for property in a redevelopment area which is purchased by the local authority is that laid down in Part II of the Third Schedule to the Act of 1930 (*c*) as amended by the new Act. The basis of compensation will therefore be the same as for any property (other than unfit property) purchased under the Housing Act powers, but in assessing compensation, the arbitrator is directed to have regard to, and to make an allowance in respect of, any increased value which in his opnion will be given to other premises of the same owner by the proposed redevelopment of the area in accordance with the redevelopment plan.

The new provision described in Memorandum A of this series relating to the compensation of statutory undertakers whose pipes, mains, cables, etc., are removed or diverted by the local authority in the course of their proceedings (Section 91) applies to redevelopment areas as well as to clearance areas.

11. *Rehousing.*—Section 18 (*d*) provides that where suitable accommodation is not available for working-class persons displaced during redevelopment, the local authority shall provide or secure the provision of such accommodation in advance of the displacements. Where, therefore, the site to be used for rehousing is already covered with working-class houses, it will be necessary for the local authority to make arrangements for rehousing some of the persons elsewhere for a time at any rate in order to enable them to make a start with rehousing. The rehousing will normally take the form of blocks of flats of three or more storeys in height, and the rate of Government subsidy available where such flats are erected on expensive sites is dealt with in Memorandum D of this series. Only in exceptional circumstances would the Minister be prepared to approve of blocks of flats exceeding five storeys in height. In submitting to the Minister for his approval their rehousing proposals, a local authority should furnish layout plans as well as plans and elevations of the buildings to be erected and details of the method of construction proposed.

The Minister considers it to be most desirable that each flat should, so far as possible, be equipped with a private balcony. One advantage of a private balcony as distinct from the access balcony is that babies can sleep in the open, free from disturbance—a factor which is undoubtedly of great importance to health. The Minister considers that this aspect of the question is so important that in cases where the provision of the normal family type of balcony is, for any reason, impracticable, the local authority should consider the question of providing a small balcony to each flat with free access to light and air and of sufficient size to accommodate a baby, and he is advised that such a balcony can be installed at no great cost if provision is made for it during the construction of the flats. Where balconies are constructed for babies, it is important that adequate safeguards should be provided and instructions given in their proper use.

The Departmental Committee appointed by the Minister to report on materials and methods of construction suitable for the building of blocks of flats, with special reference to efficiency and cost, has recently issue an Interim Report which will doubtless be of service to local authorities. The staff of the Ministry is available to

(*a*) Now ss. 105, 44, 42 respectively of the Housing Act, 1936, *ante*, pp. 1713, 1654, 1652.
(*b*) 23 Halsbury's Statutes 427. Now s. 44 of the Housing Act, 1936, *ante*, p. 1654.
(*c*) 23 Halsbury's Statutes 440. Now Sched. IV of the Housing Act, 1936, *ante*, p. 1783.
(*d*) Now s. 45 (2) of the Housing Act, 1936, *ante*, p. 1655.

local authorities for consultation and guidance on questions of planning and siting. Some typical plans will be found in the Manual of Rehousing Operations issued by the Department in 1933.

Ministry of Health.

October, 1935.

HOUSING ACT, 1935. (*a*)

MEMORANDUM D—FINANCIAL PROVISIONS.

1. The financial provisions of the Housing Act, 1935, are contained in Part III of that Act, which itself is divided into four subsidiary parts relating to—

(*a*) contributions from the Exchequer and the rates towards the expenses of housing accommodation provided for the abatement of overcrowding or for rehousing persons displaced in carrying out redevelopment;

(*b*) arrangements for the periodical review of those contributions and of the corresponding contributions under the Housing Act, 1930;

(*c*) the extension and amendment of the Housing (Rural Workers) Acts, 1926 and 1931;

(*d*) consolidation of housing accounts.

The present Memorandum deals with the first and second of these matters. The provisions relating to the Housing (Rural Workers) Acts and the consolidation of housing accounts are dealt with in Memorandum A and Memorandum E of this series, respectively.

The Exchequer contributions provided for by the Act are in no sense to be general housing subsidies but, like the subisidies under the Housing Act, 1930, they are only to be available in connection with rehousing work carried out with the approval of the Minister for a specific purpose. Unlike those subsidies they are to be based on the actual number of houses or flats provided for rehousing and not on the number of persons displaced. Except in the case of accommodation provided in blocks of flats on expensive sites, there is not to be a uniform fixed rate of subsidy available to all local authorities. The Act contemplates that contributions in other cases shall be given only where, and only to the extent that, they are shown to be necessary. There are to be no special rent conditions attaching to the new subsidies. The general rent conditions (*vide* Memorandum E) replace all special conditions imposed by particular Housing Acts, and will govern the use of the new houses provided under the Act as well as that of houses already provided by the local authority.

2. *Blocks of Flats on Expensive Sites.*—Section 31 and the Third Schedule to the Act (*a*) lay down the statutory scale of Exchequer contributions payable in respect of each flat in a block of flats erected on a site the cost of which, as developed, exceeds £1,500 per acre. The cost of erection of a flat is greater than the cost of a cottage affording equivalent accommodation, and the Act recognises that this fact, combined with the high cost of central sites, makes a subsidy necessary if rents are to be kept at a reasonable level. Provision is accordingly made for the payment of subsidy in all cases where the approved rehousing accommodation takes this form. The scale of contributions is graduated to meet the varying cost of central sites. For convenience the Table in the Schedule is reproduced here :—

Where the cost of the site as developed per acre.	*Annual contribution per flat.*
exceeds £1,500 but does not exceed £4,000	£6
„ £4,000 „ „ „ „ £5,000	£7
„ £5,000 „ „ „ „ £6,000	£8
„ £6,000	£8 increased by £1 for each additional £2,000 or part of £2,000 in the cost per acre of the site as developed.

(*a*) See footnote (*b*), *ante*, p. 2965.

(*b*) Now s. 106 and Sched. VI, respectively of the Housing Act, 1936, *ante*, pp. 1716, 1785.

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Subsidy will be payable in respect of blocks of flats the erection of which was begun on or after February 1, 1935.

The expression "block of flats" is defined in Section 97 of the Act (*a*). The building must consist of three or more storeys, exclusive of any storey which is constructed for use for purposes other than those of a dwellinghouse.

The expression "cost of the site as developed" is defined in paragraph 2 of the Third Schedule to the Act, which indicates the nature of some of the expenses which may be included as part of that cost, and allows the inclusion of such other necessary expenses as the Minister, with the consent of the Treasury, may approve. The Minister has considered suggestions which have been received from Associations of Local Authorities, and, with the consent of the Treasury, he is prepared to approve the inclusion of the following additional classes of expenditure :—

(1) Legal expenses and arbitration costs in connection with the purchase of the site ;

(2) Compensation and removal expenses properly paid to displaced tenants ;

(3) The net cost of clearing the site and stopping existing streets and services ;

(4) The cost of supervision and technical fees incurred in connection with the survey of the site and the construction of roads and sewers.

The amount of the expenses to be included as requisite for making the site available for the purpose of the provision of the flats is to be estimated by the local authority and approved by the Minister.

3. *Rehousing on Other Sites.*—In this case different considerations apply. Generally it is uneconomic to erect cottages on central sites. Nor is it generally desirable in towns of medium size or in small towns and urban areas that cottages should be built in central positions. Land is usually available within easy reach of the industrial parts, and it is preferable that the population should in such circumstances be accommodated in cottage estates. Under present conditions, and for some time past, it has been abundantly clear that cottages can generally be erected at a cost which enables the local authority to let them at reasonable rents without the aid of a subsidy or with a subsidy of comparatively small amount where conditions are less favourable. Accordingly it is provided that a subsidy will only be given in respect of cottage building (or of flats on sites not exceeding £1,500 per acre) where the circumstances justify it.

Section 32 (*b*) provides that where such circumstances obtain the Minister may, with the approval of the Treasury, undertake to make a contribution of such amount, not exceeding £5 a year per house or flat for a period not exceeding 20 years, as he considers necessary. For this purpose he must be satisfied that, having regard to the amount of the expenditure already incurred or to be incurred by the authority on housing in relation to the financial resources of the district, the proposed rehousing would impose an undue burden on the district by reason of (*a*) the rents which it will be practicable for the authority to charge having regard to the general conditions to be observed, or (*b*) the necessity for providing an unusually high proportion of accommodation for large families.

In view of the terms of the section, in most cases it will not be possible for the Minister to give any final decision on the question whether he could properly undertake to make any, and if so what subsidy towards the expenses of providing any particular rehousing accommodation included in specific proposals of a local authority until he has estimated the effect on the finances of that authority of the total number of houses which they would have to build in order to complete their slum clearance programme and to abate overcrowding. The Minister suggests, therefore, that before submitting an application for assistance under the section, they should complete the survey of overcrowding in their area and their estimate of the number of new houses which they will probably have to provide. Once this number is known the maximum amount of any additional financial burden likely to be thrown upon their area can be estimated on the basis of the probable cost of the houses and the rents which it will be practicable for them to charge. This burden may, in the case

(*a*) Now s. 188 of the Housing Act, 1936, *ante*, p. 1716.
(*b*) Now s. 107 of the Housing Act, 1936, *ante*, p. 1717.

of some authorities, be considerably diminished, or even met entirely by other resources in the Housing Revenue Account. If, after examining the position in the light of these considerations, the local authority consider that they would be warranted in making an application for subsidy under the section, their application should be accompanied by a statement setting out all the relevant factors, including those mentioned above, the poundage of the current general rate, the current expenditure for housing falling to be borne by rates expressed as a rate in the £, and their reasons for considering that the carrying out of their housing programme without subsidy would impose an undue burden on their district.

A form in which such an application can be made will in due course be obtainable from the Ministry. There is, however, no reason to postpone for the settlement of this financial issue the proposals of the local authority for the provision of further houses or the actual erection of those houses.

4. *Rehousing Accommodation for Agricultural Workers.*—The Act recognises the special claims of rural districts so far as the housing of the agricultural population is concerned, and provision is made in Section 33 (*a*) for a special subsidy to be available to rural district councils providing houses for the relief of overcrowding among that section of the community. For this purpose "agricultural population" has the meaning given to it in Section 34 (2) of the Housing Act, 1930 (*b*). So far as other classes of workers are concerned, rural authorities will be in the same position as other authorities. The special Exchequer contribution in respect of houses approved for the agricultural population in rural districts will be an amount per house of not less than £2 or more than £8 per annum payable for a fixed period of 40 years.

Any application from a rural district council for a contribution under Section 33 falls to be considered by a Committee called the Rural Housing Committee which will be appointed by the Minister with the approval of the Treasury. This Committee will consider applications from rural district councils in the light of general directions given to them by the Minister with the approval of the Treasury, and the amount of the contribution to be made by the Minister within the limits above-mentioned will be based on their recommendation. Any application for a contribution under Section 33 by a rural district council should be addressed to the Minister when their rehousing proposals are submitted to him for his approval. The Minister will arrange for the consideration of the application by the Rural Housing Committee.

The special arrangement made in regard to overcrowded agricultural workers does not, it will be observed, preclude an application by a rural district council under Section 32 for assistance in regard to the necessary rehousing of the remainder of their population, nor does it limit their recourse to the facilities of the Act of 1930.

5. *Rate Contributions.*—Following the principle that has been adopted in previous housing legislation, local authorities to whom contributions are being paid by the Minister under the new Act are required themselves to make contributions from the general rate fund as follows:—

(i) In respect of houses (and flats) other than those erected by a rural district council for the agricultural population, the local authority's contribution, which will be provided in equal annual instalments over a period of 60 years, will be the sum equivalent to one-half of the amount of the Minister's contribution provided annually for the period for which the last mentioned contribution is payable.

(ii) In respect of each house erected by a rural district council for the agricultural population, the local authority's contribution will take the form of an equal annual payment for a period of 60 years equivalent to an annual sum of £1 payable for 40 years. The county council will also be required to make to the rural district council an annual payment of £1 for 40 years in respect of each such house. If the Minister should have exercised his power under Section 49 (*c*) to withhold or vary the Exchequer contributions because the local authority have failed to discharge their duty in the matter of reserving

(*a*) Now s. 108 of the Housing Act, 1936, *ante*, p. 1718.
(*b*) 23 Halsbury's Statutes 423. Now ss. 115 (2), 188 (1) of the Housing Act, 1936, *ante*, pp. 1723, 1766.
(*c*) Now s. 113 of the Housing Act, 1936, *ante*, p. 1721.

accommodation for members of the agricultural population, or other persons, the county council will be free from the liability to contribute either under this provision or under Section 34 of the 1930 Act (*a*).

The period of 60 years during which local authorities are required to make their contribution may, with the approval of the Minister, be reduced to a shorter period, which must not, however, be less than the period during which the Minister's contribution is payable. This provision is intended to meet the case of those local authorities who may borrow a substantial portion of their capital requirements for the buildings for a period corresponding to that for which the Exchequer subsidy is payable and who may prefer to discharge their liability for contributions from rates in the same period.

6. *Periodical Review of Contributions.*—Section 36 (*b*) provides for the review after October 1, 1937, and in each succeeding third year, of Exchequer contributions both under the new Act and under the Act of 1930. In the reviews the expenses towards which the Minister may make contributions under these Acts are to be taken into consideration. After each review the Minister will make an order, subject to the approval of Parliament, providing for the continuance, variation or cesser of contributions under the two Acts in respect of new houses not made available until after a date to be specified, but neither the rate of contribution nor the period during which it is payable may be increased. The order may deal also with the contributions to be made by local authorities so as to bring them into line with any variation of Exchequer contribution that may be made.

Under Section 28 of the Act of 1930, now repealed, the next review of the Exchequer contributions under that Act was due to take place after October 1, 1936, but the extension of this date to October 1, 1937, has been made in order that assistance at the present rate may be available during the period contemplated for the carrying out of the programme of slum clearance. It should be noted that the date to be specified in any order affecting Exchequer assistance under either Act that may be made as a result of the first review is to be March 31, 1938, so that houses available by that date will not be affected by any change made.

7. *Contributions to Housing Associations.*—Section 27 (3) (*c*) provides that the like contributions shall be payable to a local authority in respect of houses provided by a Housing Association under approved arrangements with them, as if the houses had been provided by the local authority themselves, and the authority are to pay to the Association by way of annual grant an amount not less than the contributions. The scope of the arrangements which may be made with Housing Associations is dealt with in Section 27 and has been referred to in Memorandum A.

8. *Other Provisions affecting Housing Grants.*—These are referred to in the relevant parts of Memorandum A and need only be briefly recapitulated (*d*). Section 24 provides for payment of expenses of a Central Housing Advisory Committee and Section 30 for grants in aid of the expenses of a Central Association or other body established for the purpose of promoting, advising and assisting Housing Associations. An increase of subsidy payable under other Acts may also arise by reason of amendments made by Section 38 (extension of the scope of the Rural Workers Acts), Section 67 (displacements from houses owned by a local authority which are included in a clearance area) and Section 84 (extension of the power to make a closing order on a part of a building). It should also be noted that, in accordance with Section 35 of the Act, where houses which are unfit for habitation are included in a redevelopment area, and action is taken in accordance with a redevelopment plan for the provision of accommodation for persons necessarily displaced from such houses, subsidy is payable under the provisions of Section 26 of the Act of 1930 instead of under the new Act.

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October, 1935.

(*a*) 23 Halsbury's Statutes 422. Now s. 115 of the Housing Act, 1936, *ante*, p. 1723.
(*b*) Now s. 109 of the Housing Act, 1936, *ante*, 1718.
(*c*) Now s. 94 (3) of the Housing Act, 1936, *ante*, p. 1706.
(*d*) For replacing sections, see notes to Memorandum A, *ante*, p. 2952.

HOUSING ACT, 1935. (*a*)

MEMORANDUM E.—CONSOLIDATION OF HOUSING CONTRIBUTIONS AND ACCOUNTS.

I.—*Introductory.*

1. This Memorandum describes in some detail the provisions for the consolidation of contributions and accounts relating to houses belonging to local authorities which are contained in Sections 40 to 53 of the Housing Act, 1935, and in the Fourth and Fifth Schedules thereto.

2. The main object of the scheme of consolidation embodied in the above-mentioned provisions is the removal of the administrative difficulties which have arisen as a result of the diversity of the special conditions hitherto governing the rents of houses belonging to local authorities in respect of which Exchequer contributions are payable under the series of Housing Acts passed since 1918.

These special conditions will no longer be applicable and, subject to certain general conditions which are referred to in paragraph 36 of this Memorandum, local authorities will in future be free to deal with their houses as a whole, the contributions payable in respect of the houses from the Exchequer and from local rates in any given year being pooled and carried to one account, called "The Housing Revenue Account."

3. The Act provides, as part of the arrangements for the pooling of the various housing schemes of local authorities, that in future the Exchequer contributions in respect of schemes carried out by local authorities under the Act of 1919 are to be based on estimates of the annual losses on the schemes and prescribes the method by which the estimates are to be made. A detailed explanation of the new method of determination of these Exchequer contributions is given in paragraphs 14–17 of this Memorandum; the contributions will be varied as fluctuations occur in the annual produce of the penny rate and in the annual loan charges, but will not be affected by future fluctuations in rent income or in expenditure on the supervision and management and repair of the properties included in the scheme.

4. The provisions in the Act relating to the consolidation of housing contributions and housing accounts are only applicable to authorities who are local authorities for the purposes of Part III of the Housing Act of 1925, *i.e.*, they do not apply to County Councils in respect of houses erected by them for their employees.

II.—*Housing Revenue Account.*

5. Section 42 of the Act (*b*) imposes upon each housing authority an obligation to keep as from April 1, 1935, a Housing Revenue Account relating to :—

(*a*) all dwelling houses for the working classes and other buildings which have been erected or acquired by the authority as housing authority since February 6, 1919;

(*b*) all land which at any time after February 6, 1919, has been acquired or appropriated by the authority for the purpose of the provision of housing accommodation for the working classes;

(*c*) all dwellings belonging to the authority in respect of which they have received assistance under the Housing (Rural Workers) Act, 1926, as amended by Section 38 of the Act of 1935 (*c*).

The authority may, with the consent of the Minister, bring into the account any other working-class houses belonging to them (Section 42 (d))—for example, houses built or acquired by them before February 6, 1919.

(*a*) See footnote (*b*), *ante*, p. 2965.
(*b*) Now s. 128 of the Housing Act, 1936, *ante*, p. 1729.
(*c*) *Ante*, p. 1839.

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6. Section 43 (1) (*a*) sets out in detail the credits and debits which are to be included in the Housing Revenue Account for the year 1935–36 and for each subsequent financial year. The account is to be credited with amounts equal to the undermentioned items of income in respect of the houses, buildings, land and dwellings to which the Housing Revenue Account relates, viz. :—

(*a*) the income of the authority for that year from rents (exclusive of any amounts included therein in respect of rates or water charges) ;

(*b*) the aggregate of the Exchequer contributions payable to the authority for that year ;

(*c*) the aggregate of the contributions payable by the authority for that year out of the general rate fund (the amounts of the contributions to be calculated in the manner indicated in Part IV of this Memorandum) ;

(*d*) in the case of a rural district council, the aggregate of the contributions payable by the county council to the Council for that year ;

(*e*) the aggregate of the grants payable to the local authority for that year under Section 1 of the Housing (Rural Workers) Act, 1926 (*b*).

The account is to be debited with amounts equal to the undermentioned items of expenditure in respect of the houses, buildings, land and dwellings to which the Housing Revenue Account relates, viz. :—

(i) the loan charges which the local authority are liable to pay for that year ;

(ii) the rents, taxes and other charges (except rates and water charges) payable by the authority for that year ;

(iii) the expenditure incurred by the authority for that year in respect of supervision and management ;

(iv) the contribution, if any, which must be made in that year to the Housing Repairs Account required to be kept by Section 45 of the Act (*a*) (see Part V of this Memorandum).

(v) the contribution, if any, which must be made in that year to the Housing Equalisation Account required to be kept by Section 46 of the Act (*a*) (see Part VI of this Memorandum).

7. Section 43 (3) (*c*) provides that where any house, building, land or dwelling to which the Housing Revenue Account relates, or would have related if it had remained in the possession of the authority at April 1, 1935, is or has been sold or otherwise disposed of, an amount equal to any income of the authority arising from the investment or other use of capital money received by the authority in respect of the transaction is to be carried to the credit of the Housing Revenue Account, unless in special circumstances the Minister otherwise directs.

8. Section 43 (4) (*d*) is a special provision to cover the exceptional cases where a local authority has borrowed for housing purposes to which the Housing Revenue Account relates, moneys which prove to be in excess of the sums required for those purposes, and the surplus cannot be repaid immediately.

An amount equal to the income of the authority resulting from the investment or other use of such surplus moneys is to be credited to the Housing Revenue Account. This amount will be an offset to the loan charges which will fall to be debited to the Account. Even if the authority concerned is not in possession of any working-class houses, a Housing Revenue Account must nevertheless be kept for the purpose of entering these credit and debit items together with any other items such as Exchequer contributions which may be appropriate to the account.

9. Section 43 (5) (*e*) empowers the Minister to direct whether particular items of income and expenditure should be brought into the Housing Revenue Account. An authority should obtain the Minister's directions where they are uncertain whether any items should be included in or excluded from the account. It will normally be

(*a*) Now ss. 129 (1), 131 and 132 respectively of the Housing Act, 1936, *ante*, pp. 1729, 1732, 1733.
(*b*) *Ante*, p. 1840.
(*c*) Now s. 129 (3) of the Housing Act, 1936, *ante*, p. 1731.
(*d*) Now s. 129 (4) of the Housing Act, 1936, *ante*, p. 1731.
(*e*) Now s. 129 (5) of the Housing Act, 1936, *ante*, p. 1731.

necessary for the directions of the Minister to be obtained as to the adjustments to be made in the account where an authority appropriate for housing purposes some houses or land originally bought for other purposes, or where an authority appropriate for other than housing purposes some houses or land originally bought for housing purposes.

10. It will be seen from Part IV of this Memorandum (paragraph 29) that if at the end of any financial year a deficit is shown in the Housing Revenue Account the deficit is to be made good by an additional contribution from the general rate fund. Under Section 44 (1) (*a*) any surplus existing at the end of a financial year may be used in making good to the general rate fund any additional contributions which may have been made from that fund to meet deficits on the account during the preceding four years. Any remainder of the surplus is to be carried forward to the credit of the Housing Revenue Account for the following year, subject to the exceptions indicated in the next paragraph.

11. At the close of the financial year 1939–40 and of every five years thereafter local authorities are required to review the position of their Housing Revenue Account. If at the end of any of the quinquennial periods there is a surplus in the account after the general rate fund has been recouped for any additional contributions made therefrom during the preceding four years, it is to be applied, with the Minister's consent, in the manner specified in Section 44 (2) (*b*).

12. The ways in which a quinquennial surplus may be applied are :—

(*a*) by transferring it to the Housing Repairs Account;

(*b*) by carrying it forward to the Housing Revenue Account of the next year;

(*c*) by refund to the Minister and the general rate fund respectively of any remainder of the surplus when all reasonable allocations of this nature have been made. The amounts so repaid to the Minister and the general rate fund are to be proportionate to the amounts which the Exchequer and the general rate fund have contributed to the Housing Revenue Account during the quinquennial period.

III.—*Exchequer Contributions to be included in the Housing Revenue Account.*

13. The Act requires each local authority to carry to the credit of their Housing Revenue Account for each year an amount equal to the aggregate of the Exchequer contributions payable for that year under the enactments specified in Part I of the Fourth Schedule to the Act (*c*). The methods by which the Exchequer contributions payable under Section 7 of the Act of 1919 and Section 1 (3) of the Act of 1923 are to be determined are set out in Part II of the Fourth Schedule to the Act (*c*) and are explained in the following paragraphs. The other Exchequer contributions to be accounted for in the Housing Revenue Account are fixed amounts per house or per person.

It should be noted that consolidation of subsidies is only applicable to the subsidies payable in respect of houses belonging to local authorities and does not extend to the Exchequer grants payable in respect of houses provided, with the assistance of local authorities, by private enterprise, Public Utility Societies, etc.

A.—*Calculation of Exchequer Contributions under the Act of* 1919.

14. Part II of the Fourth Schedule (*d*) to the Act is designed to secure that the amount of the Exchequer contribution for the year 1935–36 and each subsequent year in respect of a scheme carried out by a local authority under the Act of 1919 shall be the amount, if any, by which the estimated loss on the scheme for the year exceeds an amount equal to the produce of a rate of one penny in the pound in the authority's area in the year. The main items to be taken into account in arriving at the estimates

(*a*) Now s. 130 (1) of the Housing Act, 1936, *ante*, p. 1731.
(*b*) Now s. 130 (2) of the Housing Act, 1936, *ante*, p. 1731.
(*c*) Now s. 188 (definition of "exchequer contribution") and Sched. VII of the Housing Act, 1936, *ante*, pp. 1766, 1786.
(*d*) Now Sched. VII of the Housing Act, 1936, *ante*, p. 1786.

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of the annual loss arising from the carrying out of such a scheme are to be calculated on the following basis (see paragraphs 3–7 of Part II of the Fourth Schedule) :—

Income.

(*a*) The estimated annual rent income, *i.e.*, a fixed amount equal to the yearly equivalent of the weekly rents which as at March 31, 1935, are accepted by the Minister for the purpose of the determination of the Exchequer contribution payable in respect of the scheme ;

Expenditure.

(*b*) A fixed amount equal to the aggregate of the two following sums :—

(i) a sum bearing the same proportion to the estimated rent income (as defined above) as the aggregate amount of the normal charges in respect of supervision and management, repairs, unoccupied houses and irrecoverable rents, bore to the aggregate amount of the accepted gross estimated rent income during the five years ended March 31, 1935 ;

(ii) a sum equal to 2 per cent. of the estimated rent income (as defined above) ;

(*c*) The actual amount of the loan charges for the year in respect of money borrowed for the purposes of the scheme (subject to a limitation as to the rate of interest that may be taken into account on a re-borrowing), reduced by the amount, if any, of loan charges for the year relating to expenditure not approved by the Minister for the purpose of the determination of the Exchequer contribution.

The amount at (*b*) (i), so far as it relates to repairs, will fall to be determined by reference to the normal charges in respect of repairs (generally annual contributions of sums equivalent to 15 per cent. of the gross estimated rental) included in the Housing (Assisted Scheme) Revenue Accounts during the five years ended March 31, 1935, which have been admitted as ranking for Exchequer subsidy. No account is to be taken in the determination of the amount at (*b*) (i) of charges admitted to rank for Exchequer subsidy during the said five years in respect of repairs of an abnormal and non-recurring nature or in respect of arrears of rent which accrued in exceptional circumstances.

The amount at (*b*) (ii) is a comprehensive additional allowance by the Exchequer to meet possible future contingencies generally.

15. Prior to April 1, 1935, Exchequer subsidy was being paid to some authorities wholly or partly on the basis of the estimated loss on their schemes under the Act of 1919, voluntary agreements to this end having been made under the provisions of Section 45 of the Act of 1930. Paragraph 6 of Part II of the Fourth Schedule provides that these agreements are to remain in force.

16. Paragraph 7 of Part II of the Fourth Schedule gives the Minister power to make an equitable adjustment of the Exchequer contribution payable in respect of a scheme under the Act of 1919, in cases where the number of dwellings included in the scheme is changed after March 31, 1935, as the result of the sale of any houses, the closing or demolition of huts, or the transference of houses to another local authority in consequence of an alteration of boundaries.

17. Paragraph 8 of Part II of the Fourth Schedule defines the method by which the produce of a penny rate (which a local authority are required to contribute towards the loss on a scheme under the Act of 1919) is to be ascertained in the year 1935–36 and subsequent years. The method of ascertainment is the same as was prescribed in the Local Authorities (Assisted Housing Schemes) Amendment Regulations, 1931 (*a*).

B.—*Calculation of Exchequer Contribution under Section* 1 (3) *of the Act of* 1923.

18. Paragraph 9 of Part II of the Fourth Schedule is designed to secure that the estimates of losses on slum clearance schemes under the Act of 1923 shall, as far as possible, be made in the same way as the estimates of losses on schemes under the Act of 1919. A few of the first mentioned schemes, however, have only recently been completed or are not yet complete, and some present exceptional features. The ordinary procedure laid down in paragraphs 3 to 7 of Part II of the Fourth

(*a*) *Ante*, p. 2924.

Schedule may have to be modified to some extent in these cases, and the paragraph empowers the Minister, subject to the approval of the Treasury, to make such modifications as he may consider to be necessary. The modifications as approved by the Treasury are set out in Appendix II to this Memorandum.

IV.—*Method of ascertainment of contributions to be made by a local authority out of the general rate fund in respect of houses included in the Housing Revenue Account.*

19. Section 41 of the Act (*a*) makes it a condition of the right of a local authority to receive any Exchequer contribution that the authority shall as from April 1935, make out of the general rate fund the contributions which are specified in Part III of the Fourth Schedule (*a*). The annual contributions from the general rate fund in respect of houses erected under the various Acts are to be as follows:—

20. *Rate Contributions in the case of a scheme carried out under the Act of* 1919 (*b*).—The contribution for any year within the period during which loan charges in respect of moneys borrowed for the purposes of the scheme remain payable, is to be an amount equal to the produce of a rate of one penny in the pound levied in the area of the local authority, together with the amount, if any, of the loan charges in respect of money borrowed for expenditure in connection with the scheme which was not approved by the Minister for the purpose of the determination of the Exchequer contribution. If the annual loss is less than the produce of a penny rate, the contribution will be the amount of such annual loss (see paragraph 1 of Part III of the Fourth Schedule).

21. *Rate Contributions in the case of houses built under Section* 1 (1) (b) *of the Act of* 1923 (*c*).—A contribution is to be made in respect of each house for the remainder of the period of 20 years from the completion of the house. Subject to the exceptions referred to in paragraph 25 the contribution for any year is to be an amount equal to the amount of the Exchequer contribution payable in respect of the house for that year or an amount equivalent to the average annual contribution made by the authority in respect of the house during the five years ended March 31, 1935, whichever is the less (see paragraph 2 of Part III of the Fourth Schedule).

22. *Rate Contributions in the case of slum clearance schemes carried out under Section* 1 (3) *of the Act of* 1923.—The contribution for any year is to be an amount equal to the amount of the Exchequer contribution payable for that year in respect of the scheme, together with the amount of any loan charges on expenditure incurred by the authority in connexion with the scheme which was not approved by the Minister for the purpose of the determination of the Exchequer contribution (see paragraph 3 of Part III of the Fourth Schedule).

23. *Rate Contributions in the case of houses in respect of which an Exchequer contribution is payable under Section* 2 *of the Act of* 1924 (*d*).—A contribution is to be made in respect of each house for the remainder of the period of 60 years from the completion of the house. The contribution for any year will normally be the equivalent, on a 60 year basis, of an annual sum of £4 10*s*. 0*d*. for 40 years, in the case of a house completed prior to October 1, 1927, or of an annual sum of £3 15*s*. 0*d*. for 40 years in the case of a house completed after September 30, 1927. Where, however, the county council are making an annual contribution under Section 34 of the Act of 1930 (*e*) towards the expenses incurred by a rural district council in connexion with the provision of a house the county council's contribution is to be deducted from the figure of £4 10*s*. 0*d*. (or £3 15*s*. 0*d*.) in calculating the rate contribution.

Again, where a local authority were charging, immediately prior to April 1, 1935, rents which, although complying with the special rent condition of Section 3 (1) (e) of the Act of 1924 (or of Section 1 (7) of the Act of 1931 (*f*)) involved an estimated annual rate loss less than the equivalent, on a 60 year basis, of an annual sum of £4 10*s*. 0*d*.

(*a*) Now s. 114 and Sched. VIII of the Housing Act, 1936, *ante*, pp. 1721, 1789.
(*b*) *Ante*, p. 1809.
(*c*) *Ante*, p. 1813.
(*d*) *Ante*, p. 1827.
(*e*) 23 Halsbury's Statutes 422. Now s. 115 of the Housing Act, 1936, *ante*, p. 1722.
(*f*) *Ante*, p. 1860.

per house for 40 years (or in the case of houses completed after September 30, 1927, £3 15*s.* 0*d.* per house for 40 years) the rate contribution is to be such lesser sum per house. In such circumstances it will be necessary for the local authority to determine the estimated annual rate loss and a convenient method of calculation is as follows:—

(*a*) Deduct from the total annual rent income based on the weekly rent chargeable immediately prior to April 1, 1935, the annual amount estimated to be required for repairs, management, etc.

(*b*) Determine the capital value of the remainder (on the basis of a period of 60 years and the average rate of interest payable during 1934–35 on the related debt).

(*c*) Deduct (*b*) from the total capital expenditure.

(*d*) From the remainder, deduct the capital value of the total amount of the Exchequer contribution receivable (on the basis of a period of 40 years and the same rate of interest as at (*b*)).

(*e*) The balance will represent the capitalised rate contribution for 40 years. In order to ascertain the 60 year annuity equivalent this should be converted at the same rate of interest as at (*b*).

The amount at (*e*) represents the total estimated annual rate loss for 60 years, from which the average amount per house to be contributed out of the general rate fund can be calculated. (See also paragraph 25.)

24. *Rate Contributions in the case of houses in respect of which an Exchequer contribution is payable under Section* 26 *of the Act of* 1930 (*a*). (*See paragraph* 5 *of Part III of the Fourth Schedule.*)—A contribution is to be made in respect of each house for 60 years, or for the remainder of the period, as the case may be, of 60 years from the completion of the house. The contribution for any year is to be the equivalent, on a 60 year basis, of an annual sum of £3 15*s.* for 40 years. Where, however, the county council are making an annual contribution under Section 34 of the Act of 1930 (*a*) towards the expenses incurred by a rural district council in connexion with the provision of a house the county council's contribution is to be deducted from the figure of £3 13*s.* in calculating the rate contribution. (See also paragraph 25.)

25. Paragraph 9 of Part III of the Fourth Schedule empowers the Minister, where money has been borrowed for a shorter period than 60 years for the erection of houses under the Acts of 1924 and 1930, to approve that shorter period as the period during which the rate contributions in respect of such houses should be provided. Where such a reduced period is approved, the amount of the annual rate contribution will be correspondingly larger for the reduced period. The same paragraph empowers the Minister to sanction a reduction in the amount of the rate contributions in respect of houses erected by an authority under Section 1 (1) (*b*) of the Act of 1923, or under the Act of 1924, or under the Act of 1930, where the authority has provided prior to April 1, 1935, a substantially larger amount for the repayment of money borrowed for expenditure in connexion with the erection of the houses than would normally have been so provided by the date.

26. *Rate Contributions in the case of housing accommodation provided for the purposes of Part I of the Act of* 1935 (*b*).—Section 34 (*b*) of the Act makes it the duty of a local authority who are receiving an Exchequer contribution under Section 31, 32, or 33 (*b*) of the Act in respect of a flat or house, to make a rate contribution for a period of 60 years from the date of its completion. The contribution for any year is to be the equivalent, on a 60 year basis, of the appropriate one of the undermentioned sums:—

(*a*) in the case of a flat in respect of which Exchequer assistance is given under Section 31 of the Act, one-half of the amount of the Exchequer contribution provided annually for a period of 40 years;

(*b*) in the case of a house or flat in respect of which Exchequer assistance is given under Section 32 of the Act, one-half of the amount of the Exchequer contribution provided annually for the period during which such contributions will be payable; and

(*a*) 23 Halsbury's Statutes 416, 422. Now ss. 105, 115 of the Housing Act, 1936, *ante*, pp. 1713, 1722.

(*b*) Now replaced as follows: Part I by ss. 34–37 and 57–68 of the Housing Act, 1936, *ante*, pp. 1641, 1668; s. 34 by the Housing Act, 1936, ss. 114, 115, *ante*, p. 1721; ss. 31–33 by the Housing Act, 1936, ss. 106–108, *ante*, p. 1716.

(*c*) in the case of a house provided for members of the agricultural population in respect of which Exchequer assistance is given under Section 33 of the Act, a sum of £1 provided annually for a period of 40 years.

The period during which contributions are to be made from the general rate fund is fixed at 60 years as that is the normal period for loans for house building. Some local authorities, however, make arrangements for the repayment of such loans within a shorter period, and the proviso to Section 34 empowers the Minister in such a case to approve that shorter period (not being less than that for which the Exchequer contribution is payable) as the period during which the rate is approved, the amount of the annual rate contribution will be correspondingly larger for the reduced period.

27. *Rate Contributions in the case of a house which has been improved by the authority with Exchequer assistance under Section 4 of the Housing (Rural Workers) Act, 1926 (a), as amended by Section 38 (2) of the Act of* 1935.—Section 39 of the Act (*b*) provides that a rate contribution is to be made in respect of each house, and that the contribution is to be a sum equal to the amount of the Exchequer contribution and is to be payable for the same period as that contribution.

28. *Calculation of 60 years equivalent of Local Authorities' annual contributions out of the general rate fund.*—As indicated in the paragraphs immediately preceding, the amount of the annual rate contribution in the case of a house erected by an authority with Exchequer assistance under the Act of 1924, the Act of 1930, or the Act of 1935, will normally be calculated by reference to a period of 60 years.

In making the calculations it will first be necessary to ascertain the capital value of the annual rate contribution deemed to be payable for a period of 40 years and then spread this capital sum as an annuity over a period of 60 years.

The rate of interest to be used in the calculation should be the approximate average rate chargeable on the related debt.

(*a*) during the year ended March 31, 1935, in the case of houses completed on or before that date;

(*b*) during the year of completion in the case of houses completed after March 31, 1935.

29. *Deficit in the Housing Revenue Account.*—Paragraph 8 of Part III of the Fourth Schedule requires that where there is a deficit in any year in the Housing Revenue Account the amount of the deficit shall be made good by the local authority by means of an additional rate contribution. (As stated in paragraph 10 of this Memorandum a surplus in the Housing Revenue Account in any year may be used to recoup the general rate fund in respect of any such additional contributions which have been made during the preceding four years.)

V.—*Housing Repairs Account.*

30. Section 45 of the Act (*c*) makes it a duty of a local authority required to keep a Housing Revenue Account to set up as from April 1, 1935, a Housing Repairs Account. The authority is to credit to the Repairs Account each year such sum as they think proper, subject to a minimum of 15 per cent. of the annual rents (exclusive of rates and water charges) of the houses included in the Housing Revenue Account, together with such amount, if any, as may be necessary to make good any deficit shown in the Repairs Account at the end of the preceding year. Existing repairs funds are to be wound up, and any money standing to their credit transferred to the new statutory Repairs Account. The money in the Repairs Account is to be used only for the specific purpose of repair and maintenance of the property in respect of which the Housing Revenue Account is kept. If at any time it appears to the Minister, after consultation with the local authority, that the amount in the Repairs Account is more than sufficient for the purposes for which the Account is to be kept, or that it is no longer necessary to keep the Account, he may give directions for the reduction or suspension of further credits to the Account or for the closing of the Account and the application of any moneys standing to its credit.

(*a*) *Ante*, p. 1847.
(*b*) *Ante*, p. 1864.
(*c*) Now s. 131 of the Housing Act, 1936, *ante*, p. 1732.

VI.—*Housing Equalisation Account.*

31. Every local authority keeping a Housing Revenue Account is required under Section 46 of the Act (*a*) to set up a Housing Equalisation Account, unless they satisfy the Minister that it is not necessary for them to do so, in which case he may give such directions as he thinks proper in the circumstances. The object of this account is to equalise so far as practicable the income of the Housing Revenue Account derived from Exchequer contributions and contributions from other local authorities throughout the period during which the loan charges required to be debited to that account will be payable.

32. Section 46 (*b*) requires the Minister to prescribe the sums which are to be credited to the Equalisation Account and Regulations relating to this matter have been made.

33. The Regulations provide that as a general rule a local authority shall transfer to the Housing Equalisation Account in the year 1935–36 and in each subsequent financial year a sum equal to the one-seventh part of the total amount of the contributions payable to the authority for that year by the Exchequer and the county council in respect of houses erected by the authority under the Acts of 1924 and 1930 and under Sections 31 and 33 of the Act of 1935.

The Regulations, however, empower the Minister to approve the transfer to the Equalisation Account in any year of a larger or smaller amount than the sum normally prescribed where an authority satisfy him that, having regard to the arrangements made for repaying money borrowed for expenditure in connexion with the provision of the houses to which the Housing Revenue Account relates, or for some other reason, there are sufficient grounds for such action. The Regulations also provide for transfers to be made to the Equalisation Account in respect of Exchequer contributions payable in respect of houses erected under Section 1 (1) (*b*) of the Act of 1923 or under Section 32 of the Act of 1935, where the local authority satisfy the Minister that such transfers are expedient or necessary.

Section 46 (3) of the Act enables the Minister to direct that an Equalisation Account need not be opened, or need not be kept for the time being, or may be closed, if he is satisfied that the circumstances of the local authority justify the issue of such a direction. Some local authorities, in order to avoid difficulties which arise when the period during which loan charges are payable does not coincide with the period of payment of Exchequer contributions, have made special borrowing arrangements by which a great part of the loan charges will come to an end at the same time as the Exchequer contributions. In such cases it will not be necessary for the authority to open an Equalisation Account. Other local authorities may wish to defer the opening of an Equalisation Account to a later date, when the loan charges will have been reduced by the redemption of loans raised for a shorter period than that during which Exchequer contributions are payable, e.g., loans raised for the provision of roads and sewers in connexion with the houses. In other cases an Equalisation Account may become unnecessary, e.g., if all the houses concerned are sold.

34. *Temporary application of moneys in Housing Repairs Account and Housing Equalisation Account.*—Section 47 of the Act (*b*) makes provision for the temporary application to capital purposes (subject to certain conditions laid down in the Section) or for the investment of such moneys standing to the credit of the Housing Repairs Account and the Housing Equalisation Account as are not for the time being required for the purpose for which they will ultimately be applicable.

VII.—*Unification of conditions affecting local authorities' houses.*

35. The varying special conditions hitherto governing the rents of local authorities' houses in respect of which Exchequer subsidies under certain of the Housing Acts are payable are repealed as from the date of the coming into operation of the Act of 1935 (Section 52 and the Fifth Schedule) and, subject to the observance of certain general obligations specified in the next paragraph of this Memorandum, local authorities are free to deal with these houses as a whole irrespective of any special conditions of the particular Act under which Exchequer assistance was provided.

(*a*) Now s. 132 of the Housing Act, 1936, *ante*, p. 1733.
(*b*) Now s. 133 of the Housing Act, 1936, *ante*, p. 1733.

36. The new general obligations which must be observed by a local authority are specified in Section 51 of the Act (*a*) ; for convenience of reference the Section is reproduced here :—

(1) A local authority for the purposes of Part III of the Act of 1924 shall, in relation to all dwelling houses and dwellings in respect of which they are required to keep a Housing Revenue Account, observe the requirements specified in the following provisions of this section.

(2) The authority shall secure that in the selection of their tenants a reasonable preference is given to persons who are occupying insanitary or overcrowded houses, have large families or are living under unsatisfactory housing conditions.

(3) The authority shall secure that a number of dwelling houses or dwellings equal to the number of those in respect of which—

(*a*) the authority have received assistance under section one of the Housing (Rural Workers) Act, 1926 ; or

(*b*) the Minister has undertaken to pay a contribution to the authority under the subsection which by section thirty-eight of this Act is directed to be inserted in section four of the Housing (Rural Workers) Act, 1926 ;

are reserved for such persons as are mentioned in paragraph (*a*) of subsection (1) of section three of that Act, except in so far as the demand for housing accommodation in the district of the authority on the part of such persons can be satisfied without such reservation.

(4) The authority shall secure that a number of dwelling houses equal to the number of those in respect of which the county council has undertaken to make a contribution to the authority under subsection (2) of section thirty-four of the Act of 1930, or are required by subsection (3) of section thirty-four of this Act to make a contribution to the authority, are reserved for members of the agricultural population, except in so far as the demand for housing accommodation in the district of the authority on the part of members of the agricultural population can be satisfied without such reservation.

(5) In fixing rents the authority shall take into consideration the rents ordinarily payable by persons of the working classes in the locality, but may grant to any tenant such rebates from rent, subject to such terms and conditions, as they may think fit.

(6) The authority shall from time to time review rents and make such changes, either of rents generally or of particular rents, and rebates (if any) as circumstances may require.

(7) The authority shall make it a term of every letting that the tenant shall not assign, sub-let or otherwise part with the possession of the premises, or any part thereof, except with the consent in writing of the authority, and shall not give such consent unless it is shown to their satisfaction that no payment other than a rent which is in their opinion a reasonable rent has been, or is to be, received by the tenant in consideration of the assignment, subletting or other transaction.

37. Each local authority should review, in the light of these general obligations, the rents at present charged for their houses. It will be seen that the Act contemplates the fixing of standard rents in relation to the general level of working-class rents in the locality. It will, however, be open to local authorities to fix differing standard rents for different types or groups of houses, and to grant rebates from the standard rent in particular cases according to the circumstances of the tenants. A continuous supervision of rents should be exercised so as to ensure that any alterations justified by changes of circumstances are made from time to time.

38. Special attention is drawn to the requirement that, in the selection of tenants for houses to which the Housing Revenue Account relates, reasonable perference is to be given to persons occupying insanitary or overcrowded houses, to large families

(*a*) Now s. 85 of the Housing Act, 1936, *ante*, p. 1693.

or to persons living under unsatisfactory conditions. This requirement must be read with the new generalisation of the power of a local authority to grant in suitable cases rebates from their standard rents. The power will be of special service as a means of dealing with a person whose housing conditions are such as to require the provision of alternative accommodation but whose means are insufficient to enable him to meet the standard rent of any available house.

VIII.—*Time and manner of payment of Exchequer contributions.*

39. Section 48 of the Act (*a*) provides that contributions to be made by the Minister to a local authority under any enactment in the Housing Acts, 1919 to 1935, are to be payable at such times and in such manner as the Treasury may direct and subject to such conditions as to records, certificates, audit or otherwise as the Minister may, with the approval of the Treasury, impose.

The conditions as to records, certificates, audit or otherwise, as approved by the Treasury, appear in Appendix I to this memorandum.

40. It will be noted that in the case of a scheme carried out under the Act of 1919, and in the case of a rehousing scheme carried out under Section 1 (3) of the Act of 1923, the local authority is required to forward to the Minister each year a statement certified by the Chief Financial Officer of the authority and by the District Auditor showing the particulars necessary for the determination of the Exchequer contribution payable in respect of the scheme. To enable this to be done, separate records will have to be kept of the loan charges on each scheme and of any income derived from the investment or other use of moneys relating to the scheme.

If a local authority have a rehousing scheme under Section 1 (3) of the Act of 1923 which is still incomplete, they are required to keep a separate account in respect of the scheme up to the end of the year in which it is completed.

41. With the approval of the Treasury, payments on account of Exchequer contributions may be made periodically to local authorities and the balances will be paid after the claims of the authority have been examined by the District Auditor and his report has been made. Forms will be supplied for the purpose of claiming grants.

IX.—*Miscellaneous.*

42. *Default of Local Authority.*—Section 49 (1) of the Act (*b*) empowers the Minister to withhold the whole or any part of any Exchequer contributions payable to a local authority where he is satisfied that they have either (*a*) failed to discharge any of their housing duties or (*b*) failed to observe any of the conditions subject to which Exchequer contributions are payable.

43. *Sale of land or houses.*—Section 53 of the Act (*c*) provides that if any house, building, land or dwelling in respect of which a local authority is required to keep a Housing Revenue Account is sold the Minister may impose such conditions and make such consequential reductions of the Exchequer contributions and contributions from the general rate fund payable to the Housing Revenue Account as he thinks just.

44. *Liability in respect of damage by fire.*—The liability for making good damage by fire or, alternatively, for insurance against fire in the case of houses in schemes subject to the provisions of the Act of 1919, or of Section 1 (3) of the Act of 1923, will now fall upon the local authority, as in the case of houses provided under other Acts. The authority should therefore consider at once the steps to be taken to meet their liability in this respect.

45. *Housing Management Commission.*—Section 43 (2) of the Act (*d*) provides that if a local authority set up a Housing Management Commission, the provisions in the Act relating to the keeping of a Housing Revenue Account are to be modified in such manner as the Minister considers necessary.

46. *Application to London.*—The general provisions as regards the consolidation

(*a*) Now s. 112 of the Housing Act, 1936, *ante*, p. 1721.
(*b*) Now s. 113 of the Housing Act, 1936, *ante*, p. 1721.
(*c*) Now s. 86 of the Housing Act, 1936, *ante*, p. 1695.
(*d*) Now s. 129 (2) of the Housing Act, 1936, *ante*, p. 1730.

of Housing Contributions and Accounts are subject, in their application to the County of London, to the modifications set out in Part IV of the Fourth Schedule (*a*) to the Act.

Ministry of Health.

October, 1935.

APPENDIX I.

CONDITIONS OF GRANT APPROVED BY TREASURY.

The conditions as to records, certificates, audit or otherwise made by the Minister of Health under Section 48 of the Housing Act, 1935, and approved by the Treasury are as follows :—

I. *Housing, Town Planning, etc. Act*, 1919 (*Section* 7).

As soon as may be after the conclusion of each financial year the local authority shall forward to the Minister a statement certified by the Chief Financial Officer of the local authority and by the District Auditor showing in a form to be provided by the Minister such particulars as may be necessary for the determination, in accordance with the provisions of Part II of the Fourth Schedule to the Housing Act, 1935, of the Exchequer contribution payable to the authority for the year under Section 7 of the Housing, Town Planning, etc. Act, 1919.

II. *Housing, etc. Act*, 1923 (*Section* 1 (3)).

(i) The local authority shall keep separate accounts in respect of each scheme towards which contributions are made under Section 1 (3) of the Housing etc. Act, 1923 up to the end of the year in which the scheme is completed.

(ii) As soon as may be after the end of each financial year during which the scheme is being carried into effect the local authority shall forward to the Minister a copy of the Revenue Account and Balance Sheet certified by the District Auditor.

(iii) As soon as may be after the conclusion of each financial year following the year in which the scheme is completed the local authority shall forward to the Minister a statement relating to that scheme certified by the Chief Financial Officer of the local authority and by the District Auditor showing, in a form to be provided by the Minister, such particulars as may be necessary for the determination, in accordance with the provisions of Part II of the Fourth Schedule to the Housing Act, 1935, of the Exchequer contribution payable to the authority for the year in respect of the scheme.

III. *Housing Act*, 1923, *and Housing* (*Financial Provisions*) *Act*, 1924.

The Treasury conditions as to registers, records and certificates set out in Circular 520 dated August 20, 1924, shall remain in force, except that in the case of houses provided by the local authority with assistance under Section 2 of the Act of 1924 it shall not be necessary for the authority to make any further entries in the registers in regard to "appropriate normal rents," rents charged, or estimates of annual loss.

IV. *Housing* (*Rural Workers*) *Acts*, 1926 *and* 1931.

The Treasury conditions as to registers, records and certificates set out in Circular 756 shall remain in force as regards dwellings in respect of which grants are made under Section 1 of the Act of 1926, except that in the case of dwellings belonging to a local authority who are required to keep a Housing Revenue Account it shall not be necessary for the local authority administering the Acts to enter in the register any particulars as to occupation and rent.

In the case of a dwelling owned by a local authority administering the Acts, in respect of which the Minister has undertaken to make a contribution to the authority under the subsection which by Section 38 of the Housing Act of 1935 is directed to be inserted in Section 4 of the Act of 1926, the following conditions shall apply :—

1. The local authority shall enter in the register the following particulars :—
   - (*a*) Address or situation of dwelling ;
   - (*b*) Estimated cost of works as approved by the Minister, and references to schedule of works and to Minister's approval of estimate ;
   - (*c*) Reference to the Minister's undertaking to make a contribution ;
   - (*d*) Amount of the Minister's annual contribution ;
   - (*e*) Date of completion of works of reconstruction or improvement ;
   - (*f*) Reference to certificate of completion of works by Surveyor or other authorised officer.

(*a*) Now Sched. X of the Housing Act, 1936, *ante*, p. 1792.

HOUSING

Where the local authority is not an authority who are required to keep a Housing Revenue Account they shall enter in the register the following additional particulars :—

(*g*) Normal rent of dwellings ;

(*h*) Maximum rent chargeable under Section 3 of the Act of 1926.

2. A certificate by the Surveyor or other authorised officer of the council shall be obtained to the effect that the whole of the works in respect of which the Minister has undertaken to make a contribution have been completed, that the said works have been inspected by him, or under his instructions, and have been carried out in a proper and workmanlike manner.

V. *Housing Act*, 1930.

The Treasury conditions as to registers, records and certificates set out in Appendix I to Circular 1138, as supplemented by General Housing Memorandum 71, shall remain in force subject to the following modifications :—

(i) the provisions in (*f*) of Part I of Appendix I to Circular 1138 shall not apply ;

(ii) the following provisions shall be substituted for those in (*g*) of Part I of Appendix I to Circular 1138 :—

Where the rehousing is in new houses provided by a housing association, an undertaking shall be given by the local authority that they will take steps to satisfy themselves before each payment of grant by them to the association that the terms of the arrangements made with the association and approved by the Minister, or the conditions imposed by a scheme made under Section 28 of the Act of 1935, have been, and are being, observed by the association.

VI. *Housing Act*, 1935.

PART I.

1. The local authority shall keep a register of new dwellings provided under the Act, with financial assistance from the Exchequer, for the purpose of the abatement of overcrowding or for the rehousing of persons of the working classes displaced from re-development areas. Separate parts of the register shall be used for the recording of particulars relating to houses provided (*a*) by the authority and (*b*) by a housing association, and separate divisions shall be reserved in each part of the register for entries in respect of dwellings attracting Exchequer contributions under Sections 31, 32 and 33 of the Act respectively. Particulars will be entered in the register as regards each contract, showing :—

(*a*) Site and address or situation of houses ;

(*b*) Reference to contract and plans ;

(*c*) Amount and period of contribution to be made by the Minister ;

(*d*) Reference to the Minister's undertaking to make the contribution referred to at (*c*) ;

(*e*) Date of completion of each house ;

(*f*) Reference to certificate of completion by Surveyor or other authorised officer of the Council ;

(*g*) If the houses are provided by a housing association, references to the arrangements made by the local authority with the association and to the Minister's approval of such arrangements.

2. The certificate of completion by the Surveyor or other authorised officer of the authority shall be in the following form :—

HOUSING ACT, 1935.

CERTIFICATE OF COMPLETION OF DWELLINGS.

This is to certify that each of the dwellings described in the schedule below was completed fit for occupation before the date set opposite to the description of the dwelling in that schedule ;

And that the dwellings have been constructed in a proper and workmanlike manner and in compliance with the requirements as to size, materials, type of construction, etc., approved by the Minister of Health ;

And that the dwellings are of entirely new construction and of a type for which a loan period of not less than sixty years is allowed by the Minister of Health or which has been specially approved by the Minister of Health.

SCHEDULE.

Address or description of dwelling.	Date of Completion.	Reference No. for register.

Given under my hand this day of 19 .

Signed.....

Surveyor or other authorised officer of the

.....Council.

3. Where new dwellings are provided under the Act by a housing association and Exchequer contributions are payable to the local authority in respect of the dwellings, an undertaking in relation to the dwellings shall be given by the local authority that they will take steps to satisfy themselves before each payment of grant by them to the association that the terms of the arrangements made with the association and approved by the Minister, or the conditions imposed by a scheme under Section 28 of the Act, have been, and are being, observed by the association.

VII. *General.*

1. Every local authority who are required to keep a Housing Revenue Account shall keep a register showing for each year—

(*a*) in respect of each house (or group of houses) the amount of the rate contribution (if any) payable under Section 41 of the Housing Act, 1935, distinguishing between houses built under different Acts and attracting different rates of contribution,

(*b*) the amount of the contributions (if any) payable to them by the County Council under Section 34 of the Housing Act, 1930, or under Section 34 (3) of the Housing Act, 1935, distinguishing between houses attracting contributions of different amounts,

(*c*) in respect of each house which they have reconstructed or improved, the annual sum, if any, payable to them by way of assistance under Section 1 of the Housing (Rural Workers) Act, 1926,

(*d*) the houses (if any) reserved for letting to members of the agricultural population,

(*e*) the houses (if any) reserved for such persons as are mentioned in Section 3 (1) (*a*) of the Housing (Rural Workers) Act, 1926,

and shall forward to the Minister of Health as soon as may be after the close of each financial year—

(i) a statement, in such form as the Minister may require, of the Housing Revenue Account, the Housing Repairs Account and the Housing Equalisation Account, certified by the Chief Financial Officer of the authority and by the auditor of the accounts of the authority ; and

(ii) a statement, certified by the Chief Financial Officer of the authority and by the District Auditor, of the authority's contributions for the year payable under Section 41 of the Housing Act, 1935.

2. Every such local authority shall forward to the Minister, at such times and in such form as he may require, a return showing the rents of the houses to which the Housing Revenue Account relates.

3. Every such local authority shall permit the District Auditor, or any other officer of the Ministry of Health, authorised by the Minister, to have access to and inspect the

registers, records and certificates required by these conditions to be kept and, where necessary, accounts, plans, contracts, and other relevant documents and vouchers.

4. The houses to which the Housing Revenue Account relates must be open to inspection when required by an officer of the Ministry.

5. The conditions set out in paragraphs 1 to 4 shall, in their application to London, be modified as follows :—

The provisions of paragraph 1 (*b*) shall not have effect, but the Common Council of the City of London and the Council of each metropolitan borough shall record in addition to the above, the following particulars, viz. :—

(*a*) in respect of each house the amount of any supplementary contributions made to them by the London County Council under Section 1 (6) of the Housing etc. Act, 1923, or under Section 2 (5) of the Housing (Financial Provisions) Act, 1924.

(*b*) the amount of any contributions made to them by the London County Council or otherwise under Section 80 (3) of the Housing Act, 1925, or under proviso (ii) to Section 16 (5) of the Housing Act, 1930, or under Section 16 (8) of the Housing Act, 1930, or under Section 22 of the Housing Act, 1935.

APPENDIX II.

MODIFICATIONS, APPROVED BY THE TREASURY, IN THE NORMAL METHOD OF DETERMINATION OF THE EXCHEQUER CONTRIBUTIONS PAYABLE IN RESPECT OF REHOUSING SCHEMES UNDER SECTION 1 (3) OF THE HOUSING ACT, 1923.

1. The Housing Act, 1935, provides (Fourth Schedule, Part II, paragraph 9) that for the financial year commencing on April 1, 1935, and for each subsequent financial year the amount of the Exchequer contribution towards the expenses incurred by a local authority in carrying out a rehousing scheme to which Section 1 (3) of the Act of 1923 applies is to be an amount equal to one-half of the estimated loss for the year incurred in carrying out the scheme, ascertained as provided by paragraphs 3 to 7 of Part II of the Fourth Schedule (wherein is set out the method by which the estimated annual loss on a scheme to which Section 7 of the Act of 1919 applies is to be determined), subject to such modifications as the Minister with the approval of the Treasury may determine to be necessary having regard to the date of the completion of the operations or expedient in all the circumstances. The modifications, as determined by the Minister with the approval of the Treasury, are as follows :—

I. *A Scheme completed between April* 1, 1930, *and March* 31, 1935.

In paragraph 5 of Part II of the Fourth Schedule the provisions of heads (*a*), (*b*), and (*c*) of sub-paragraph 1 shall not apply, and the following sub-paragraph shall be substituted for sub-paragraph (2) :—

(2) The estimated expenditure for the financial year shall be the sum of the amounts ascertained under heads (*d*) and (*e*) of the foregoing sub-paragraph, increased by such amount, fixed for the remainder of the period during which Exchequer contributions are payable in respect of the scheme, as, after consultation with the local authority, the Minister, with the approval of the Treasury, may regard as reasonable in all the circumstances.

II. *A Scheme completed after March* 31, 1935.

(i) For each financial year prior to and including the year in which the scheme is completed the provisions of paragraphs 3 to 7 of Part II of the Fourth Schedule shall not apply, and the estimated loss for the year incurred in carrying out the scheme shall be such amount as, after consultation with the local authority, the Minister, with the approval of the Treasury, may regard as representing the fair and reasonable deficit of the year on the scheme.

(ii) For the financial year immediately following the year in which the scheme is completed and for each subsequent year the provisions of paragraphs 3 to 7 of Part II of the Fourth Schedule shall be modified as follows :—

(*a*) In paragraph 4 the words " the thirty-first day of March of the financial year in which the scheme was completed " shall be substituted for the words " the thirty-first day of March, nineteen hundred and thirty-five " ; and

(*b*) in paragraph 5 the provisions of heads (*a*), (*b*) and (*c*) of sub-paragraph (1) shall not apply, and the following sub-paragraph shall be substituted for sub-paragraph (2) :—

(2) The estimated expenditure for the financial year shall be the sum of the amounts ascertained under heads (*d*) and (*e*) of the foregoing sub-paragraph, increased by such amount ,fixed for the remainder of the period during which

Exchequer contributions are payable in respect of the scheme, as, after consultation with the local authority, the Minister, with the approval of the Treasury, may regard as reasonable in all the circumstances.

2. A rehousing scheme to which Section 1 (3) of the Act of 1923 applies shall be deemed to be completed when all the capital expenditure relating to the scheme has been incurred.

S. R. & O., 1935, No. 1115.

THE MINISTRY OF HEALTH (CENTRAL HOUSING ADVISORY COMMITTEE) ORDER, 1935, DATED NOVEMBER 12, 1935, MADE BY THE MINISTER OF HEALTH.

Whereas by section twenty-four of the Housing Act, 1935 (*a*), it is enacted as follows:

"(1) The Minister shall appoint a committee, to be called the Central Housing Advisory Committee, for the purpose of—

(*a*) advising the Minister on any matter, relating to a temporary increase of the permitted number of persons in relation to overcrowding, as respects which he is required by section four of this Act to consult the Committee;

(*b*) advising Housing Management Commissions constituted under the next succeeding section on any matter as respect which such Commissions are required to consult the Committee;

(*c*) advising the Minister on any question which may be referred by him to the Committee with respect to any other matter arising in connection with the execution of the enactments relating to housing;

(*d*) considering the operation of the enactments relating to housing and making to the Minister such representations with respect to matters of general concern arising in connection with the execution of those enactments as the Committee think desirable.

(2) The Minister may by order make provision with respect to the constitution and procedure of the Committee, and any such order may be varied by a subsequent order."

Now therefore the Minister of Health in exercise of the powers conferred upon him by the said section twenty-four and of all other powers enabling him in that behalf hereby orders as follows:—

1.—(i) This Order may be cited as the Ministry of Health (Central Housing Advisory Committee) Order, 1935.

(ii). In this Order the following expressions have the meanings hereby assigned to them:—

"The Minister" means the Minister of Health.

"The Committee" means the Central Housing Advisory Committee to be appointed under section twenty-four of the Housing Act, 1935.

(iii) The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2. The Committee shall consist of such number of members not exceeding thirty appointed by the Minister as the Minister may determine.

3.—(i) At the expiration of one, two and three years respectively from the first appointment of the members of the Committee one-third of the original members, to be selected by lot, shall go out of office, but for the purpose of this provision an original member who has been reappointed shall not be deemed to be an original member.

(ii) Subject as aforesaid the members of the Committee shall hold office for three years and shall then go out of office:

Provided that on a casual vacancy occurring in the Committee the person appointed

(*a*) Now s. 135 of the Housing Act, 1936, *ante*, p. 1735.

to fill the vacancy shall hold office until the time when the person in whose place he is appointed would regularly go out of office, and shall then go out of office:

(iii) A member of the Committee on the expiration of his term of office may be reappointed.

4. The Minister shall be the Chairman and the Parliamentary Secretary to the Ministry of Health shall be the Vice-Chairman of the Committee.

5. The Chairman, or in his absence, the Vice-Chairman or in the absence of both the Chairman and the Vice-Chairman such member of the Committee as the Minister may appoint for the purpose shall preside at every meeting of the Committee.

6.—(i) The Committee shall meet at such times and notice of meetings shall be given to the members of the Committee in such manner as the Committee may with the approval of the Minister determine:

(ii) At a meeting of the Committee five shall be a quorum.

(iii) No act or proceeding of the Committee shall be questioned on account of any vacancy in their body.

7. Subject to the provisions contained in this Order the Committee may regulate their own procedure.

Given under the official seal of the Minister of Health this twelfth day of November, nineteen hundred and thirty-five.

(L.S.) H. W. S. FRANCIS,
Assistant Secretary,
Ministry of Health.

CIRCULAR 1539.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
7th May, 1936.

To Housing Authorities
(England and Wales).

HOUSING ACT, 1935.

SIR,—I am directed by the Minister of Health to refer to Memorandum B enclosed with Circular 1,500A or 1,500b on the Housing Act, 1935 (dated October 22, 1935) and the later Circular 1507 (dated November 19, 1935) and to state that he has been considering the further steps which will require to be taken in order to bring into operation the whole of the overcrowding provisions of the Act of 1935.

The Local Authority will be aware that the operation of the Act depends upon the fixing of appointed days which, when fixed by the Minister, determine the date from which particular overcrowding provisions take effect in any area. The "appointed day" is defined in Section 97 of the Act of 1935 as meaning "such day as the Minister may appoint and the Minister may fix different days for different purposes and different provisions of this Act and for different localities." The fixing of an appointed day is provided for in various Sections of the Act (*a*):—

(*a*) Under Sections 3, 4, and 8, the appointed day is the date after which overcrowding may constitute an offence.

(*b*) Under Section 6 the appointed day is 6 months before the date by which a notice in the prescribed form must be inserted in every rent book.

(*a*) The sections of the Act of 1935 mentioned in this Circular have been repealed and replaced by the Housing Act, 1936, as follows: s. 97 by s. 68 of the Act of 1936, *ante*, p. 1678; s. 3 by s. 59 of the Act of 1936, *ante*, p. 1670; s. 4 by s. 60 of the Act of 1936, *ante*, p. 1672; s. 8 by s. 64 of the Act of 1936, *ante*, p. 1675; s. 6 by s. 62 of the Act of 1936, *ante*, p. 1674; s. 68 by s. 6 (2) of the Act of 1936, *ante*, p. 1599.

(c) Under Section 68 the appointed day is the date from which any byelaws under Section 6 of the Act of 1925 relating to the number of persons permitted to live in a house cease to have effect. This will naturally be the day from which the statutory standard comes into operation in place of the byelaw standard, *i.e.*, the appointed day will be the same date as the appointed day under Section 3.

The pivotal date is that from which overcrowding is to constitute an offence. The date to be fixed for this purpose must be one which will be based on the actual state of affairs in the particular district, and, in the Minister's opinion, the two most relevant considerations are the extent of overcrowding as disclosed by the survey and the time likely to elapse before a substantial amount of that overcrowding can be remedied.

The final date fixed by the Minister for the submission to him of the report on the survey is June 1, 1936, but the Minister has already received a considerable number of reports and statistical returns in the Form C set out in Memorandum B. and the excellent progress which has been made by these Local Authorities has been of great assistance to the Minister in his consideration of the next steps in the campaign against overcrowding.

These reports indicate that in a comparatively small number of districts overcrowding is acute, but that in many districts it can be abated by the provision of such a number of houses as need not involve a long building programme. The advantages of preventing fresh overcrowding for the future, as well as the advantages of abating that which now exists affords very strong reasons for grappling forthwith with a problem of this kind, wherever that course is practicable, and the Minister has no doubt that all Local Authorities who are able to do so will wish to bring the Act into active operation at the earliest possible date.

After consultation with the Associations of Local Authorities the Minister has decided therefore, subject to consideration of any representations which may be received from individual Local Authorities, to fix January 1, 1937, as the appointed day under Sections 3, 4, 8 and 68, in the case of all Local Authorities whose survey under Section 1 of the Act discloses a total number of overcrowded families which is either under a hundred or is less than 2 per cent. of the total number of working-class houses in the district.

The Minister will be prepared also to consider applications from Local Authorities whose overcrowding falls outside these limits for the same date to be fixed for their area, and he may himself find it necessary to suggest the fixing of this date for such an Authority in order primarily to secure that "islands" in which overcrowding will not be an offence are not left in a large area in which overcrowding will be an offence.

Accordingly in the absence of any representations before June 1 from a Local Authority whose problem falls within the above limits the Minister proposes to fix January 1, 1937, as the appointed day for this purpose. He will be glad to receive also before June 1 any applications from Local Authorities whose problem does not fall within these limits but who desire this date to be fixed for their district. In those districts where overcrowding is acute and the problem one of considerable magnitude, the Minister recognises that a longer period will be necessary before the appointed day can be fixed, and he will be prepared to consider proposals made by the individual Local Authorities in the light of the knowledge of their local difficulties. The Minister will be glad to receive such suggestions at as early a date as is practicable, and not later than July 1.

In fixing January 1, 1937, as the earliest date for which overcrowding should constitute an offence, the Minister has had in mind two points:

(1) that the intervening period will allow Local Authorities to put in hand, if not to complete, at any rate a portion of the accommodation necessary for the abatement of overcrowding, and thus to shorten the period between the appointed day and the actual abatement of existing overcrowding.

(2) that the appointed day from which overcrowding is to constitute an offence must not be fixed until adequate means have been taken to inform the public in the district as to the circumstances in which an offence will arise.

The most important single factor in this latter connection will be the entries

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which are required to be made in rent books under Section 6 of the Act containing a summary of the provisions of the Act and a statement of the permitted number of persons in relation to the houses. It is desirable that all these entries should be inserted by the date from which offences may occur. The Minister accordingly proposes that when fixing the appointed day under Section 3 for any particular area he will at the same time appoint a day six months earlier as the appointed day under Section 6 for that area. In view of the fact that rent books are usually drawn up to run from January 1 and that there are general advantages in making any change date from the beginning of a new year, the Minister proposes that where under the arrangements already described in the earlier paragraphs the appointed day under Section 3 is to be January 1, 1937, the appointed day under Section 6 should be July 1, 1936.

Under Section 6 (2) of the Act it is the duty of the Local Authority, upon the application of the landlord or of the occupier of a dwelling-house, to inform the applicant in writing of the number of persons constituting the permitted number in relation to the house. To perform this function it will be necessary for the Local Authority to measure the rooms in that house, and if the Authority are to be in a position to meet any request for information without delay they will probably find that on the whole it will be more advantageous to undertake systematic measurement of the bulk of, if not of all, the working-class houses in their area than to delay measuring until a request is received. Each Local Authority will already have measured the overcrowded houses. Some Local Authorities have, in fact, already measured all the houses, and others are now engaged on the task.

The Minister does not anticipate that for those districts for which January 1, 1937, is fixed as the appointed day for the purposes of Section 3 the task of measuring will impose any difficulties which will outweigh the advantages of fixing an early date for the prevention of overcrowding.

The statutory obligation by the Local Authority will be discharged by this action, but the Minister hopes that each Local Authority will appreciate the importance in this matter of exercising widely the powers which have been given them under Section 7 of the Act to publish information for the assistance of landlord and occupiers as to their rights and duties under the provisions of the Act which relates to overcrowding.

Pending an offer of suitable alternative accommodation protection is afforded by the Act to those who are living under overcrowded conditions on the appointed day, but fresh overcrowding in general renders persons liable to penalties unless licences have been obtained from the Local Authority. For the first time a statutory standard of overcrowding is being applied, and no one will appreciate more than the Local Authority the advantages of preventing rather than punishing the commission of offences. To this end it will be necessary therefore to ensure that owners and occupiers are made aware of the dates fixed and of the obligations which follow therefrom. In the Minister's opinion very much can be done to secure the object of bringing the Act into operation effectively and without friction by the dissemination of full information during the time which elapses before overcrowding becomes an offence. The Minister hopes that each Local Authority will give this question their serious consideration and take such action as is appropriate to the circumstances of their district. The manner of making public the necessary information will be a matter for each Local Authority to decide, but it appears to the Minister that whether or not pamphlets, circulars or press notices are used for this purpose, it is desirable that notices should be printed and exhibited in the usual places drawing attention to the fixing of the appointed days, and stating that further information can be obtained from the offices of the Local Authority.

The next step which the Local Authority should consider is that of the provision of houses. The Local Authority will not be able to require the abatement of existing overcrowding until they are in a position to offer suitable alternative accommodation, and the more quickly such proposals can be executed the sooner will the Local Authority be able to remedy existing conditions without hardship or inconvenience. It may be that in some districts the calls which rehousing consequent upon slum clearance is making upon the available resources of the building industry will render it impossible to put in hand in the near future more than a small proportion of the total programme for the abatement of overcrowding. In many districts, however,

the slum clearance programme is well on its way to completion, or the total amount of work to be done under slum clearance and for the abatement of overcrowding is not more than can be effected by a single building contract: in many rural districts in particular, where the total programme is made up of many small programmes scattered over a number of different parishes, there are clearly advantages in building at one and the same time the houses required in each parish for the two programmes, now that the total figure is known.

REHOUSING PROPOSALS.

In framing their rehousing proposals the Local Authority will take careful note of the information they now have available as to the housing conditions and housing needs of their district. The completed Forms C not only serve to disclose the actual overcrowded families, but also afford a valuable guide to the general housing conditions so far as the extent of accommodation for each family is concerned. While it is the duty of the Local Authority to see that each overcrowded family is provided with suitable accommodation in which it will not be overcrowded, it does not follow that the new accommodation which it may be necessary to provide should be determined solely with regard to the needs of the families found to be overcrowded at the time of the survey. The overcrowding of a particular family may be abated in various ways other than the direct provision by the Local Authority of a new house for that family. For example, it might be abated by the finding of alternative accommodation for sub-tenants (so increasing the amount of accommodation at the disposal of the overcrowded family) or by obtaining the removal of the overcrowded family to a suitable existing house whether belonging to the Local Authority or to a private owner.

In paragraph 17 of Memorandum B the Minister indicated how from the completed Forms C the Local Authority could make their first rough estimate of the accommodation required to abate overcrowding. As is also stated in that paragraph, this rough estimate will usually be sufficient to form the basis of the general rehousing proposals which are required to be submitted to the Minister by August 1, 1936, as prescribed in Circular 1507.

The Minister has no doubt that the Local Authorities will see that these necessary preliminary proposals are submitted not later than the prescribed date.

When attention is turned to specific building proposals, it will be necessary to proceed to a closer examination of the housing need, in order that the provision to be made may in type and extent coincide with the necessities of the situation. For this purpose an analysis of the particulars furnished on Form B will be necessary. The information already in the Minister's possession leads him to anticipate that this analysis will, in most districts, show that while there is a certain amount of overcrowding which can be abated by the finding of alternative accommodation for sub-tenants or, in the case of houses belonging to the Local Authority, by a re-allocation of houses or by the provision of the normal type of working-class house, there will be a residue of large and very large families for whom some extraordinary provision must be made. If there are no existing houses suitable for such families which can be made available for them, it will be necessary for the Local Authority to provide the appropriate accommodation, and in most cases this will mean that they will have to provide houses of a larger type than those which have ordinarily been provided on the estates of Local Authorities. The Minister has already pointed out in Memorandum B that the provision of cottages or flats for aged persons will often render available accommodation suitable for a normal sized family and accordingly he anticipates that the rehousing proposals put forward by Local Authorities will usually be made up of a certain number of one-bedroom houses for aged persons together with houses for large families requiring 3, 4, or more bedrooms.

As pointed out in paragraph 3 of Memorandum B the overcrowding standard set out in the Act of 1935 does not represent an ideal standard of housing, but is the minimum which, in the view of Parliament, is tolerable while at the same time capable of immediate or early enforcement. In planning their new houses the main consideration for the Local Authority to take into account is the provision of accommodation suitable and convenient for the type and size of family which will normally occupy it, and there should be no question of modifying an otherwise suitable plan

HOUSING

merely for the purpose of increasing the number permitted by the overcrowding standard, e.g. the fact that a room of 110 feet in area would not be overcrowded under the Act of 1935 if occupied by two persons does not imply that this size is an adequate area for all bedrooms.

The standard of occupation to be adopted for rehousing under the Act of 1935 is that laid down for slum clearance schemes, namely that specified in Section 37 of the Act of 1930. This Section provides that the Local Authority "shall treat a house containing two bedrooms as providing accommodation for four persons; a house containing three bedrooms as providing accommodation for five persons; and a house containing four bedrooms as providing accommodation for seven persons."

It will be observed that this is not a complete standard of accommodation inasmuch as no mention is made of the size of the bedrooms and no indication of the standard for families consisting of more than seven persons, while it will be observed that in this section children count as whole persons whatever their age. The Minister thinks, however, that he may assist Local Authorities in their consideration of rehousing proposals, particularly where these proposals are likely to necessitate more considerable departures from what have been regarded as the usual types of houses to be built by Local Authorities, if he indicates what appear to him to be satisfactory standards. Reference to the size of these normal types was made in Circular 1238 of January 12, 1932. In amplification of that Memorandum the Minister would himself regard the following standards (in which by "person" is meant any individual whether adult or child) as being generally satisfactory:—

(*a*) The three-bedroom non-parlour type of house with a superficial area of 760 square feet or thereabouts and containing bedrooms of about 150, 100 and 80 square feet and a living room of 180 square feet, which follows the normal type being erected in large numbers by local authorities, affords adequate accommodation for a working-class family consisting of not more than five persons.

(*b*) For a family of six persons a three-bedroom non-parlour type of house of rather larger size than that referred to under (*a*) would afford adequate accommodation. The third bedroom should be made larger, and this would give on the ground floor the necessary extra living room accommodation. Suitable sizes recommended are bedrooms of 150, 120 and 100 square feet, and a living room of 200 square feet, with a total superficial area of about 850 square feet.

(*c*) For a family of seven persons appropriate accommodation could be provided in a four-bedroom non-parlour type of house containing bedrooms of approximately 150, 120, 100 and 80 square feet, and a living room of about 220 square feet, with a total superficial area of about 1,050 square feet. In certain cases if the local authority consider that the circumstances call for it, one substantial living room of, say, 180 square feet, together with a smaller parlour of, say, 100 square feet, might be substituted for the single large living room. In some cases this accommodation could be conveniently planned by arranging for a folding door between the two living rooms. By such an arrangement fuel could be economised, as one fire could often be used to warm the two rooms.

(*d*) For a family consisting of eight persons a four-bedroom house with a superficial area of approximately 1,130 square feet would afford appropriate accommodation. The bedrooms might be approximately 150, 120, 120 and 100 square feet in area. The living accommodation would normally take the form of a living room and a parlour.

(*e*) For families of more than eight persons the same general principle should be followed, that is, that a necessary increase of sleeping accommodation should be accompanied by a corresponding increase of living accommodation. Where there are nine persons in one family, appropriate accommodation might be provided in a four-bedroom house, on condition that the bedrooms were made large enough, e.g., so that the second bedroom had a minimum area of 130 square feet. In the case of very large families it may be necessary to provide five or even six-bedroom houses. Where this has to be done the authority should, as far as possible, associate with each

large house a small dwelling, e.g., one suitable for an aged couple, in such a way that at some future date the combined dwelling might be structurally altered into two separate family houses. In some areas, especially in rural districts, it may be sufficient to add a bedroom or a parlour with a bedroom over it to existing houses. Many plans of existing houses will be found to lend themselves to this arrangement. The staff of the Ministry is available to local authorities for consultation and guidance on such questions.

Where rehousing takes the form of blocks of flats the planning should provide that the living room accommodation in each flat increases as the number of bedrooms increases, and sufficient bedrooms should be provided to ensure that the living accommodation is not to be used for sleeping purposes except, of course, in the case of one-room dwellings. The Minister does not think it necessary to lay down any general sizes and areas in view of the fact that the number of authorities providing blocks of flats will be comparatively small, and it will no doubt be administratively more convenient to deal with each proposal on its merits. He thinks, however, that generally speaking local authorities will take the view that it is undesirable for them to provide housing accommodation in flats for large families. For the very large family which will normally contain several young children a flat is definitely much less suitable accommodation than a cottage. As far as possible, therefore, the Minister suggests that local authorities should rehouse such families in cottages, reserving their flats for families of more normal size. In cases where it is necessary to rehouse large families as near the centre of a town as possible, accommodation may sometimes be found for them on the existing more central cottage estates of the authority by converting two existing cottages into one and rehousing the existing tenants of those cottages in the new flats.

In paragraph 11 of Memorandum C on the Housing Act, 1935, dealing with rehousing in blocks of flats, the Minister drew attention to the desirability of providing each flat with a private balcony. The authority should take special steps to ensure that such balconies are safe for children. The balcony must be kept clear of objects on which children might climb. The tenants of flats should be warned of the danger of leaving children unattended on the balcony while it contains furniture on which climbing is possible.

The programme of house building which remains to be carried out by Local Authorities under slum clearance and overcrowding is substantial, and the houses to be erected by Local Authorities will thus in many districts have an appreciable effect on the architectural character of the district. While the Minister recognises the good work which has been done in many areas, he would urge upon all Local Authorities the importance of securing that the execution of their schemes is entrusted to persons of experience capable of producing not only well-built houses but dwellings of architectural merit. If the Local Authority are not proposing to employ an architect he suggests that they should consult the Ministry at the earliest stage of their proposals.

Where new cottages are to be erected in an existing village of a well defined architectural character or in rural surroundings it is particularly important that every endeavour should be made to ensure that they harmonise with their surroundings and the Minister is assured that this can usually be done without increasing the cost of the cottages.

Many local authorities in submitting specific housing proposals have regularly furnished the Minister with plans, elevations and specification or description of the materials to be used, and the information so obtained, in addition to assisting the Minister to deal with the particular proposals, has been of great value to the department and has enabled the experience and ideas of some local authorities to be passed on to others. The Minister, while not proposing to ask for this information in all cases, hopes that local authorities will continue and extend this present practice. In particular, as he desires more complete information as to the position in rural areas, he would be glad to receive plans, elevations, etc. of houses to be erected in those areas.

I am, etc.

HOUSING

COUNTY COURT RULES, 1936.

(S. R. & O., 1936, No. 626/L.17.)

ORDER XLVI.

* * * * * * *

THE HOUSING ACT, 1936.

9. A charging order granted under Section 7 (5) of the Housing Act, 1936, shall be in Form 370.

* * * * * *

FORM OF CHARGING ORDER UNDER THE HOUSING ACT, 1936.

THE HOUSING ACT, 1936.

[*General Title-Form* 1.]

(*Seal.*)

County of
Parish of No.

Pursuant to subsection (5) of Section 7 of the Housing Act, 1936, the County Court doth by this order under the hand of the registrar and the seal of the Court charge the premises mentioned in the schedule hereto with the payment to of of the sum of £ yearly on the day of for the term of years, in consideration of an expenditure of £ incurred by him in respect of the said premises.

THE SCHEDULE.

Dated this day of , 19 .

Registrar.

S. R. & O., 1936, No. 665.

THE HOUSING ACT, 1935 (OPERATION OF OVERCROWDING PROVISIONS) ORDER, 1936, DATED JUNE 26, 1936, MADE BY THE MINISTER OF HEALTH UNDER THE HOUSING ACT, 1935 (25 & 26 GEO. 5, c. 40).

The Minister of Health, in exercise of his powers under the Housing Act, 1935, (hereinafter referred to as " the Act ") and of all other powers enabling him in that behalf, hereby makes the following Order :—

1. In relation to the areas which are specified in the Schedule to this Order the appointed day for the purposes of Section 6 of the Act (which provides for entry in rent books or similar documents of a summary in the prescribed form of certain provisions of the Act relating to overcrowding) shall be the first day of July, 1936, and the appointed day for the purposes of Sections 3 and 8 (which contain provisions as to offences in relation to overcrowding) and Sections 4 and 68 of the Act shall be the first day of January, 1937.

As to the sections of the Housing Act, 1936, replacing the sections mentioned, see the note to Circular 1539, *ante*, p. 3010.

2. This Order may be cited as the Housing Act, 1935 (Operation of Overcrowding Provisions) Order (No. 1) 1936.

SCHEDULE.

AREAS TO WHICH THIS ORDER APPLIES.

I.—THE CITY OF LONDON.

II.—METROPOLITAN BOROUGHS.

Kensington, Lewisham, Stoke Newington, Wandsworth, Westminster, Woolwich.

III.—COUNTY BOROUGHS.

Barrow-in-Furness, Bath, Blackburn, Blackpool, Bolton, Bootle, Bournemouth, Brighton, Burnley, Burton-upon-Trent, Bury, Canterbury, Carlisle, Coventry, Croydon, Derby, Doncaster, Eastbourne, Exeter, Gloucester, Great Yarmouth, Grimsby, Hastings, Ipswich, Leicester, Lincoln, Liverpool, Manchester, Northampton, Nottingham, Oldham, Oxford, Portsmouth, Preston, Reading, Rochdale, Saint Helens, Salford, Smethwick, Southend-on-Sea, Southport, Stockport, Wallasey, Warrington, York.

IV.—COUNTY DISTRICTS.

County of Bedford.

Boroughs of:—Bedford, Dunstable, Luton.
Urban Districts of:—Ampthill, Biggleswade, Kempston, Leighton Buzzard, Sandy.
Rural Districts of:—Ampthill, Bedford, Biggleswade, Luton.

County of Berks.

Boroughs of:—Abingdon, Maidenhead, Newbury, New Windsor, Wallingford, Wokingham.
Urban District of:—Wantage.
Rural Districts of:—Abingdon, Bradfield, Cookham, Easthampstead, Faringdon, Hungerford, Newbury, Wallingford, Wantage, Windsor, Wokingham.

County of Bucks.

Boroughs of:—Aylesbury, Buckingham, Chepping Wycombe.
Urban Districts of:—Beaconsfield, Bletchley, Chesham, Eton, Linslade, Marlow, Newport Pagnell, Slough, Wolverton.
Rural Districts of:—Amersham, Aylesbury, Buckingham, Eton, Newport Pagnell, Wing, Winslow, Wycombe.

County of Cambridge.

Borough of:—Cambridge.
Rural Districts of:—Chesterton, Newmarket, South Cambridgeshire.

County of Chester.

Boroughs of:—Crewe, Sale.
Urban Districts of:—Alderley Edge, Alsager, Altrincham, Bebington, Bollington, Bowdon, Bredbury and Romiley, Cheadle and Gatley, Ellesmere Port, Hale, Hazel Grove and Bramhall, Hoole, Hoylake, Knutsford, Longdendale, Lymm, Marple, Middlewich, Nantwich, Neston, Runcorn, Sandbach, Wilmslow, Winsford, Wirral.
Rural Districts of:—Bucklow, Chester, Congleton, Disley, Macclesfield, Nantwich, Northwich, Runcorn, Tarvin, Tintwistle.

County of Cornwall.

Boroughs of:—Bodmin, Falmouth, Fowey, Helston, Launceston, Liskeard, Lostwithiel, Penryn, Penzance, St. Ives, Saltash, Truro.
Urban Districts of:—Bude-Stratton, Camborne-Redruth, Looe, Newquay, Padstow, St. Austell, St. Just, Torpoint.
Rural Districts of:—Camelford, Kerrier, Launceston, Liskeard, St. Austell, St. Germans, Stratton, Truro, Wadebridge, West Penwith.

County of Cumberland.

Boroughs of:—Whitehaven, Workington.
Urban Districts of:—Cockermouth, Keswick, Maryport, Penrith.
Rural Districts of:—Alston-with-Garrigill, Ennerdale, Millom, Penrith, Wigton.

County of Derby.

Urban Districts of:—Ashbourne, Bakewell, Bolsover, Dronfield, Matlock, New Mills, Whaley Bridge, Worksworth.
Rural Districts of:—Ashbourne, Blackwell, Chapel-en-le-Frith, Clown Repton, Shardlow.

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County of Devon.

Boroughs of:—Barnstaple, Bideford, Clifton Dartmouth Hardness, Great Torrington, Honiton, Okehampton, South Molton, Tiverton, Torquay, Totnes.
Urban Districts of:—Ashburton, Axminster, Brixham, Buckfastleigh, Budleigh, Salterton, Crediton, Dawlish, Exmouth, Holsworthy, Ilfracombe, Kingsbridge, Lynton, Newton Abbot, Northam, Ottery St. Mary, Paignton, Salcombe, Seaton, Sidmouth, Tavistock, Teignmouth.
Rural Districts of:—Axminister, Barnstaple, Bideford, Broadwoodwidger, Crediton, Holsworthy, Honiton, Kingsbridge, Newton Abbot, Okehampton, Plympton St. Mary, St. Thomas, South Molton, Tavistock, Tiverton, Torrington, Totnes.

County of Dorset.

Boroughs of:—Blandford Forum, Bridport, Dorchester, Lyme Regis, Poole, Shaftesbury, Wareham, Weymouth and Melcombe Regis.
Urban Districts of:—Portland, Sherborne, Swanage, Wimborne Minister.
Rural Districts of:—Beaminster, Blandford, Bridport, Dorchester, Shaftesbury, Sherborne, Sturminster, Wareham and Purbeck, Wimborne and Cranborne.

County of Durham.

Urban Districts of:—Barnard Castle, Billingham, Seaham Harbour, Stanhope.
Rural Districts of:—Darlington, Durham, Hartlepool, Stockton.

County of Isle of Ely.

Borough of:—Wisbech.
Urban Districts of:—Chatteris, Ely, March, Whittlesey.
Rural Districts of:—Ely, North Witchford, Thorney, Wisbech.

County of Essex.

Boroughs of:—Barking, Chelmsford, Colchester, Harwich, Ilford, Leyton, Maldon, Saffron Walden, Walthamstow.
Urban Districts of:—Benfleet, Billericay, Braintree and Bocking, Brentwood, Brightlingsea, Burnham-on-Crouch, Canvey Island, Chigwell, Chingford, Clacton, Dagenham, Epping, Frinton and Walton, Halstead, Hornchurch, Rayleigh, Romford, Thurrock, Waltham Holy Cross, Wanstead and Woodford, West Mersea, Witham, Wivenhoe.
Rural Districts of:—Braintree, Chelmsford, Dunmow, Epping, Halstead, Lexden and Winstree, Maldon, Ongar, Rochford, Saffron Walden, Tendring.

County of Gloucester.

Boroughs of:—Cheltenham, Tewkesbury.
Urban Districts of:—Charlton Kings, Cirencester, Kingswood, Mangotsfield, Nailsworth, Stroud.
Rural Districts of:—Cheltenham, Cirencester, Dursley, Gloucester, Lydney, Newent, North Cotswold, Northleach, Sodbury, Stroud, Tetbury, Thornbury, Warmley.

County of Hereford.

Boroughs of:—Hereford, Leominster.
Urban Districts of:—Bromyard, Kington, Ledbury, Ross-on-Wye.
Rural Districts of:—Bromyard, Dore and Bredwardine, Hereford, Kington, Ledbury, Leominster and Wigmore, Ross and Whitchurch, Weobley.

County of Hertford.

Boroughs of:—Hemel Hempstead, Hertford, St. Albans, Watford.
Urban Districts of:—Baldock, Barnet, Bishop's Stortford, Bushey, Cheshunt, Chorleywood, East Barnet, Great Berkhampstead, Harpenden, Hitchin, Hoddesdon, Letchworth, Rickmansworth, Royston, Sawbridgeworth, Stevenage, Tring, Ware, Welwyn Garden City.
Rural Districts of:—Barnet, Berkhampstead, Braughing, Hatfield, Hemel Hempstead, Hertford, Hitchin, St. Albans, Ware, Watford, Welwyn.

County of Huntingdon.

Boroughs of:—Godmanchester, Huntingdon, St. Ives.
Urban Districts of:—Old Fletton, Ramsey, St. Neots.
Rural Districts of:—Huntingdon, Norman Cross, St. Ives, St. Neots.

County of Kent.

Boroughs of:—Beckenham, Bromley, Chatham, Dartford, Deal, Dover, Faversham, Folkestone, Gillingham, Gravesend, Hythe, Lydd, Maidstone, Margate, New Romney, Queenborough, Ramsgate, Rochester, Sandwich, Tenterden, Tunbridge Wells.

Urban Districts of:—Ashford, Bexley, Broadstairs and St. Peters, Chislehurst and Sidcup, Crayford, Erith, Herne Bay, Northfleet, Orpington, Penge, Sevenoaks, Sheerness, Sittingbourne and Milton, Southborough, Swanscombe, Tonbridge, Whitstable.

Rural Districts of:—Bridge Blean, Cranbrook, Dartford, Dover, East Ashford, Eastry, Elham, Hollingbourn, Maidstone, Malling, Romney Marsh, Sevenoaks, Sheppey, Strood, Swale, Tenterden, Tonbridge, West Ashford.

County of Lancaster.

Boroughs of:—Accrington, Ashton-under-Lyne, Bacup, Clitheroe, Colne, Darwen, Eccles, Fleetwood, Haslingden, Lancaster, Leigh, Lytham St. Annes, Middleton, Morecambe and Heysham, Mossley, Nelson, Radcliffe, Rawtenstall, Stretford, Widnes.

Urban Districts of:—Adlington, Ashton-in-Makerfield, Aspull, Atherton, Audenshaw, Barrowford, Blackrod, Brierfield, Carnforth, Chadderton, Church, Clayton-le-Moors, Crompton, Dalton-in-Furness, Denton, Droylsden, Failsworth, Formby, Fulwood, Golborne, Grange, Great Crosby, Great Harwood, Hindley, Horwich, Huyton-with-Roby, Ince-in-Makerfield, Irlam, Kearsley, Kirkham, Lees, Leyland, Litherland, Littleborough, Little Lever, Longridge, Milnrow, Newton-in-Makerfield, Ormskirk, Orrell, Oswaldtwistle, Padiham, Poulton-le-Fylde, Preesall, Prestwich, Rainford, Ramsbottom, Riston, Royton, Skelmersdale, Standish-with-Langtree, Thorton Cleveleys, Tottington, Trawden, Turton, Ulverston, Upholland, Urmston, Walton-le-Dale, Wardle, Waterloo-with-Seaforth, Westhoughton, Whitefield, Whitworth, Withnell, Worsley.

Rural Districts of:—Blackburn, Burnley, Chorley, Clitheroe, Fylde, Garstang, Lancaster, Limehurst, Lunesdale, Preston, Ulverston, Warrington, West Lancashire, Whiston, Wigan.

County of Leicester.

Borough of:—Loughborough.

Urban Districts of:—Ashby-de-la-Zouch, Ashby Woulds, Hinckley, Market Harborough, Melton Mowbray, Oadby, Shepshed, Wigston.

Rural Districts of:—Ashby-de-la-Zouch, Billesdon, Blaby, Castle Donington, Lutterworth, Market Harborough, Melton and Belvoir.

County of Lincoln, Parts of Holland.

Urban District of:—Spalding.

Rural Districts of:—Boston, East Elloe, Spalding.

County of Lincoln, Parts of Kesteven.

Boroughs of:—Grantham, Stamford.

Urban Districts of:—Bourne, Sleaford.

Rural Districts of:—East Kesteven, North Kesteven, South Kesteven, West Kesteven.

County of Lincoln, Parts of Lindsey.

Borough of:—Louth.

Urban Districts of:—Alford, Barton-upon-Humber, Brigg, Cleethorpes, Gainsborough, Horncastle, Mablethorpe and Sutton, Market Rasen, Scunthorpe and Frodingham, Skegness, Woodhall Spa.

Rural Districts of:—Caister, Gainsborough, Glandford Brigg, Grimsby, Horncastle, Isle of Axholme, Louth, Welton.

County of Middlesex.

Boroughs of:—Brentford and Chiswick, Finchley, Heston and Isleworth, Hornsey, Southgate, Tottenham, Twickenham, Wood Green.

Urban Districts of:—Edmonton, Enfield, Feltham, Friern Barnet, Hampton, Hampton Wick, Harrow, Hayes and Harlington, Potters Bar, Ruislip-Northwood, Southall-Norwood, Staines, Sunbury-on-Thames, Teddington, Uxbridge, Yiewsley and West Drayton.

County of Norfolk.

Boroughs of:—King's Lynn, Thetford.

Urban Districts of:—Cromer, Diss, Downham Market, East Dereham, New Hunstanton, North Walsham, Sheringham, Swaffham, Wells, Wymondham.

Rural Districts of:—Blofield and Flegg, Depwade, Docking, Downham, Erpingham, Forehoe and Henstead, Freebridge Lynn, Loddon, Marshland, Mitford and Launditch, St. Faith's and Aylsham, Smallburgh, Swaffham, Walsingham, Wayland.

HOUSING

County of Northampton.

Boroughs of:—Brackley, Daventry, Higham Ferrers.
Urban Districts of:—Burton Latimer, Desborough, Irthlingborough, Kettering, Oundle, Raunds, Rothwell, Rushden, Wellingborough.
Rural Districts of:—Brackley, Brixworth, Daventry, Kettering, Northampton, Oundle and Thrapston, Towcester, Wellingborough.

County of Northumberland.

Rural Districts of:—Alnwick, Rothbury.

County of Nottingham.

Boroughs of:—East Retford, Mansfield, Newark, Worksop.
Urban Districts of:—Arnold, Beeston and Stapleford, Carlton, Eastwood, Hucknall, Kirkby-in-Ashfield, Mansfield Woodhouse, Sutton-in-Ashfield, Warsop, West Bridgford.
Rural Districts of:—Bingham, East Retford, Newark, Southwell, Worksop.

County of Oxford.

Boroughs of:—Banbury, Chipping Norton, Henley-on-Thames, Woodstock.
Urban Districts of:—Bicester, Thame, Witney.
Rural Districts of:—Banbury, Bullingdon, Chipping Norton, Henley, Ploughley, Witney.

County of Peterborough, Soke of.

Borough of:—Peterborough.
Rural Districts of:—Barnack, Peterborough.

County of Rutland.

Urban District of:—Oakham.
Rural Districts of:—Ketton, Oakham, Uppingham.

County of Salop.

Boroughs of:—Bishop's Castle, Bridgnorth, Ludlow, Oswestry.
Urban Districts of:—Church Stretton, Ellesmere, Market Drayton, Newport, Wellington, Wem, Whitchurch.
Rural Districts of:—Bridgnorth, Clun, Drayton, Ellesmere, Ludlow, Shifnal, Wem.

County of Somerset.

Boroughs of:—Bridgwater, Chard, Glastonbury, Taunton, Wells, Yeovil.
Urban Districts of:—Burnham-on-Sea, Clevedon, Crewkerne, Frome, Ilminster, Minehead, Norton Radstock, Portishead, Shepton Mallet, Street, Watchet, Wellington, Weston-super-Mare.
Rural Districts of:—Axbridge, Bathavon, Bridgwater, Chard, Clutton, Dulverton, Frome, Langport, Long Ashton, Shepton Mallet, Taunton, Wellington, Wells, Williton, Wincanton, Yeovil.

County of Southampton.

Boroughs of:—Aldershot, Andover, Basingstoke, Christchurch, Gosport, Lymington, Romsey, Winchester.
Urban Districts of:—Alton, Eastleigh, Fareham, Farnborough, Fleet, Havant and Waterloo, Petersfield.
Rural Districts of:—Alton, Andover, Basingstoke, Droxford, Hartley Wintney, Kingsclere and Whitchurch, New Forest, Petersfield, Ringwood and Fordingbridge, Romsey and Stockbridge, Winchester.

County of Stafford.

Boroughs of:—Lichfield, Newcastle-under-Lyme, Stafford, Tamworth.
Urban Districts of:—Aldridge, Amblecote, Biddulph, Brierley Hill, Brownhills, Cannock, Rugeley, Stone, Tettenhall, Uttoxeter, Wednesfield.
Rural Districts of:—Cannock, Cheadle, Leek, Newcastle-under-Lyme, Seisdon, Stafford, Stone, Tutbury, Uttoxeter.

County of Suffolk, East.

Boroughs of:—Aldeburgh, Beccles, Eye, Lowestoft, Southwold.
Urban Districts of:—Bungay, Felixstowe, Halesworth, Leiston-cum-Sizewell, Saxmundham, Stowmarket, Woodbridge.
Rural Districts of:—Blyth, Deben, Gipping, Lothingland, Samford, Wainford.

County of Suffolk, West.

Boroughs of:—Bury St. Edmunds, Sudbury.
Urban Districts of:—Hadleigh, Haverhill, Newmarket.
Rural Districts of:—Clare, Cosford, Melford, Mildenhall, Thedwastre, Thingoe.

County of Surrey.

Boroughs of:—Barnes, Godalming, Guildford, Kingston-upon-Thames, Mitcham, Reigate, Richmond, Sutton and Cheam, Wimbledon.
Urban Districts of:—Banstead, Beddington and Wallington, Carshalton, Caterham and Warlingham, Chertsey, Coulsdon and Purley, Dorking, Egham, Epsom and Ewell, Esher, Farnham, Frimley and Camberley, Haslemere, Leatherhead, Merton and Morden, Surbiton, The Maldens and Coombe, Walton and Weybridge, Woking.
Rural Districts of:—Bagshot, Dorking and Horley, Godstone, Guildford, Hambledon.

County of Sussex, East.

Boroughs of:—Bexhill, Hove, Lewes, Rye.
Urban Districts of:—Burgess Hill, Cuckfield, East Grinstead, Newhaven, Portslade-by-Sea, Seaford.
Rural Districts of:—Battle, Chailey, Cuckfield, Hailsham, Uckfield.

County of Sussex, West.

Boroughs of:—Arundel, Chichester, Worthing.
Urban Districts of:—Bognor Regis, Horsham, Littlehampton, Shoreham-by-Sea, Southwick.
Rural Districts of:—Chanctonbury, Chichester, Horsham, Midhurst, Petworth, Worthing.

County of Warwick.

Boroughs of:—Nuneaton, Royal Leamington Spa, Rugby, Stratford-on-Avon, Sutton Coldfield.
Urban Districts of:—Kenilworth, Solihull.
Rural Districts of:—Alcester, Meriden, Rugby, Shipston-on-Stour, Southam, Stratford-on-Avon, Tamworth, Warwick.

County of Westmorland.

Boroughs of:—Appleby, Kendal.
Urban Districts of:—Lakes, Windermere.
Rural Districts of:—North Westmorland, South Westmorland.

County of Isle of Wight.

Boroughs of:—Newport, Ryde.
Urban Districts of:—Cowes, Sandown-Shanklin, Ventnor.
Rural District of:—Isle of Wight.

County of Wilts.

Boroughs of:—Calne, Chippenham, Devizes, Malmesbury, Marlborough, New Sarum, Swindon, Wilton.
Urban Districts of:—Bradford-on-Avon, Melksham, Trowbridge, Warminster, Westbury.
Rural Districts of:—Amesbury, Bradford and Melksham, Calne and Chippenham, Cricklade and Wootton Bassett, Devizes, Highworth, Malmesbury, Marlborough and Ramsbury, Mere and Tisbury, Pewsey, Salisbury and Wilton, Warminster and Westbury.

County of Worcester.

Boroughs of:—Bewdley, Droitwich, Evesham, Kidderminster, Oldbury, Stourbridge.
Urban Districts of:—Bromsgrove, Halesowen, Malvern, Redditch, Stourport-on-Severn.
Rural Districts of:—Bromsgrove, Droitwich, Evesham, Kidderminster, Martley, Pershore, Tenbury, Upton-upon-Severn.

County of York, East Riding.

Boroughs of:—Beverley, Bridlington, Hedon.
Urban Districts of:—Driffield, Filey, Haltemprice, Hornsea, Norton, Withernsea.
Rural Districts of:—Beverley, Bridlington, Derwent, Driffield, Holderness, Howden, Norton, Pocklington.

County of York, North Riding.

Boroughs of:—Redcar, Richmond, Scarborough, Thornaby-on-Tees.
Urban Districts of:—Guisborough, Loftus, Malton, Northallerton, Pickering, Saltburn and Marske-by-the-Sea, Scalby, Skelton and Brotton, Whitby.
Rural Districts of:—Aysgarth, Bedale, Croft, Easingwold, Flaxton, Helmsley, Kirkby Moorside, Leyburn, Malton, Masham, Northallerton, Pickering, Reeth, Richmond, Scarborough, Startforth, Stokesley, Thirsk, Wath, Whitby.

County of York, West Riding.

Boroughs of:—Harrogate, Pudsey, Todmorden.
Urban Districts of:—Adwick-le-Street, Altofts, Ardsley East and West, Baildon, Barkisland, Barnoldswick, Bentley-with-Arksey, Birkenshaw, Birstal, Bolton-upon-Dearne, Burley-in-Wharfedale, Calverley, Clayton West, Cudworth, Darfield, Darton, Denby and Cumberworth, Denholme, Dodworth, Earby, Elland, Emley, Farsley, Flockton, Garforth, Gildersome, Golcar, Greetland, Guiseley, Gunthwaite and Ingbirchworth, Haworth, Hebden Bridge, Hipperholme, Holme, Holmfirth, Honley, Horbury, Horsforth. Hoyland Nether, Hoylandswaine, Hunsworth, Ilkley, Kirkburton, Kirkheaton, Knaresborough, Lepton, Linthwaite, Luddenden Foot, Maltby, Marsden, Meltham, Methley, Midgley, Mytholmroyd, New Mill, Oakworth, Otley, Oxenhope, Penistone, Queensbury, Rawdon, Rishworth, Rothwell, Royston, Saddleworth, Scammonden, Selby, Shelf, Shelley, Sheplcy, Silsden, Skelmanthorpe, Skipton, Slaithwaite, South Crosland, Southowram, Sowerby, Soyland, Springhead, Stainland, Swinton, Thurlstone, Thurnscoe, Thurstonland and Farnley Tyas, Tickhill, Wath-upon-Dearne, Whitley Upper, Whitwood, Wombwell, Yeadon.
Rural Districts of:—Barnsley, Bishopthorpe, Bowland, Goole, Great Ouseburn, Halifax, Hunslet, Keighley, Kiveton Park, Knaresborough, Pateley Bridge, Penistone, Ripon, Rotherham, Sedbergh, Selby, Settle, Skipton, Thorne, Todmorden, Wakefield, Wetherby, Wharfedale.

County of Anglesey.

Borough of:—Beaumaris.
Urban Districts of:—Amlwch, Llangefni, Menai Bridge.
Rural District of:—Twrcelyn.

County of Brecknock.

Borough of:—Brecknock.
Urban Districts of:—Brynmawr, Builth Wells, Hay, Llanwrtyd Wells.
Rural Districts of:—Brecknock, Builth, Crickhowel, Hay, Vaynor and Penderyn.

County of Caernarvon.

Boroughs of:—Conway, Pwllheli.
Urban Districts of:—Bethesda, Bettws-y-Coed, Criccieth, Llandudno, Llanfairfechan, Penmaenmawr, Portmadoc.
Rural Districts of:—Lleyn, Nant Conway, Ogwen.

County of Cardigan.

Boroughs of:—Aberystwyth, Cardigan, Lampeter.
Urban Districts of:—Aberayron, New Quay.
Rural Districts of:—Aberayron, Aberystwyth, Teifiside, Tregaron.

County of Carmarthen.

Boroughs of:—Kidwelly, Llandovery.
Urban Districts of:—Ammanford, Burry Port, Cwmamman, Llandilo, Newcastle Emlyn.

County of Denbigh.

Boroughs of:—Colwyn Bay, Ruthin, Wrexham.
Urban Districts of:—Abergele, Llangollen, Llanrwst.
Rural Districts of:—Aled, Ceiriog, Ruthin.

County of Flint.

Urban Districts of:—Buckley, Connah's Quay, Holywell, Mold, Prestatyn, Rhyl.
Rural Districts of:—Overton, Saint Asaph.

County of Glamorgan.

Boroughs of:—Cowbridge, Neath, Port Talbot.
Urban Districts of:—Barry, Bridgend, Llwchwr, Mountain Ash, Ogmore and Garw, Penarth, Porthcawl.
Rural Districts of:—Cardiff, Cowbridge, Gower, Llantrisant and Llantwit Fardre, Penybont.

County of Merioneth.

Urban Districts of:—Bala, Barmouth, Dolgelley, Festiniog, Towyn.
Rural Districts of:—Deudraeth, Dolgelley, Edeirnion, Penllyn.

County of Monmouth.

Boroughs of:—Abergavenny, Monmouth.
Urban Districts of:—Abercarn, Abertillery, Bedwas and Machen, Bedwellty, Caerleon, Chepstow, Cwmbran, Mynyddislwyn, Usk.
Rural Districts of:—Abergavenny, Chepstow, Magor and Saint Mellons, Monmouth, Pontypool.

County of Montgomery.

Boroughs of:—Llanfyllin, Llanidloes, Montgomery, Welshpool.
Urban Districts of:—Machynlleth, Newtown and Llanllwchaiarn.
Rural Districts of:—Forden, Llanfyllin, Machynlleth, Newtown and Llanidloes.

County of Pembroke.

Boroughs of:—Haverfordwest, Tenby.
Urban Districts of:—Fishguard and Goodwick, Milford Haven, Narberth, Neyland.
Rural Districts of:—Cemaes, Haverfordwest, Narberth, Pembroke.

County of Radnor.

Urban Districts of:—Knighton, Llandrindod Wells, Presteign.
Rural Districts of:—Colwyn, Knighton, New Radnor, Painscastle, Rhayader.

Given under the Official Seal of the Minister of Health this Twenty-sixth day of June, nineteen hundred and thirty-six.

(L.S.)

J. C. WRIGLEY,
Assistant Secretary,
Ministry of Health.

S. R. & O., 1936, No. 838.

THE HOUSING ACT, 1935 (OPERATION OF OVERCROWDING PROVISIONS) ORDER (No. 2) 1936, DATED AUGUST 21ST, 1936, MADE BY THE MINISTER OF HEALTH UNDER THE HOUSING ACT, 1935 (25 & 26 GEO. 5, c. 40).

The Minister of Health, in exercise of his powers under the Housing Act, 1935 (hereinafter referred to as "the Act") and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. In relation to the area which is specified in the Schedule to this Order the appointed day for the purposes of Section 6 of the Act (which provides for entry in rent books or similar documents of a summary in the prescribed form of certain provisions of the Act relating to overcrowding) shall be the first day of September, 1936, and the appointed day for the purposes of Sections 3 and 8 (which contain provisions as to offences in relation to overcrowding) and Sections 4 and 68 of the Act shall be the first day of January, 1937.

As to the sections of the Housing Act, 1936, replacing the sections mentioned, see the note to Circular 1539, *ante*, p. 3010.

HOUSING

2. This Order may be cited as the Housing Act, 1935 (Operation of Overcrowding Provisions) Order (No. 2) 1936.

SCHEDULE.

AREA TO WHICH THIS ORDER APPLIES.

Urban District of Swadlincote District in the County of Derby.

Given under the Official Seal of the Minister of Health this twenty-first day of August, nineteen hundred and thirty-six.

(L.S.)

H. H. GEORGE,
Assistant Secretary,
Ministry of Health.

S. R. & O., 1936, No. 1017.

THE HOUSING ACT, 1935 (OPERATION OF OVERCROWDING PROVISIONS) ORDER (No. 3), 1936, DATED SEPTEMBER 25TH, 1936, MADE BY THE MINISTER OF HEALTH UNDER THE HOUSING ACT, 1935 (25 & 26 GEO. 5, C. 40).

The Minister of Health, in exercise of his powers under the Housing Act, 1935 (hereinafter referred to as " the Act "), and of all other powers enabling him in that behalf, hereby makes the following Order :—

1. In relation to the areas which are specified in the Schedule to this Order the appointed day for the purposes of Section 6 of the Act (which provides for entry in rent books or similar documents of a summary in the prescribed form of certain provisions of the Act relating to overcrowding) shall be the first day of October, 1936, and the appointed day for the purposes of Sections 3 and 8 (which contain provisions as to offences in relation to overcrowding) and Sections 4 and 68 of the Act shall be the first day of April, 1937.

As to the sections of the Housing Act, 1936, replacing the sections mentioned, see the note to Circular 1539, *ante*, p. 3010.

2. This Order may be cited as the Housing Act, 1935 (Operation of Overcrowding Provisions) Order (No. 3) 1936.

SCHEDULE.

AREAS TO WHICH THIS ORDER APPLIES.

I.—COUNTY BOROUGHS.

Cardiff, Leeds, Rotherham, Wakefield, West Ham, Wigan, Worcester.

II.—COUNTY DISTRICTS.

County of Cumberland.

Rural Districts of :—Border, Cockermouth.

County of Derby.

Urban District of :—Ripley.
Rural District of :—Belper.

County of Durham.

Urban District of :—Ryton.

County of Gloucester.

Rural Districts of :—East Dean, West Dean.

County of Lancaster.

Boroughs of :—Heywood, Swinton and Pendlebury.
Urban District of :—Farnworth.

County of Leicester.

Rural District of :—Barrow-on-Soar.

County of Lincoln, Parts of Holland.

Borough of :—Boston.

County of Middlesex.

Borough of :—Ealing.

County of Northumberland.

Borough of :—Berwick-on-Tweed.
Urban Districts of :—Amble, Longbenton.
Rural Districts of :—Belford, Bellingham.

County of Salop.

Rural District of :—Oswestry.

County of Warwick.

Urban District of :—Bedworth.

County of York, West Riding.

Urban Districts of :—Darton, Drighlington, Mexborough, Mirfield, Rawmarsh.
Rural Districts of :—Doncaster, Wortley.

County of Glamorgan.

Urban District of :—Maesteg.
Rural District of :—Neath.

Given under the official seal of the Minister of Health this twenty-fifth day of September nineteen hundred and thirty-six.

(L.S.)

H. H. GEORGE,
Assistant Secretary,
Ministry of Health.

S. R. & O., 1936, No. 1335.

THE HOUSING ACT, 1935 (OPERATION OF OVERCROWDING PROVISIONS) ORDER (No. 4), 1936, DATED DECEMBER 22, 1936, MADE BY THE MINISTER OF HEALTH UNDER THE HOUSING ACT, 1935 (25 & 26 GEO. 5, C. 40).

The Minister of Health, in exercise of his powers under the Housing Act, 1935 (hereinafter referred to as "the Act"), and of all other powers enabling him in that behalf, hereby makes the following Order :—

1. In relation to the areas which are specified in the Schedule to this Order the appointed day for the purposes of Section 6 of the Act (which provides for entry in rent books or similar documents of a summary in the prescribed form of certain provisions of the Act relating to overcrowding) shall be the first day of January, 1937, and the appointed day for the purposes of Sections 3 and 8 (which contain provisions as to offences in relation to overcrowding) and Sections 4 and 68 of the Act shall be the first day of July, 1937.

As to the sections of the Housing Act, 1936, replacing the sections mentioned, see the note to Circular 1539, *ante*, p. 3010.

2. This Order may be cited as the Housing Act, 1935 (Operation of Overcrowding Provisions) Order (No. 4), 1936.

SCHEDULE.

AREAS TO WHICH THIS ORDER APPLIES.

I.—METROPOLITAN BOROUGHS.

Battersea, Camberwell, Chelsea, Deptford, Fulham, Greenwich, Hackney, Hammersmith, Lambeth.

II.—COUNTY BOROUGHS.

Birkenhead, Chester, Darlington, Dudley, East Ham, Gateshead, Halifax, Kingston-upon-Hull, Merthyr Tydfil, Middlesbrough, Newcastle-upon-Tyne, Newport, Norwich, Sheffield, South Shields, Stoke-on-Trent, Sunderland, Swansea, Tynemouth, West Bromwich, West Hartlepool.

III.—COUNTY DISTRICTS.

County of Chester.

Boroughs of:—Hyde, Macclesfield.
Urban District of:—Northwich.

County of Derby.

Boroughs of:—Chesterfield, Glossop.
Urban Districts of:—Long Eaton, Staveley.
Rural District of:—Bakewell.

County of Durham.

Boroughs of:—Durham, Hartlepool, Jarrow, Stockton-on-Tees.
Urban Districts of:—Annfield Plain, Benfieldside, Bishop Auckland, Blaydon, Boldon. Brandon and Byshottles, Chester-le-Street, Consett, Crook, Felling, Hebburn, Hetton, Houghton-le-Spring, Leadgate, Shildon, Spennymoor, Stanley, Tanfield, Tow Law, Washington, Whickham, Willington.
Rural Districts of:—Auckland, Barnard Castle, Chester-le-Street, Easington, Houghton-le-Spring, Lanchester, Sedgefield, Sunderland, Weardale.

County of Lancaster.

Borough of:—Chorley.
Urban Districts of:—Abram, Billinge and Winstanley, Haydock, Prescot, Tyldesley.

County of Leicester.

Rural District of:—Market Bosworth.

County of Lincoln, Parts of Lindsey.

Rural District of:—Spilsby.

County of Middlesex.

Boroughs of:—Acton, Hendon, Willesden.
Urban District of:—Wembley.

County of Northumberland.

Boroughs of:—Blyth, Morpeth, Wallsend.
Urban Districts of:—Alnwick, Ashington, Bedlingtonshire, Gosforth, Hexham, Newbiggin-by-the-Sea, Newburn, Prudhoe, Seaton Valley, Whitley and Monkseaton.
Rural Districts of:—Castle Ward, Glendale, Haltwhistle, Hexham, Morpeth, Norham and Islandshires.

County of Nottingham.

Rural District of:—Basford.

County of Salop.

Borough of :—Shrewsbury.
Urban District of :—Oakengates.
Rural Districts of :—Atcham, Wellington.

County of Stafford.

Boroughs of :—Bilston, Rowley Regis.
Urban Districts of :—Coseley, Darlaston, Kidsgrove, Leek, Sedgley, Willenhall.
Rural District of :—Lichfield.

County of Suffolk, East.

Rural District of :—Hartismere.

County of Warwick.

Borough of :—Warwick.
Rural District of :—Atherstone.

County of York, North Riding.

Urban District of :—Eston.

County of York, West Riding.

Boroughs of :—Goole, Keighley, Pontefract, Ripon.
Urban Districts of :—Bingley, Castleford, Conisbrough, Featherstone, Hemsworth, Knottingley, Shipley, Stocksbridge, Worsborough.
Rural Districts of :—Pontefract, Tadcaster.

County of Caernarvon.

Borough of :—Caernarvon.
Rural District of :—Gwyrfai.

County of Carmarthen.

Boroughs of :—Carmarthen, Llanelly.
Rural Districts of :—Carmarthen, Llandilo, Llanelly.

County of Denbigh.

Borough of :—Denbigh.
Rural Districts of :—Hiraethog, Wrexham.

County of Flint.

Borough of :—Flint.

County of Glamorgan.

Urban Districts of :—Aberdare, Caerphilly, Gelligaer, Glyncorwg, Pontypridd, Rhondda.
Rural District of :—Pontardawe.

County of Monmouth.

Urban Districts of :—Blaenavon, Ebbw Vale, Risca.

County of Pembroke.

Borough of :—Pembroke.

Given under the official seal of the Minister of Health this twenty-second day of December nineteen hundred and thirty-six.

(L.S.)

H. H. GEORGE,
Assistant Secretary,
Ministry of Health.

HOUSING

CIRCULAR 1591.

To Local Authorities
(England and Wales).

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
1*st January*, 1937.

SIR,—I am directed by the Minister of Health to communicate with the Local Authority on the question of the action to be taken by them under the overcrowding provisions of the Housing Act, 1935.

By virtue of orders (*a*) which have been made by the Minister after consultation with the Local Authorities the appointed days under sections 3, 4, and 68 of the Act have already been fixed for the greater part of the country, and as a result the overcrowding provisions will be in operation in those districts during the whole or some part of next year. As from the appointed day in their area it will be the duty of the Local Authority to see that existing cases of overcrowding are abated as soon as possible, and that no new cases arise except for special reasons and under conditions set out in a temporary license.

The discharge of these duties will call for care and thought in organisation before the appointed day and sympathy and understanding in administration after the appointed day.

Reference has been made in previous circulars to the general lines of the action to be taken by Local Authorities in advance of the appointed day, and the Minister has no doubt that Local Authorities for whose districts early appointed days have been fixed will already have completed the necessary arrangements to ensure the smooth working of the new provisions, and in particular will have provided for the following essentials:—

(1) The measuring of the rooms in working-class houses for the purpose of ascertaining the permitted number for each working-class dwelling, and for the furnishing of this information to landlords for insertion in the prescribed form of notice in rent-books.

(2) The combination of the information obtained by this measurement survey with the information obtained by the original overcrowding survey to build up a system of records which will not only serve as the basis for the authority's action in abating overcrowding but will show the progress made. Such a system of records is necessary to obviate the necessity for a further survey at a subsequent date and to enable the Medical Officer of Health to carry out the duties imposed upon him by the regulations made under Section 11 of the Act (*b*). The Minister wishes to stress the importance of making this system a complete record of all existing overcrowded families, and of the action taken to deal with them, of new cases as they arise by reason of births or the growing up of children and of cases licensed by the Authority.

(3) The dissemination of information to the public concerning their new duties and responsibilities and the date from which these operated, and the preparation of pamphlets for distribution to inquirers.

In previous Circulars the Minister has drawn attention to the necessity of providing adequate facilities for landlords and occupiers to obtain full information of their new duties and responsibilities.

A certain amount of information is given in the statutory notice which must be inserted in rent-books, but this notice could not, by its very nature, deal with difficult points which may arise, and that is why it contains the statement that any further information which may be desired can be obtained from the Local Authority. It is essential that this information should be forthcoming when it is requested, and inasmuch as there are sure to be the same points arising again and again it will probably be the most convenient course for each authority to prepare, or to obtain, pamphlets

(*a*) S. R. & O. 1936, Nos. 665, 838, 1017 and 1335, *ante*, pp. 3016, *et seq.*
(*b*) Now s. 67 of the Housing Act, 1936, *ante*, p. 1677. See Art. 17 (4) of S. R. & O., 1935, No. 1110, *post*, p. 3451; and (for London) Art. 2 of S. R. & O., 1935, No. 1111.

covering the chief points of the overcrowding code and explaining fully points on which difficulty is likely to arise. It appears to the Minister to be particularly desirable that it should be made clear to the tenant that the permitted number in the rent-book is the number for the whole dwelling comprised in the tenancy to which that rent-book relates and that if he lets part of his house to a sub-tenant the permitted number in his rent-book is no longer applicable. In the ordinary case the sub-tenant will have a rent-book in which the permitted number for his dwelling must be inserted by the tenant (who is the sub-tenant's landlord), and the tenant himself will be left with a dwelling in respect of which there is no separate rent-book. It will, therefore, be necessary for the tenant to ascertain from the local authority or otherwise the permitted number for the dwelling consisting of the part of the whole house which he himself occupies.

The Minister is confident that, when the Local Authorities come to the discharge of their new duties after the appointed day, he can rely on them to carry out this difficult task of administration with discretion and sympathy. The essence of the matter is to realise that most families are overcrowded through no fault of their own and that the object of the Act is to help such people and not to injure them.

The Act clearly provides that any occupier who is unfortunately living in overcrowded conditions is not thereby committing any offence; and there can be no question of putting pressure on him to abate the overcrowding by splitting up his family or by other drastic measures of that kind. The overcrowding is to be abated by finding him a house of a suitable size, suitably situated and suitably rented, in which he and his family can lead a healthy and comfortable life.

This does not mean that it will be necessary for the Local Authority to build a new house for each overcrowded family. There will be among the overcrowded families in most districts some small families at present living in one or two rooms for whom the ordinary type of working-class house would be suitable, if it could be made available, and some larger families for whom no existing working-class house is available.

For the latter type special steps must be taken, which may either consist of the erection of large houses of the types described in Circular 1539 (*a*) or the conversion of two existing houses into one or the acquisition or leasing of existing houses which can be made suitable for working-class occupation.

The needs of the smaller overcrowded families will be met to a considerable extent by a process of redistribution. For example every local authority which possesses a considerable number of houses will find a certain number becoming empty week by week and available for reletting. These relettings can be so arranged that on each occasion at least one case of overcrowding will be abated. The process of redistribution will be similarly applicable to the new building operations of the Authority. Where a batch of houses have been built and let to selected families, the Authority should take such steps as are possible to see that the accommodation vacated by the families rehoused is used in such a way as to abate other cases of overcrowding. The same process will be continued as other houses are built.

In deciding on the type and accommodation of new houses the Local Authority should have particular regard to the information they now have as to the shortage or surplus of various types of houses in their district. The overcrowding survey which the Authority made has given them information as to the number and sizes of the working-class families in their district, and also as to the number and sizes of the working-class dwellings in their district. They can therefore see at once if they have a shortage or a surplus of particular types and this information will serve as a background for their own housing activities, under whatever Act they are carried out.

For example, the houses being demolished under the slum clearance scheme of a Local Authority may be two-bedroomed houses of which there is already a surplus in the district though there is a shortage of three- or four-bedroomed houses. In such circumstances it would be better housing policy to provide new replacement houses of the larger types of which there is a shortage, use them for the accommodation of overcrowded families and arrange for the accommodation of the small families displaced from the demolished houses in existing small houses, which may be houses already belonging to the Local Authorities or other houses of this type

(*a*) *Ante*, p. 3010.

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which are available. In this way the building of new houses under the slum clearance programme of the Local Authority, the completion of which will occupy the full activities of many Local Authorities for some time, can be used to secure the abatement of overcrowding to a considerable extent.

The total number of new houses which will be required for the execution of the two programmes should thus be reduced without any detriment to the objective of securing decent and adequate houses for those now living in unfit or overcrowded houses.

In the Circular issued on May 7, 1936 (Circular 1539), the Minister referred to the standard of occupation to be used for rehousing under the Act of 1935, and indicated what appeared to him to be satisfactory standards for types of houses not covered by the terms of Section 37 of the Act of 1930 (*a*). In so far as existing accommodation is used for the abatement of overcrowding, the Minister thinks that the same standards would generally be appropriate.

In the course of their work local authorities will meet with a certain number of cases of special difficulty. One of these will be the overcrowded owner-occupier. The Housing Act, 1935, makes no distinction between an occupier and an owner-occupier; neither must overcrowd the house they live in. It is obvious, however, that cases involving overcrowded owner-occupiers must be treated with special care and sympathy. Where overcrowding in an owner-occupied house can be relieved by the removal of lodgers or sub-tenants, the matter is comparatively simple. Where, however, it is a case of the house being too small for the owner-occupier and his family, and the overcrowding is not likely to be relieved in a comparatively short time, *e.g.* by the marriage of a son or daughter, there may be no other solution but for the owner-occupier to move into a larger house. Such cases will be comparatively very few, but each will call for special consideration, and the course involving least hardship must be adopted. It is obvious that no hard and fast rules can be laid down, but there are various expedients which may sometimes help to ease a particular situation. It may, for example, occasionally be feasible for the Local Authority to purchase the owner-occupier's house and, by means of advances under the Housing Acts or Small Dwellings Acquisition Acts, assist him to become the owner of a larger house.

Another difficult case, calling for special consideration, will be the overcrowded house which is tied to a particular employment. These will mostly occur as tied cottages in agricultural areas. In such cases one possible remedy which should always be explored is the extension of the cottages to provide additional accommodation with financial assistance under the Housing (Rural Workers) Acts.

The Minister recognises that all these difficulties cannot be resolved in a moment. Local Authorities have by the Act been given considerable powers to secure the abatement of overcrowding: these powers are there in reserve but they will play no part in normal administration. Having regard to the smoothness and efficiency with which the survey of overcrowding was carried out by local authorities, the Minister feels sure that he can rely on them to carry out their further duties under the Act in the same spirit of sympathy and helpfulness towards those whom the Act is designed to assist. The Minister will be glad to arrange for his officers to afford to Local Authorities any advice or assistance in their power in dealing with the problems which arise in the administration of the Act.

The Housing Act, 1936.

This Act (*b*), which will come into operation on January 1, 1937, does not include any new legislative requirements, but merely repeals and re-enacts in consolidated form the provisions of the Housing Acts of 1925, 1930 and 1935. Owing to the numerous and important amendments made by the Act of 1930 in the Act of 1925 and by the Act of 1935 in both the earlier Acts, the position of housing legislation had become extremely complicated, and the new Act assembles, in appropriate sequence, the various parts of the housing code previously distributed among the three earlier Acts.

The Housing Act, 1936, is divided into seven parts which, with the exception of

(*a*) Now s. 136 of the Housing Act, 1936, *ante*, p. 1736.
(*b*) *Ante*, p. 1583.

Part I, follow generally the arrangement of the Act of 1925, with the necessary modification and expansion. Part I contains a general definition of the local authority for the purposes of the Act, with a reservation for the County of London. Part II relates to the repair, sanitary condition, etc., of small houses and reproduces Part I of the 1925 Act, as amended. Part III relates to clearance, improvement and redevelopment, and replaces Part II of the 1925 Act as amended, with the addition of the redevelopment provisions of Part I of the 1935 Act. Part IV reproduces the provisions of Part I of the 1935 Act relating to overcrowding. Part V relates generally to the provision of houses by local authorities and replaces Part III of the Act of 1925 as amended and extended. Part VI collects together the subsidy provisions of the Acts of 1930 and 1935, and the various provisions relating to local authority housing finances. Part VII of the Act contains a number of miscellaneous and general provisions taken from all three earlier Acts.

I am to draw special attention to Section 189, a comprehensive saving provision which secures continuity of action by enacting, *inter alia*, that anything done under the repealed enactments shall have effect as if done under the corresponding provision of the new Act, and that documents referring to the repealed enactments shall be construed as referring to the corresponding provision of the new Act.

There are also twelve Schedules to the Act. With the exception mentioned below, they merely re-enact the Schedules of the three earlier Acts. The First Schedule to the Act, however, represents an important change in arrangement. The earlier Acts contained three codes of procedure for the making of Compulsory Purchase Orders, viz. :—those relating respectively to orders made under the clearance provisions of the Act of 1930, the development provisions of the Act of 1935, and the general provisions of Part III of the Act of 1925. These three codes have all been collected in the First Schedule to the new Act, the first seven paragraphs of which contain the general provisions common to all three codes, while the remaining paragraphs set out the different variations.

The coming into operation of the Act of 1936 will necessitate some revision of the various forms, etc., prescribed under the earlier Acts, and the following draft Regulations have been made and issued :—

1. The Housing Act (Forms of Orders and Notices) Regulations, 1937 (*a*).

2. The Housing Act (Extinguishment of Public Right of Way) Regulations, 1937 (*b*).

3. The Housing Act (Overcrowding and Miscellaneous Forms) Regulations, 1937 (*c*).

These Regulations will come into force early in the new year, but their issue at the present time will enable local authorities to revise their forms in readiness for the operation of the Act of 1936.

The Minister has also caused to be prepared Tables of Comparison showing (1) the mode in which earlier enactments are dealt with by the Act of 1936 and (2) the sections of the Act of 1936 and corresponding provisions in earlier Acts.

The above mentioned draft Regulations and Tables of Comparison have been placed on sale and may be obtained in the usual way from H.M. Stationery Office, or through any bookseller.

I am, etc.

S. R. & O., 1937, No. 78.

THE HOUSING ACT (FORM OF ORDERS AND NOTICES) REGULATIONS, 1937, DATED JANUARY 25, 1937, MADE BY THE MINISTER OF HEALTH UNDER SECTION 176 (1) OF THE HOUSING ACT, 1936 (26 GEO. 5 & 1 EDW. 8, c. 51).

The Minister of Health in exercise of the powers conferred on him by section 176 (1) of the Housing Act, 1936, and all other powers enabling him in that behalf, hereby makes the following Regulations :—

1. These Regulations may be cited as the Housing Act (Form of Orders and Notices) Regulations, 1937, and shall come into operation forthwith.

(*a*) *Infra*.
(*b*) *Post*, p. 3079.
(*c*) *Post*, p. 3082.

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2. The forms set out in the schedule hereto or forms substantially to the like effect shall be the forms to be used in connection with the powers and duties of the local authority under the Housing Act, 1936, in all cases to which those forms are applicable.

3. The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

4. The Housing Acts (Form of Orders and Notices) Regulations, 1936, are hereby revoked except in so far as the forms therein prescribed are required to be used in connection with proceedings after the date of the commencement of the Housing Act, 1936, consequent upon action taken before that date.

List of Forms.

1.—Notice before entry for the purpose of survey and examination or valuation.

2.—Notice requiring the person having control of a house to execute works.

3.—Order declaring expenses incurred by the local authority to be payable by weekly or other instalments.

4.—Notice of time and place at which matters relating to the making of a demolition order in respect of a house will be considered.

4A.—Notice of time and place at which the question of making a demolition order in respect of an obstructive building will be considered.

5.—*Order for demolition of a house.*

5A.—Order for demolition of a house on breach of undertaking.

6.—Notice of intention to cleanse from vermin a building to be demolished under a demolition order or clearance order.

6A.—Notice to proceed with demolition after a building has been cleansed from vermin.

7.—*Order for the demolition of an obstructive building.*

8.—Notice to occupier to quit house after demolition order has become operative.

8A.—Notice to occupier to quit an obstructive building after demolition order has become operative.

9.—Notice of time and place at which matters relative to the making of a closing order in respect of part of a building will be considered.

10.—*Closing order in respect of part of a building.*

11.—Order determining closing order in respect of part of a building.

12.—Notice of refusal to determine a closing order in respect of part of a building.

13.—*Clearance order.*

14.—Notice to owners, mortgagees, lessees and occupiers of the making of a clearance order.

15.—Advertisement of the making of a clearance order.

16.—Advertisement of clearance order confirmed by the Minister of Health.

17.—Notice to occupier to quit building after clearance order has become operative.

18.—*Compulsory purchase order made for the purposes of Part V of the Act.*

19.—Advertisement of compulsory purchase order for the purposes of Part V of the Act.

20.—Notice to owners, lessees and occupiers of the making of a compulsory purchase order for the purposes of Part V of the Act.

21.—Advertisement and personal notice of compulsory purchase order for the purposes of Part V of the Act confirmed by the Minister of Health.

22.—*Compulsory purchase order in respect of land comprised in a clearance area and land surrounded by or adjoining the area.*

23.—Advertisement of a compulsory purchase order in respect of land comprised in a clearance area and land surrounded by or adjoining the area.

24.—Notice to owners, mortgagees, lessees and occupiers of the making of a compulsory purchase order in respect of land comprised in a clearance area and land surrounded by or adjoining the area.

25.—Advertisement and personal notice of compulsory purchase order confirmed by the Minister of Health in respect of land comprised in a clearance area and land surrounded by or adjoining the area.

26.—*Compulsory purchase order in respect of land surrounded by or adjoining a clearance area.*

27.—Advertisement of a compulsory purchase order in respect of land surrounded by or adjoining a clearance area.

28.—Notice to owners, mortgagees, lessees and occupiers of the making of a compulsory purchase order in respect of lands surrounded by or adjoining a clearance area.

29.—Advertisement and personal notice of compulsory purchase order confirmed by the Minister of Health in respect of land surrounded by or adjoining a clearance area.

30.—Compulsory purchase order in respect of land which has been cleared of buildings in accordance with a clearance order.

31.—Advertisement of a compulsory purchase order in respect of land which has been cleared of buildings in accordance with a clearance order.

32.—Notice to owners, mortgagees, lessees and occupiers of the making of a compulsory purchase order in respect of land which has been cleared of buildings in accordance with a clearance order.

33.—Advertisement and personal notice of a compulsory purchase order confirmed by the Minister of Health in respect of land which has been cleared of buildings in accordance with a clearance order.

34.—*Compulsory purchase order in respect of land comprised in an improvement area.*

35.—Advertisement of a compulsory purchase order in respect of land comprised in an improvement area.

36.—Notice to owners, mortgagees, lessees and occupiers of the making of a compulsory purchase order in respect of land comprised in an improvement area.

37.—Advertisement and personal notice of compulsory purchase order confirmed by the Minister of Health in respect of land comprised in an improvement area.

38.—*Compulsory purchase order in respect of a house which cannot be rendered fit for human habitation at a reasonable expense.*

39.—Advertisement of a compulsory purchase order in respect of a house which cannot be rendered fit for human habitation at a reasonable expense.

40.—Notice of the making of a compulsory purchase order in respect of a house which cannot be rendered fit for human habitation at a reasonable expense.

41.—Advertisement and personal notice of a compulsory purchase order confirmed by the Minister of Health in respect of a house which cannot be rendered fit for human habitation at a reasonable expense.

42.—*Advertisement and personal notice of the preparation of a re-development plan.*

43.—Advertisement and personal notice of a re-development plan approved by the Minister of Health.

44.—*Compulsory purchase order in respect of land in a re-development area.*

45.—Advertisement of a compulsory purchase order in respect of land in a re-development area.

46.—Notice to owners, lessees, occupiers and mortgagees of the making of a compulsory purchase order in respect of land in a re-development area.

47.—Advertisement and personal notice of a compulsory purchase order confirmed by the Minister of Health in respect of land in a re-development area.

48.—*Compulsory purchase order in respect of land outside a re-development area.*

49.—Advertisement of a compulsory purchase order in respect of land outside a re-development area.

50.—Notice to owners, lessees, occupiers and mortgagees of the making of a compulsory purchase order in respect of land outside a re-development area.

51.—Advertisement and personal notice of compulsory purchase order confirmed by the Minister of Health in respect of land outside a re-development area.

THE SCHEDULE.

FORM No. 1.

NOTICE BEFORE ENTRY FOR THE PURPOSE OF SURVEY AND EXAMINATION, OR VALUATION.

Housing Act, 1936.

To[1]* the[2]
of the house[3] buildings[3] premises[3]

Take Notice that in pursuance of section 157 of the Housing Act, 1936, I[4]
being a person duly authorised in writing by the [5] intend on
the† day of 19 , between the hours of

* Notice must be given to the occupier and also to the owner if the owner is known. The method of service is regulated by section 167 of the Act.

† Twenty-four hours' notice must be given.

in the forenoon and in the afternoon, to enter the above-mentioned house for the purpose of[6] survey and examination *or* survey *or* valuation.

Dated this day of , 19 .

Signature
Description
Residence or Place of Business } of person authorised to enter.

DIRECTIONS FOR FILLING UP THIS FORM.

Insert—

[1] The name and description of occupier and owner (where known).

[2] "occupier" or "owner".

[3] Such description of the house, building or premises as may be sufficient for identification. Strike out the words not required.

[4] Name and description of person authorised by the local authority to enter.

[5] Description of the Local Authority.

[6] Specify the particular purpose for which entry is authorised.

FORM No. 2.

NOTICE REQUIRING THE PERSON HAVING CONTROL OF A HOUSE TO EXECUTE WORKS.

Housing Act, 1936.

To[1]

the person* having control of the house[2]

Take Notice :—

(1) that the[3] (hereinafter referred to as "the Council") are satisfied that the above-mentioned house, which is occupied or is of a type suitable for occupation by persons of the working classes, is unfit for human habitation in certain respects ;

(2) that the Council are not satisfied that it is incapable at reasonable expense of being rendered fit for human habitation ;

(3) that in pursuance of subsection (1) of section 9 of the Housing Act, 1936, the Council require you within a period of[4] days ending on the day of 19 to execute the following works, which will in the opinion of the Council render the house fit for human habitation, namely[5]

Dated this day of , 19 .

.....

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Name and address, where known, of person having control of the house.

[2] Such description of the house as may be sufficient for identification.

[3] Description of the Local Authority.

[4] Time allowed for execution of works, being in no case less than 21 days. (Particular care should be taken that the time allowed is reasonably sufficient for the purpose.)

[5] Specification in detail of works to be executed.

NOTE.

A person aggrieved may appeal to the County Court against any notice requiring him to execute works under section 9 of the Act, and against any demand for the recovery of expenses from him or an order in respect of those expenses, made by the local authority under section 10 (5) of the Act by giving notice of appeal to the County Court within the jurisdiction of which the premises to which the notice, demand or order relates are situate. The appeal must be made within 21 days after the date of the service of the notice, demand or order, and no proceedings may be taken by the local authority to enforce any notice, demand or order against which an appeal is brought before the appeal has been finally determined. On an appeal against a demand or order no question can be raised which might have been raised on an appeal against the original notice requiring the execution of the works.

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* Under s. 9 (4) of the Act the person who receives the rack rent of the house, whether on his own account or as agent or trustee for any other person, or who would so receive it if the house were let at a rack rent is deemed to be the person having control of the house. Rack rent means a rent which is not less than two-thirds of the full net annual value of the house.

The County Court Rules provide that an appeal shall be brought by giving notice of the appeal to the local authority and at the same time requesting the Registrar of the County Court having jurisdiction in the matter to enter the appeal.

The County Court Rules further provide that the notice to the local authority and the request to the Registrar for entry of the appeal shall, so far as circumstances permit, be in accordance with the forms prescribed by the rules.

If the notice of the local authority is not complied with, then after the expiration of the time specified in the notice, or, if an appeal has been made against the notice and upon that appeal the notice has been confirmed with or without variation, after the expiration of twenty-one days from the final determination of the appeal, or of such longer period as the court in determining the appeal may fix, the local authority may themselves do the work required to be done by the notice, or by the notice as varied by the court, as the case may be.

Any expenses incurred by the local authority under section 10, together with interest, at such rate as the Minister may with the approval of the Treasury from time to time by order fix, from the date when a demand for the expenses is served until payment, may be recovered by them, by action or summarily as a civil debt, from the person having control of the house or, if he receives the rent of the house as agent or trustee for some other person, then either from him or from that other person, or in part from him and as to the remainder from that other person :

Provided that if the person having control of the house proves that he—

(i) is receiving the rent merely as agent or trustee for some other person ; and

(ii) has not, and since the date of the service on him of the demand has not had, in his hands on behalf of that other person sufficient money to discharge the whole demand of the authority,

his liability shall be limited to the total amount of the money, which he has, or has had, in his hands as aforesaid.

The local authority may by order declare any such expenses to be payable by weekly or other instalments within a period not exceeding thirty years with interest at such rate as the Minister may, with the approval of the Treasury, from time to time by order fix, from the date of the service of the demand until the whole amount is paid. Any such instalments and interest, or any part thereof, may be recovered summarily as a civil debt from any owner or occupier of the house, and, if recovered from an occupier, may be deducted by him from the rent of the house.

FORM No. 3.

ORDER DECLARING EXPENSES INCURRED BY THE LOCAL AUTHORITY TO BE PAYABLE BY WEEKLY OR OTHER INSTALMENTS.

Housing Act, 1936.

To the $\frac{\text{owner}}{\text{occupier}}$ of the house,[1]

Whereas by a notice dated the day of 19 , the[2] (hereinafter referred to as " the Council ") in pursuance of section 9 of the Housing Act, 1936, have required the person having control of the above-mentioned house to execute, within the time specified in that notice, the works specified in the said notice, stating therein that such works would in their opinion render the house fit for human habitation ;

And Whereas the said notice has not been complied with and the Council in pursuance of section 10 of the said Act have done the work required to be done and have incurred in so doing expenses amounting to the sum of £ :

Now Therefore the Council in pursuance of their powers under section 10 (5) of the Housing Act, 1936, hereby declare that the said expenses amounting to the sum of £ shall be payable by weekly* instalments of £ within a period not exceeding† years with interest at the rate of‡ pounds per cent. per annum, until the whole amount is paid.

Dated the day of , 19 .

(To be sealed with the common seal of the Local Authority and signed by their Clerk.)

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Such description of the house as may be sufficient for identification.

[2] Description of the Local Authority.

* Or monthly, quarterly, or annual, or as the case may be.

† The period to be specified must not exceed thirty years.

‡ The rate of interest is prescribed by the Minister of Health with the approval of the Treasury.

NOTE.

By subsection (5) of section 10 of the Act it is provided that any instalments and interest or any part thereof under an order of the local authority declaring their expenses to be payable by weekly or other instalments may be recovered summarily as a civil debt from any owner or occupier, and if recovered from the occupier may be deducted by him from the rent of the house.

Any person aggrieved may appeal to the County Court against any notice requiring him to execute works under section 9 of the Act, and against any demand for the recovery of expenses from him or an order in respect of those expenses, made by the local authority under section 10 of the Act by giving notice of appeal to the County Court within the jurisdiction of which the premises to which the notice, demand or order relates are situate. The appeal must be made within 21 days after the date of the service of the notice, demand or order, and no proceedings may be taken by the local authority to enforce any notice, demand or order against which an appeal is brought before the appeal has been finally determined. On an appeal against a demand or order no question can be raised which might have been raised on an appeal against the original notice requiring the execution of the works.

The County Court Rules provide that an appeal shall be brought by giving notice of the appeal to the local authority and at the same time requesting the Registrar of the County Court having jurisdiction in the matter to enter the appeal.

The County Court Rules further provide that the notice to the local authority and the request to the Registrar for entry of the appeal shall, so far as circumstances permit, be in accordance with the forms prescribed by the rules.

FORM No. 4 (*a*).

NOTICE OF TIME AND PLACE AT WHICH MATTERS RELATING TO THE MAKING OF A DEMOLITION ORDER IN RESPECT OF A HOUSE WILL BE CONSIDERED.

Housing Act, 1936.

To[1]
the person having control of the house[2]
and to[1] the owners
of the said house and to[1]
mortgagees of the said house;

Whereas the[3] (hereinafter referred to as "the Council") are satisfied that the above-mentioned house, which is occupied or is of a type suitable for occupation by persons of the working classes, is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit.

Take Notice that the condition of the above-mentioned house, and any offer, of which notice is duly given, with respect to the carrying out of works thereto, and any offer with respect to the future user of the house will be considered by the Council at on the* day of 19 , at in the noon, when any of the persons to whom this notice is addressed will be entitled to be heard.

If you intend to submit an offer with respect to the carrying out of works, you are required, under the provisions of section 11 (2) of the Housing Act, 1936, to serve notice in writing upon the Council, within twenty-one days from the date of the service of this notice, stating your intention to make such an offer.

After giving such notice of intention you will be required to submit a list of the works which you offer to carry out before the date fixed above for the consideration of such an offer [*or* within such reasonable period thereafter as the Council may allow].

If you fail either (*a*) *to notify the Council within the period of twenty-one days referred to above, of your intention to make an offer to carry out works to render the house fit for human habitation, or* (*b*) *to make an offer as to the future user of the house, before or at the meeting on , the Council are bound by the Housing Act*, 1936, *to make a Demolition Order requiring the house to be vacated and subsequently demolished at your expense. Once the Order becomes operative there is no power to rescind or vary it.*

Dated this day of , 19 .

Signature of the Clerk of the Local Authority.

(*a*) Form substituted by amending Regulations of 1939 (S. R. & O., 1939, No. 30).

* At least 21 days' notice must be given, but the time should in any case be sufficient to allow a reasonable period for the submission of a list of works after notice has been duly served on the Council.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Name and address, where known.
[2] Such a description of the house as may be sufficient for identification.
[3] Description of the Local Authority.

FORM No. 4A.

NOTICE OF TIME AND PLACE AT WHICH THE QUESTION OF MAKING A DEMOLITION ORDER IN RESPECT OF AN OBSTRUCTIVE BUILDING WILL BE CONSIDERED.

Housing Act, 1936.

To[1]
the owner(s) of building known as[2]
Whereas it appears to the[3]
that the above-mentioned building by reason only of its contact with, or proximity to, other buildings is dangerous or injurious to health, and is an obstructive building within the meaning of section 54 of the Housing Act, 1936:

Take Notice that the question of ordering the demolition of the above-mentioned building will be considered by the Council at
on the* day of 19 , at
in the noon, and that you will be entitled to be heard when the matter is so taken into consideration.

Dated this day of , 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Name and address, where known.
[2] Such description of the building as may be sufficient for identification.
[3] Description of the Local Authority.

FORM No. 5.

ORDER FOR DEMOLITION OF A HOUSE.

Housing Act, 1936.

Whereas the[1]
(hereinafter referred to as " the Council ") are satisfied that the house[2]
which is occupied, or of a type suitable for occupation, by persons of the working classes, is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit;

And Whereas in accordance with the requirements of section 11 of the Housing Act, 1936, notices of the time and place fixed for the consideration of the condition of the above-mentioned house and any offer with respect to the carrying out of works or the future user of the house have been duly served upon all persons upon whom such notices are required to be served;

And Whereas the Council after such consideration have not accepted an undertaking from an owner or mortgagee with respect to the carrying out of works or the future user of the house:

Now Therefore the Council, in pursuance of subsection (4) of section 11 of the Housing Act, 1936, hereby order as follows:—

(1) that the said house be vacated within[3] days from the date on which this order becomes operative;

(2) that the said house be demolished within six [4] weeks after the expiration of the last-mentioned period, or, if the house is not vacated before the expiration of that period, within six [4] weeks after the date on which it is vacated.

[5] [Demolition under this order shall be deferred if the Council, at any time before the order becomes operative, give notice under section 17 of the Act that they intend to cleanse the said house from vermin before it is demolished.]

Dated this day of , 19 .

(To be sealed with the common seal of the Local Authority and signed by their Clerk.)

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* Not less than 21 days' notice must be given.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Description of the Local Authority.
[2] Such description of the house as may be sufficient for identification.
[3] This period must not be less than 28 days.
[4] A longer period may be specified if the Council think fit.
[5] This paragraph may be omitted if the Council do not intend to cleanse the building.

NOTE.

Any person aggrieved by a demolition order made under section 11 of the Act may, within 21 days after the date of the service of the order, appeal to the County Court within the jurisdiction of which the premises to which the order relates are situate. No proceedings may be taken by the local authority to enforce any order against which an appeal is brought, before the appeal has been finally determined.

No appeal lies against a demolition order at the instance of a person who is in occupation of the premises to which the order relates under a lease or agreement of which the unexpired term does not exceed three years.

The County Court Rules provide that an appeal shall be brought by giving notice of the appeal to the local authority and at the same time requesting the Registrar of the County Court having jurisdiction in the matter to enter the appeal.

The County Court Rules further provide that the notice to the local authority and the request to the Registrar for entry of the appeal shall, so far as circumstances permit, be in accordance with the forms prescribed by the rules.

A demolition order does not become operative until either the time within which an appeal can be made has elapsed without an appeal being made or in case an appeal is made the appeal is finally determined or withdrawn. When a demolition order has become operative the local authority are required by section 155 (1) of the Act to serve on the occupier of any building or any part of any building to which the order relates, a notice stating the effect of the order and specifying the date by which the order requires the building to be vacated and requiring him to quit the building before that date or before the expiration of 28 days from the service of the notice whichever may be the later.

Section 155 (3) of the Act provides that any person who knowing that a demolition order has become operative and applies to any building, enters into occupation of that building, or any part thereof, after the date by which the order requires that building to be vacated, or permits any other person to enter into such occupation after that date, shall be liable on summary conviction to a fine not exceeding £20 and to a further penalty of £5 for every day, or part of a day, on which occupation continues after conviction.

Section 17 of the Act provides that if it appears to the local authority that a building to which a demolition order applies, requires to be cleansed from vermin, the authority may, at any time between the date on which the order is made and the date on which it becomes operative, serve notice in writing on the owner or owners that the authority intend to cleanse the building before it is demolished. A local authority who have served such a notice may, at any time after the order has become operative and the building has been vacated, enter and carry out such work as they may think requisite for the purpose of destroying or removing vermin and the demolition of the building shall not be begun or continued by any owner after service of such notice on him except in accordance with the provisions of subsection (2) of that section.

FORM No. 5A.

ORDER FOR DEMOLITION OF A HOUSE ON BREACH OF UNDERTAKING.

Housing Act, 1936.

Whereas the[1]
(hereinafter referred to as "the Council") in pursuance of section 11 of the Housing Act, 1936, having been satisfied that the house[2] , which is occupied or of a type suitable for occupation by persons of the working classes, was unfit for human habitation and was not capable at a reasonable expense of being rendered so fit, and having complied with the provisions of the said section as to the service of notices and the consideration of representations made by the persons upon whom notices were served, accepted on the day of an undertaking from ,
being the owner [or mortgagee] of the house in the following terms :—

[*Here set out the terms of the undertaking.*]

And Whereas the said undertaking has been broken in the following respects :—

[*Here give particulars of the breaches of the undertaking.*]

Now Therefore the Council in pursuance of subsection (4) of section 11 of the Housing Act, 1936, hereby order as follows :—

(1) that the said house be vacated within[3] days from the date on which this order becomes operative ;

(2) that the said house be demolished within [4] six weeks after the expiration of the last-mentioned period or, if the house is not vacated before the expiration of that period within [4] six weeks after the date on which it is vacated.

[5] [Demolition under this order shall be deferred if the Council, at any time before the order becomes operative, give notice that they intend to cleanse the said house from vermin before it is demolished.]

Dated this day of , 19 .

(To be sealed with the common seal of the Local Authority and signed by their Clerk.)

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Description of the Local Authority.
[2] Such description of the house as may be sufficient for identification.
[3] This period must not be less than 28 days.
[4] A longer period may be specified if the Council think fit.
[5] This paragraph may be omitted if the Council do not intend to cleanse the building.

NOTE.

Any person aggrieved by a demolition order made under section 11 of the Act may, within 21 days after the date of the service of the order, appeal to the County Court within the jurisdiction of which the premises to which the order relates are situate. No proceedings may be taken by the local authority to enforce any order against which an appeal is brought, before the appeal has been finally determined.

No appeal lies against a demolition order at the instance of a person who is in occupation of the premises to which the order relates under a lease or agreement of which the unexpired term does not exceed three years.

The County Court Rules provide that an appeal shall be brought by giving notice of the appeal to the local authority and at the same time requesting the Registrar of the County Court having jurisdiction in the matter to enter the appeal.

The County Court Rules further provide that the notice to the local authority and the request to the Registrar for entry of the appeal shall, so far as circumstances permit, be in accordance with the forms prescribed by the rules.

A demolition order does not become operative until either the time within which an appeal can be made has elapsed without an appeal being made or in case an appeal is made the appeal is finally determined or withdrawn. When a demolition order has become operative the local authority are required by section 155 (1) of the Act to serve on the occupier of any building or any part of any building to which the order relates, a notice stating the effect of the order and specifying the date by which the order requires the building to be vacated and requiring him to quit the building before that date or before the expiration of 28 days from the service of the notice, whichever may be the later.

Section 155 (3) of the Act provides that any person who knowing that a demolition order has become operative and applies to any building, enters into occupation of that building, or any part thereof, after the date by which the order requires that building to be vacated, or permits any other person to enter into such occupation after that date, shall be liable on summary conviction to a fine not exceeding £20 and to a further penalty of £5 for every day, or part of a day, on which occupation continues after conviction.

Section 17 of the Act provides that if it appears to the local authority that a building to which a demolition order applies, requires to be cleansed from vermin, the authority may, at any time between the date on which the order is made and the date on which it becomes operative, serve notice in writing on the owner or owners that the authority intend to cleanse the building before it is demolished. A local authority who have served such a notice may, at any time after the order has become operative and the building has been vacated, enter and carry out such work as they may think requisite for the purpose of destroying or removing vermin and the demolition of the building shall not be begun or continued by any owner after service of such notice on him except in accordance with the provisions of sub-section (2) of that section.

FORM No. 6.

NOTICE OF INTENTION TO CLEANSE FROM VERMIN A BUILDING TO BE DEMOLISHED UNDER A DEMOLITION ORDER OR CLEARANCE ORDER.

Housing Act, 1936.

To[1] owner of
the building[2] being a

dwelling-house to which a $\frac{\text{demolition}}{\text{clearance}}$ order $\frac{\text{made}}{\text{confirmed}}$ on the day of 19 , applies.

Take Notice that the[3] in pursuance of their powers under section[s] 17* [and 26] of the Housing Act, 1936, intend to cleanse the above-mentioned building from vermin before it is demolished.

Section 17 * [which, by section 26 (7) of the Act, is made applicable in the case of a house to which a clearance order applies] in effect provides that a local authority, who have served a notice that they intend to cleanse a building to which a demolition order * [clearance order] applies, may, at any time after the order has become operative and the building has been vacated, enter the building and carry out such work as they think requisite for the purpose of destroying or removing vermin, and that the demolition of the building shall not be begun or continued by any owner after service of such a notice until the authority have served a further notice authorising him to proceed with the demolition :

Provided that an owner upon whom a notice has been served may at any time after the building has been vacated, serve notice in writing on the authority requiring them to carry out the work within fourteen days from the receipt of the notice served by him, and at the expiration of that period he shall be at liberty to proceed with the demolition of the building whether the work has been completed or not.

Dated this day of , 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Name and address.
[2] Description of the building to which the notice relates.
[3] Description of the Local Authority.
* Strike out if inapplicable.

FORM No. 6A.

NOTICE TO PROCEED WITH DEMOLITION AFTER A BUILDING HAS BEEN CLEANSED FROM VERMIN.

Housing Act, 1936.

To[1]
owner of[2]

Take notice that the[3] have completed the cleansing from vermin of the above-mentioned premises to which a [demolition order] *or* [clearance order] applies and became operative on the day of , 19 , and in relation to which a notice of intention to cleanse was served upon you by the Council on the day of , 19 .

You are hereby authorised and required to proceed with the demolition of the said building in accordance with the said [demolition order] *or* [clearance order].

Dated this day of , 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Name and address.
[2] Description of the building to which the notice relates.
[3] Description of the Local Authority.

FORM No. 7.

ORDER FOR THE DEMOLITION OF AN OBSTRUCTIVE BUILDING.

Housing Act, 1936.

Whereas the[1] (hereinafter referred to as " the Council ") after complying with the requirements of section 54 of the Housing Act, 1936, are satisfied that the building known as[2] is a building which by reason only of its contact with, or proximity to, other buildings, is dangerous or injurious to health, and is an obstructive building within the meaning of

section 54 of the said Act, and that the said building [*or* part of the said building comprising[3]] ought to be demolished :

Now Therefore the Council in pursuance of subsection (2) of section 54 of the Housing Act, 1936, hereby order as follows :—

(1) that the said building [*or* part of the said building comprising[3]] be vacated for the purposes of demolition within two months from the date on which this order becomes operative ;

(2) that the said building [*or* the afore-mentioned part of the said building] be demolished before the expiration of six weeks* from the last day of the said period of two months, or if the building [*or* such part of the building] is not vacated until after that day, before the expiration of six weeks* after the date on which it is vacated.

Dated this day of , 19 .

(To be sealed with the common seal of the Local Authority and signed by their Clerk.)

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Description of the Local Authority.

[2] Such description of the building as may be sufficient for identification.

[3] If the order requires vacation and demolition of part only of the building insert sufficient description of such part.

NOTE.

Section 54 of the Act defines an " obstructive building " as one which by reason only of its contact with or proximity to other buildings is dangerous or injurious to health.

The same section provides that a local authority may serve upon the owner or owners of a building which appears to them to be an obstructive building a notice of the time (not less than twenty-one days after the service of the notice) and place at which the question of the ordering of the demolition of the building will be considered by the authority and owners are entitled to be heard when the matter is so considered. If after such consideration the authority are satisfied that the building is an obstructive building and that the whole or any part of it ought to be demolished, they may make an order requiring that the building or any part of it shall be demolished, and that the building or such part of it as is required to be vacated for purposes of demolition, shall be vacated within two months from the date on which the order becomes operative. A copy of such order must be served on the owner or owners of the building.

Section 55 of the Act in effect provides that if before the expiration of the above-mentioned period of two months the owner or owners offer to sell the building and its site to the local authority at a price to be assessed, as if it were compensation for a compulsory purchase, by arbitration in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, subject to the rules specified in the Fourth Schedule to the Housing Act, 1936, and if such acquisition would enable the local authority to carry out the demolition provided for by the order, the authority shall accept such offer and shall, as soon as possible after obtaining possession, carry out the demolition of the building. The section also provides that if no such offer is made the owner or owners of the building shall carry out the demolition required by the order before the expiration of six weeks from the last day of the said period of two months or, if the building, or such part of it as is required to be vacated, is not vacated until after that day, before the expiration of six weeks from the day on which it is vacated or, in either case, within such longer period as in the circumstances the local authority deem reasonable.

Where the demolition of the building is carried out under section 55 either by the owners or by the local authority compensation is required to be paid by the authority to the owners in respect of loss arising from such demolition and, notwithstanding that no land is acquired compulsorily by the authority, such compensation is to be assessed in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, subject to the rules specified in the Fourth Schedule to the Housing Act, 1936, and as modified by subsection (4) of section 55 of the Act.

The provisions of section 15 of the Act are applicable to a demolition order in respect of an obstructive building. This section provides that any person aggrieved by a demolition order may appeal, within twenty-one days after the date of the service of the order, to the County Court within the jurisdiction of which the premises are situate.

The County Court Rules provide that an appeal shall be brought by giving notice of the appeal to the local authority and at the same time requesting the Registrar of the County Court having jurisdiction in the matter to enter the appeal.

The County Court Rules further provide that the notice to the local authorities and

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* A longer period may be specified if the Local Authority think fit.

the request to the Registrar for entry of this appeal shall, so far as circumstances permit, be in accordance with the forms prescribed by the rules.

If no appeal is brought within the above-mentioned period of twenty-one days the order will become operative on the expiration of that period, but in case an appeal is made the order will not become operative until the appeal is finally determined or withdrawn.

The provisions of section 155 of the Act relating to the recovery of possession of buildings in respect of which a demolition order has become operative, are applicable to this order. By subsection (3) of that section it is provided that any person who knowing that a demolition order has become operative and applies to any building, enters into occupation of that building or any part thereof after the date by which the order requires that building to be vacated, or permits any other person to enter into such occupation after that date, shall be liable on summary conviction to a fine not exceeding twenty pounds and to a further penalty of five pounds for every day or part of a day on which the occupation continues after conviction.

FORM No. 8.

NOTICE TO OCCUPIER TO QUIT HOUSE AFTER DEMOLITION ORDER HAS BECOME OPERATIVE.

Housing Act, 1936.

To[1] the occupier of the house[2]

Take Notice :—

That on the day of , 19 , the[3] in pursuance of section 11 of the Housing Act, 1936, made an order (hereinafter called "the demolition order") :—

(*a*) that the above-mentioned house be vacated within days from the date on which the order should become operative ;

(*b*) that the said house be demolished within six weeks* after the expiration of the last-mentioned period or if the house should not be vacated by that date within six weeks* after the date on which it is vacated.

And that the demolition order became operative on the day of , 19 ;

And that in pursuance of section 155 of the Housing Act, 1936, you are required to quit the said house before the day of , 19 .

Dated this day of , 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Name of occupier.

[2] Such description of the house as may be sufficient for identification.

[3] Description of the Local Authority.

NOTE.

Section 155 (1) of the Act provides :—

Where a demolition order has become operative, the local authority shall serve on the occupier of any building or any part of any building to which the order relates a notice stating the effect of the order and specifying the date by which the order requires the building to be vacated and requiring him to quit the building before the said date or before the expiration of twenty-eight days from the service of the notice, whichever may be the later ; and if at any time after the date on which the notice requires the building to be vacated any person is in occupation of the building, or of any part thereof, the authority or any owner of the building may make complaint to a court of summary jurisdiction and thereupon the court shall by their warrant in the form set out in the Schedule to the Small Tenements Recovery Act, 1838, or in a form to the like effect, order vacant possession of the building or of the part thereof to be given to the complainant within such period not being less than two weeks nor more than four weeks as the court may determine.

Section 155 (3) of the Act provides :—

Any person who, knowing that a demolition order has become operative and applies to any building, enters into occupation of that building, or of any part thereof, after the date by which the order requires that building to be vacated, or permits any other person to enter into such occupation after that date, shall be liable on summary conviction to a fine not exceeding twenty pounds and to a further fine of five pounds for every day, or part of a day, on which the occupation continues after conviction.

* Or such longer period as may have been specified by the Council.

FORM No. 8A.

NOTICE TO OCCUPIER TO QUIT AN OBSTRUCTIVE BUILDING AFTER DEMOLITION ORDER HAS BECOME OPERATIVE.

Housing Act, 1936.

To[1] the occupier of the building known as[2]

Take Notice :—

That the[3] in pursuance of section 54 of the Housing Act, 1936, on the day of 19 , made an order (hereinafter called " the demolition order ") as follows :—

(*a*) that the said building [*or* part of the said building comprising[4]] be vacated within two months from the date on which this order becomes operative ;

(*b*) that the said building [*or* the afore-mentioned part of the said building] be demolished before the expiration of six weeks* from the last day of the said period of two months, or if the building [*or* such part of the building] should not be vacated until after that day, before the expiration of six weeks* after the date on which it is vacated.

And that the demolition order became operative on the day of 19 ;

And that in pursuance of section 155 of the Housing Act, 1936, you are required to quit [the said part of] the said building before the day of 19 .

Dated this day of , 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Name of occupier.

[2] Such a description of the building as may be sufficient for identification.

[3] Description of the Local Authority.

[4] If the order requires vacation and demolition of part of the building insert sufficient description of such part.

NOTE.

Section 155 (1) of the Act provides :—

Where a demolition order has become operative, the local authority shall serve on the occupier of any building or any part of any building to which the order relates a notice stating the effect of the order and specifying the date by which the order requires the building to be vacated and requiring him to quit the building before the said date or before the expiration of twenty-eight days from the service of the notice, whichever may be the later ; and if at any time after the date on which the notice requires the building to be vacated any person is in occupation of the building, or of any part thereof, the authority or any owner of the building may make complaint to a court of summary jurisdiction and thereupon the court shall by their warrant in the form set out in the Schedule to the Small Tenements Recovery Act, 1838, or in a form to the like effect, order vacant possession of the building or of the part thereof to be given to the complainant within such period not being less than two weeks nor more than four weeks as the court may determine.

Section 155 (3) of the Act provides :—

Any person who, knowing that a demolition order has become operative and applies to any building, enters into occupation of that building, or of any part thereof, after the date by which the order requires that building to be vacated, or permits any other person to enter into such occupation after that date, shall be liable on summary conviction to a fine not exceeding twenty pounds and to a further fine of five pounds for every day, or part of a day, on which the occupation continues after conviction.

FORM No. 9.

NOTICE OF TIME AND PLACE AT WHICH MATTERS RELATING TO THE MAKING OF A CLOSING ORDER IN RESPECT OF PART OF A BUILDING WILL BE CONSIDERED.

Housing Act, 1936.

To[1] the person having control of part of the building[2]

* Or such longer period as may have been specified by the Council.

comprising[3] ; and to[1] the owners of the above-mentioned part of the said building, and to[1] the mortgagees of the said building;

Whereas the[4] are satisfied that the above-mentioned part of the said building [which is occupied or of a type suitable for occupation by persons of the working classes, is unfit for human habitation and is not capable at reasonable expense of being rendered so fit;] *or* [is an underground room which, under the provisions of section 12 (2) of the Housing Act, 1936, is deemed to be unfit for human habitation:]

Take Notice that the condition of the above-mentioned [part of the said building] [room] and any offer with respect to the carrying out of works or the future user thereof will be considered by the Council at on[5] the day of , 19 , at in the noon when any of the persons to whom this notice is addressed will be entitled to be heard.

Dated this day of , 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Name and address, where known.
[2] Such description of the building as may be sufficient for identification.
[3] Such description of the part of the building or underground room as may be sufficient for identification.
[4] Description of the Local Authority.
[5] Not less than 21 days notice must be given.

FORM No. 10.

CLOSING ORDER IN RESPECT OF PART OF A BUILDING.

Housing Act, 1936.

Whereas the[1] (hereinafter referred to as "the Council") are satisfied that a part of the building[2] comprising[3] [which is occupied or of a type suitable for occupation by persons of the working classes, is unfit for human habitation and is not capable at reasonable expense of being rendered so fit;] *or* [is an underground room, which under the provisions of section 12 (2) of the Housing Act, 1936, is deemed to be unfit for human habitation;]

And Whereas in accordance with the requirements of section 11 of the Housing Act, 1936, notices of the time and place fixed for the consideration of the condition of the above-mentioned [part of the said building] [room] and any offer with respect to the carrying out of works or the future user thereof have been duly served upon all persons upon whom such notices are required to be served:

Now Therefore the Council in pursuance of section 12 of the Housing Act, 1936, hereby prohibit the use of the above-mentioned [part of the said building] [room] for any purposes other than [4]

(To be sealed with the common seal of the Local Authority and signed by their Clerk.)

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Description of the Local Authority.
[2] Such description of the building as may be sufficient for identification.
[3] Such description of the part of the building or underground room as may be sufficient for identification.
[4] Any purpose or purposes approved by the authority for which the premises may be used should be inserted.

NOTE.

Section 12 of the Act provides that a local authority may under Part II of the Act take the like proceedings in relation to any part of a building which is occupied, or is of a type suitable for occupation by persons of the working classes, or in relation to any underground room which is for the purposes of the section to be deemed to be unfit for human habitation, as they are empowered to take in relation to a house, subject, however, to this qualification that, in the circumstances in which, in the case of a house, they would

have made a demolition order, they shall make a closing order prohibiting the use of the part of the building or of the room, as the case may be, for any purpose other than a purpose approved by the local authority. The section provides that the approval of the authority shall not be unreasonably withheld and that the authority are required to determine a closing order made by them on being satisfied that the part of the building or the room to which it relates has been rendered fit for human habitation.

Section 15 of the Act provides that any person aggrieved by a closing order may within 21 days after the date of service of the order, appeal to the County Court within the jurisdiction of which the premises to which the order relates are situate. No proceedings may be taken by the local authority to enforce any order against which an appeal is brought before the appeal has been finally determined. No appeal lies at the instance of a person who is in occupation of the premises to which the order relates under a lease or agreement of which the unexpired term does not exceed three years. The section also provides for an appeal to the County Court against a withholding of approval by the local authority in relation to the use for any purpose of premises in respect of which a closing order is in force.

The County Court Rules provide that an appeal shall be brought by giving notice of the appeal to the local authority and at the same time requesting the Registrar of the County Court having jurisdiction in the matter to enter the appeal.

The County Court Rules further provide that the notice to the local authority and the request to the Registrar for entry of the appeal shall, so far as circumstances permit, be in accordance with the forms prescribed by the rules.

A closing order does not become operative until either the time within which an appeal can be made has elapsed without an appeal being made or in case an appeal is made the appeal is finally determined or withdrawn.

Section 14 of the Act provides that any person who, knowing that a closing order has become operative and applies to any premises, uses those premises in contravention of the terms of the order, or permits them to be so used, shall be liable on summary conviction to a fine not exceeding £20 and to a further fine of £5 for every day or part of a day on which he so uses them, or permits them to be so used, after conviction.

FORM No. 11.

ORDER DETERMINING CLOSING ORDER IN RESPECT OF PART OF A BUILDING.

Housing Act, 1936.

Whereas the[1]
(hereinafter referred to as "the Council") in pursuance of section 12 of the Housing Act, 1936, on the day of 19 , made a closing order in respect of [part of the building[2] comprising[3]]
[an underground room[3] in the building[2]] and
by the said closing order the Council prohibited the use of the said [part of the building] [room] for any purpose other than the purpose approved by the Council [which was specified in the closing order];

And Whereas the Council are satisfied that the said [part of the building] [room] has been rendered fit for human habitation:

Now Therefore the Council hereby determine the said closing order.

Dated this day of , 19 .

(To be sealed with the common seal of the Local Authority and signed by their Clerk.)

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Description of the Local Authority.
[2] Such description of the building as may be sufficient for identification.
[3] Such description of the part of the building or room as may be sufficient for identification.

FORM No. 12.

NOTICE OF REFUSAL TO DETERMINE A CLOSING ORDER IN RESPECT OF PART OF A BUILDING.

Housing Act, 1936.

To[1] [owner] [mortgagee] of
the part of the building[2]
comprising[3]

Take Notice that the[4]
having considered your application to them to determine the closing order made by them

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in pursuance of section 12 of the Housing Act, 1936, on the day of , 19 , in respect of the above-mentioned [part of the said building] [underground room] and not being satisfied that the said [part of the said building] [room] has been rendered fit for human habitation, have this day refused to determine the said closing order.

Dated this day of , 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Name and address of owner or mortgagee.
[2] Such description of the building as may be sufficient for identification.
[3] Such description of the part of the building as may be sufficient for identification.
[4] Description of the Local Authority.

NOTE.

Section 12 of the Act provides that a local authority shall determine a closing order on being satisfied that the part of the building or the room to which it relates has been rendered fit for human habitation.

Section 15 of the Act provides that a person aggrieved by a refusal to determine a closing order may, within 21 days after the refusal, appeal to the County Court within the jurisdiction of which the premises to which the refusal relates are situate.

The County Court Rules provide that an appeal shall be brought by giving notice of the appeal to the local authority and at the same time requesting the Registrar of the County Court having jurisdiction in the matter to enter the appeal.

The County Court Rules further provide that the notice to the local authority and the request to the Registrar for entry of the appeal shall, so far as circumstances permit, be in accordance with the forms prescribed by the rules.

FORM No. 13.

CLEARANCE ORDER.

Housing Act, 1936.

Whereas pursuant to section 25 of the Housing Act, 1936, the[1] (hereinafter referred to as "the Council") being satisfied as respects an area in their district—

(1) that the houses in that area are by reason of disrepair or sanitary defects unfit for human habitation, or are by reason of their bad arrangement, or the narrowness or bad arrangement of the streets, dangerous or injurious to the health of the inhabitants of the area, [and that the other buildings in the area are for the like reason dangerous or injurious to the health of the said inhabitants]; and

(2) that the most satisfactory method of dealing with the conditions in the area is the demolition of all the buildings in the area;

have caused that area to be defined on a map in such manner as to exclude from the area any building which is not unfit for human habitation or dangerous or injurious to health;

And Whereas the Council have satisfied themselves that in so far as suitable accommodation available for persons of the working classes who will be displaced by the clearance of the area does not already exist, the Council can provide, or secure the provision of, such accommodation in accordance with the requirements of the Act, and that the resources of the Council are sufficient for the purpose of carrying into effect the resolution next hereinafter recited;

And Whereas by a resolution passed on the day of the Council declared the area so defined to be a clearance area;

And Whereas by a resolution passed on the day of 19 , the Council determined to proceed to secure the clearance of the area by ordering the demolition of the buildings hereinafter referred to:

Now Therefore the Council in pursuance of their powers under section 26 of the Housing Act, 1936, hereby order—

1.—(1) That the buildings specified in the schedule hereto, being the buildings which are delineated and shown coloured pink on a map marked[2] and sealed with the common seal of the Council and deposited at the offices of the Council, shall be demolished;

(2) that for the purposes of demolition each of the said buildings shall be vacated on

or before the expiration of the period specified in the sixth column of the said schedule opposite to the number and description of the said building.

2. This order may be cited as the[3] Clearance Order, 19 .

SCHEDULE.

Reference numbers on map. (1)	Description and situation of the buildings. (2)	Owners or reputed owners. (3)	Lessees or reputed lessees. (4)	Occupiers (except tenants for a month or less period than a month). (5)	Period from the date when the order becomes operative* within which the building is to be vacated. (6)

(L.S.)

Given under the seal of the[1] this day of , 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Description of the Local Authority.
[2] The map should be identified by a heading in the terms of the short title of the order.
[3] Here insert a suitable short title.

FORM No. 14.

NOTICE TO OWNERS, MORTGAGEES, LESSEES AND OCCUPIERS OF THE MAKING OF A CLEARANCE ORDER.

Housing Act, 1936.

To[1]

Take Notice that the[2] in pursuance of their powers under section 26 of the Housing Act, 1936, on the day of , 19 , made a clearance order which is about to be submitted to the Minister of Health for confirmation, ordering the demolition of the buildings described in the schedule hereunder.

Copies of the order and of the map referred to therein and a map of the clearance area have been deposited at and may be seen at all reasonable hours.

The buildings included in the area to which the order relates in which you are interested as { owner / mortgagee / lessee / occupier } are[3]

* The Second Schedule of the Act provides that when a clearance order has been confirmed by the Minister of Health it shall become operative at the expiration of six weeks from the date on which notice of its confirmation is published in accordance with the provisions of the Act, but if proceedings in the High Court are instituted within that period by an aggrieved person desirous of questioning the validity of the order, the court may, if satisfied that the order is not within the powers of the Act or that the interests of the applicant have been substantially prejudiced by any requirement of the Act not having been complied with quash the order either generally or in so far as it affects any property of the applicant.

and the order requires that for the purpose of demolition these buildings shall be vacated within[4] after the order becomes operative.

Any objection to the order must be made in writing, stating the grounds of your objection and addressed to the Minister of Health, Whitehall, London, S.W., before the[5] day of , 19 .

The Act provides that if no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections are withdrawn, the Minister may, if he thinks fit, confirm the order with or without modification; but in any other case he shall, before confirming the order, cause a public local inquiry to be held and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order either with or without modification.

The Act also provides that when a clearance order has become operative, the owner or owners of any building to which the order applies shall demolish that building before the expiration of six weeks from the date on which the building is required by the order to be vacated or, if it is not vacated until after that date, before the expiration of six weeks from the date on which it is vacated or, in either case, before the expiration of such longer period as in the circumstances the local authority may deem reasonable.

The Act also provides that when a clearance order has been confirmed by the Minister of Health it shall become operative at the expiration of six weeks from the date on which notice of its confirmation is published in accordance with the provisions of the Act, but if proceedings in the High Court are instituted within that period by an aggrieved person desirous of questioning the validity of the order, the court may, if satisfied that the order is not within the powers of the Act or that the interests of the applicant have been substantially prejudiced by any requirement of the Act not having been complied with, quash the order either generally or in so far as it affects any property of the applicant.

SCHEDULE.

(Insert description of each of the buildings to which the order relates either as set out in the order or in such other manner as may be sufficient for the purpose of identification.)

Dated this day of , 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Insert name and address.
[2] Description of the Local Authority.
[3] Description of buildings in respect of which the notice is served.
[4] Insert period specified in clearance order.
[5] Not less than fourteen days from the date of service of the notice should be allowed.

FORM No. 15.

ADVERTISEMENT OF THE MAKING OF A CLEARANCE ORDER.

Housing Act, 1936.

[1]Order.

Notice is hereby given that the[2] in pursuance of their powers under section 26 of the Housing Act, 1936, on the day of , 19 , made a clearance order which is about to be submitted for confirmation by the Minister of Health ordering the demolition of the buildings described in the schedule hereunder and their vacation within the periods respectively specified in the order.

Copies of the said order and of the map referred to therein and a map of the clearance area have been deposited at and may be seen at all reasonable hours.

SCHEDULE.

(Insert description of each of the buildings to which the order relates either as set out in the order or in such other manner as may be sufficient for the purpose of identification.)

Dated this day of , 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Here insert short title of order.
[2] Description of the Local Authority.

FORM No. 16.

ADVERTISEMENT AND PERSONAL NOTICE OF CLEARANCE ORDER CONFIRMED BY THE MINISTER OF HEALTH.

Housing Act, 1936.

[1]Order.

To *

Take Notice*

Notice is hereby given that the Minister of Health, in pursuance of the powers vested in him by the Housing Act, 1936, on the day of , 19 , confirmed [with modifications] a clearance order submitted to him by[2] ordering the demolition of the buildings described in the schedule hereunder and their vacation within the periods respectively specified in the order.

Copies of the confirmed order and of the map referred to therein and a map of the clearance area have been deposited at and may be seen at all reasonable hours.

The order will become operative at the expiration of six weeks from the date of publication of this notice, but if proceedings in the High Court are instituted within that period by an aggrieved person desirous of questioning the validity of the order, the court may, if satisfied that the order is not within the powers of the Act or that the interests of the applicant have been substantially prejudiced by any requirement of the Act not having been complied with, quash the order either generally or in so far as it affects any property of the applicant.

[3] [Demolition of any building comprised in the confirmed order shall be deferred if the Council, at any time before the clearance order becomes operative, give notice to the owners concerned that they intend to cleanse that building from vermin after it is vacated and before it is demolished.]

SCHEDULE.

(Insert description of each of the buildings to which the confirmed order relates either as set out in the order or in such other manner as may be sufficient for the purpose of identification.)

Dated this day of , 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Here insert short title of order.

[2] Description of the Local Authority.

[3] This paragraph may be omitted if the Council do not intend to cleanse any building comprised in the order.

FORM No. 17.

NOTICE TO OCCUPIER TO QUIT BUILDING AFTER CLEARANCE ORDER HAS BECOME OPERATIVE.

Housing Act, 1936.

To[1] the occupier of the building[2]

Take Notice :—

That by the[3] Clearance Order made by the [4] in pursuance of their powers under section 26 of the Housing Act, 1936, and confirmed by the Minister of Health on the day of , 19 , it was ordered that the above-mentioned building be demolished and for the purposes of demolition be vacated within from the date when the order should become operative.

And that the said clearance order became operative on the day of , 19 .

And that in pursuance of section 155 of the Housing Act, 1936, you are required to quit the said building before the day of , 19 .

Dated this day of , 19 .

Signature of the Clerk of the Local Authority.

* Delete for purpose of advertisement. For use as personal notice insert at head of form the name and address of the person to whom the notice is directed.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Name of occupier.
[2] Description of building in clearance order.
[3] Here insert short title of order.
[4] Description of the Local Authority.

NOTE.

Section 155 (1) of the Act provides :—

Where a clearance order has become operative, the local authority shall serve on the occupier of any building or any part of any building to which the order relates a notice stating the effect of the order and specifying the date by which the order requires the building to be vacated and requiring him to quit the building before the said date or before the expiration of twenty-eight days from the service of the notice, whichever may be the later ; and if at any time after the date on which the notice requires the building to be vacated any person is in occupation of the building, or of any part thereof, the authority or any owner of the building may make complaint to a court of summary jurisdiction and thereupon the court shall by their warrant in the form set out in the Schedule to the Small Tenements Recovery Act, 1838, or in a form to the like effect, order vacant possession of the building or of the part thereof to be given to the complainant within such period not being less than two weeks nor more than four weeks as the court may determine.

Section 155 (3) of the Act provides—

Any person who, knowing that a clearance order has become operative and applies to any building, enters into occupation of that building, or of any part thereof, after the date by which the order requires that building to be vacated, or permits any other person to enter into such occupation after that date, shall be liable on summary conviction to a fine not exceeding twenty pounds and to a further fine of five pounds for every day, or part of a day, on which the occupation continues after conviction.

FORM No. 18.

COMPULSORY PURCHASE ORDER MADE FOR THE PURPOSES OF PART V OF THE ACT.

Housing Act, 1936.

The[1] in pursuance of their powers under Part V of the Housing Act, 1936, hereby make the following order—

1. Subject to the provisions of this order the[1] are hereby authorised to purchase compulsorily for the purposes of Part V of the Housing Act, 1936, the lands described in the schedule hereto which lands are delineated and shown coloured on a map marked[2] and sealed with the Common seal of the Council and deposited at the offices of the Council.

2. Subject to any necessary adaptations the provisions of—

(*a*) the Lands Clauses Acts (except sections 127 to 132 of the Lands Clauses Consolidation Act, 1845) ;

(*b*) the Acquisition of Land (Assessment of Compensation) Act, 1919 ; and

(*c*) section 77 of the Railways Clauses Consolidation Act, 1845, and sections 78 to 85 of that Act as originally enacted, and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act, 1923,

as modified by the provisions of the First Schedule to the Housing Act, 1936, applicable to compulsory purchase orders made under section 74 of the Act, are hereby incorporated in this order and the provisions of those Acts shall apply accordingly.

3[3]. The sums agreed upon or awarded for the purchase of any land comprised in this order which is glebe land or other land belonging to an ecclesiastical benefice or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or injury affecting any such land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts of land belonging to a benefice.

4. This order may be cited as the[4] Order, 19 .

SCHEDULE.

Reference numbers on map.	Quantity, Description and Situation of the lands.	Owners or reputed owners.	Lessees or reputed lessees.	Occupiers (except tenants for a month or less than a month).

(L.S.)

Given under the seal of the[1] this day of , 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Description of the Local Authority.
[2] The map should be identified by a heading in the terms of the short title of this order.
[3] Insert this clause where the lands in the order include glebe land or other land belonging to an ecclesiastical benefice.
[4] Here insert a suitable short title.

FORM No. 19.

ADVERTISEMENT OF COMPULSORY PURCHASE ORDER FOR THE PURPOSES OF PART V OF THE ACT.

Housing Act, 1936.

Notice is hereby given that the[1] in pursuance of their powers under Part V of the Housing Act, 1936, on the day of , 19 made an order which is about to be submitted for confirmation by the Minister of Health authorising them to purchase compulsorily for the purposes of Part V of the Housing Act, 1936, the lands described in the schedule hereto.

A copy of the said order and of the map referred to therein has been deposited at and may be seen at all reasonable hours.

SCHEDULE.

(Here insert description of the lands comprised in the order.)

Dated this day of 19 .

Signature of the Clerk of the Local Authority.

[1] Description of the Local Authority.

FORM No. 20.

NOTICE TO OWNERS, LESSEES AND OCCUPIERS OF THE MAKING OF A COMPULSORY PURCHASE ORDER FOR THE PURPOSES OF PART V OF THE ACT.

Housing Act, 1936.

To[1] { Owner / Lessee / Occupier }

Of[2]

Take Notice that the[3] in pursuance of their powers under Part V of the Housing Act, 1936, on the

HOUSING

day of , 19 , made an order which is about to be submitted for confirmation by the Minister of Health authorising them to purchase compulsorily for the purposes of Part V of the Housing Act, 1936, the lands described in the schedule hereto.

A copy of the said order and of the map referred to therein has been deposited at and may be seen at all reasonable hours.

Any objection to this order must be made in writing stating the grounds of your objection and addressed to the Minister of Health, Whitehall, London, S.W.1, before the* day of 19 .

The Act provides that if no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, or if the Minister is satisfied that every objection duly made relates exclusively to matters which can be dealt with by the arbitrator by whom the compensation is to be assessed the Minister may, if he thinks fit, confirm the order with or without modification, but in any other case he shall, before confirming the order, cause a public local inquiry to be held, and shall consider any objection not withdrawn and report of the person who held the inquiry, and may then confirm the order either with or without modification.

SCHEDULE.

(Here insert description of the lands comprised in the order.)

Dated this day of 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Name and address.
[2] Description of property.
[3] Description of the Local Authority.

FORM No. 21.

ADVERTISEMENT AND PERSONAL NOTICE OF COMPULSORY PURCHASE ORDER FOR THE PURPOSES OF PART V OF THE ACT, CONFIRMED BY THE MINISTER OF HEALTH.

Housing Act, 1936.

[1]ORDER

To†

Take Notice† Notice is hereby given that the Minister of Health in pursuance of the powers vested in him by the Housing Act, 1936, on the day of 19 , confirmed [with modifications] an order submitted to him by[2] authorising them to purchase compulsorily for the purposes of Part V of the Housing Act, 1936, the lands described in the schedule hereto.

A copy of the confirmed order and of the map referred to therein has been deposited at and may be seen at all reasonable hours.

The order will become operative at the expiration of six weeks from the date of publication of this notice, but if proceedings in the High Court are instituted within that period by an aggrieved person desirous of questioning the validity of the order, the court may, if satisfied that the order is not within the powers of the Act or that the interests of the applicant have been substantially prejudiced by any requirement of the Act not having been complied with, quash the order either generally or in so far as it affects any property of the applicant.

SCHEDULE.

(Here insert description of the lands comprised in the confirmed order.)

Dated this day of 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Here insert short title of order.
[2] Description of the Local Authority.

* Not less than fourteen days from the date of service of the notice should be allowed.

† Delete for purpose of advertisement. For use as personal notice insert at head of form the name and address of the person to whom the notice is directed.

FORM No. 22.

COMPULSORY PURCHASE ORDER IN RESPECT OF LAND COMPRISED IN A CLEARANCE AREA AND LAND SURROUNDED BY OR ADJOINING THE AREA.

Housing Act, 1936.

Whereas pursuant to section 25 of the Housing Act, 1936, the[1] (hereinafter referred to as "the Council") being satisfied as respects an area in their district—

(1) that the dwelling-houses in that area are by reason of disrepair or sanitary defects unfit for human habitation, or are by reason of their bad arrangement, or the narrowness or bad arrangement of the streets, dangerous or injurious to the health of the inhabitants of the area[2] [and that the other buildings in the area are for the like reason dangerous or injurious to the health of the said inhabitants]; and

(2) that the most satisfactory method of dealing with the conditions in the area is the demolition of all the buildings in the area;

have caused that area to be defined on a map in such manner as to exclude from the area any building which is not unfit for human habitation or dangerous or injurious to health;

And Whereas the Council have satisfied themselves that in so far as suitable accommodation available for persons of the working classes who will be displaced by the clearance of the area does not already exist the Council can provide, or secure the provision of, such accommodation in accordance with the requirements of the Act, and that the resources of the Council are sufficient for the purpose of carrying into effect the resolution next hereinafter recited;

And Whereas by a resolution passed on the day of 19 , the Council declared the area so defined to be a clearance area;

And Whereas by a resolution passed on the day of 19 , the Council determined to proceed to secure the clearance of the area by purchasing the land hereinafter mentioned comprised in the area and themselves undertaking or otherwise securing the demolition of the buildings thereon;

[2]And Whereas in pursuance of their powers under section 27 of the Act by a resolution passed on the day of 19 , the Council determined to purchase certain other land hereinafter mentioned as [2][being land surrounded by the clearance area the acquisition of which is reasonably necessary for the purpose of securing a cleared area of convenient shape and dimensions] *or* [2][being land adjoining the said clearance area the acquisition of which is reasonably necessary for the satisfactory development or user of the cleared area];

Now Therefore the Council in pursuance of their powers under section 29 of the Housing Act, 1936, hereby make the following order—

1. Subject to the provisions of this order the Council are hereby authorised to purchase compulsorily for the purposes of the provisions of Part III of the Housing Act, 1936, relating to clearance areas, the lands described in the schedule hereto.

2.—(*a*) The lands specified in Part I of the schedule and shown coloured pink [2][and pink hatched yellow] on a map marked[3] and sealed with the common seal of the Council and deposited at the offices of the Council, are lands in the area declared to be a clearance area by the said resolution of the Council dated the day of , 19 .

(*b*)[2] The lands numbered in Part I of the schedule, being the lands shown coloured pink hatched yellow on the said map, are lands included in the clearance area on the ground only that the buildings thereon, by reason of their bad arrangement in relation to other buildings or the narrowness or bad arrangement of the streets, are dangerous or injurious to the health of the inhabitants of the area.

(*c*)[2] The lands specified in Part II of the schedule and coloured grey on the said map are lands outside the clearance area.

3. Subject to any necessary adaptations the provisions of—

(*a*) the Lands Clauses Acts (except sections 127 to 132 of the Lands Clauses Consolidation Act, 1845);

(*b*) the Acquisition of Land (Assessment of Compensation) Act, 1919; and

(*c*) section 77 of the Railways Clauses Consolidation Act, 1845, and sections 78 to 85 of that Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act, 1923,

as modified by the provisions of the First Schedule to the Housing Act, 1936, applicable to compulsory purchase orders made under section 29 of the Act are hereby incorporated in this order and the provisions of those Acts shall apply accordingly.

4[4]. The sums agreed upon or awarded for the purchase of any land comprised in this order which is glebe land or other land belonging to an ecclesiastical benefice or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or injury affecting any such land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts of land belonging to a benefice.

5. This order may be cited as the[5] Order, 19 .

SCHEDULE.

PART I.

Lands within the clearance area.

Reference numbers and colouring on map.	Description and situation of the lands.	Owners or reputed owners.	Lessees or reputed lessees.	Occupiers (except tenants for a month or less than a month).
		PART II[2] *Lands outside the clearance area.*		

(L.S.)

Given under the seal of the this day of 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Description of the Local Authority.
[2] Strike out where inapplicable.
[3] The map should be identified by a heading in the terms of the short title of this order.
[4] Insert this clause where the lands in the order include glebe land or other land belonging to an ecclesiastical benefice.
[5] Here insert suitable short title.

FORM No. 23.

ADVERTISEMENT OF COMPULSORY PURCHASE ORDER IN RESPECT OF LAND COMPRISED IN A CLEARANCE AREA AND LAND SURROUNDED BY OR ADJOINING THE AREA.

Housing Act, 1936.

Notice is hereby given that the[1] in pursuance of their powers under section 29 of the Housing Act, 1936, on the day of , 19 , made an order which is about to be submitted for confirmation by the Minister of Health authorising them to purchase compulsorily the lands described in the schedule hereto being lands in an area

declared to be a clearance area by a resolution of the[1] dated the day of 19 [2](and also lands surrounded by or adjoining the said area].

Copies of the said order and of the map referred to therein and of the map of the clearance area have been deposited at and may be seen at all reasonable hours.

[2][Reference to the order and maps will show

(*a*) what buildings, if any, to be purchased compulsorily are included in the clearance area, on the ground only, that by reason of their bad arrangement in relation to other buildings, or the narrowness or bad arrangement of the streets, they are dangerous or injurious to the health of the inhabitants of the area;

(*b*) what parts of the land to be purchased compulsorily are outside the clearance area.]

SCHEDULE.

(Insert description of the lands comprised in the order either as set out in the order or in such other manner as may be sufficient for the purpose of identification.)

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Description of the Local Authority.
[2] Strike out where inapplicable.

FORM No. 24.

NOTICE TO OWNERS, MORTGAGEES, LESSEES AND OCCUPIERS OF THE MAKING OF A COMPULSORY PURCHASE ORDER IN RESPECT OF LAND COMPRISED IN A CLEARANCE AREA AND LAND SURROUNDED BY OR ADJOINING THE AREA.

Housing Act, 1936.

To[1] { Owner / Mortgagee / Lessee / Occupier }

Of[2]

Take Notice that the[3] (hereinafter referred to as "the Council") in pursuance of their powers under section 29 of the Housing Act, 1936, on the day of 19 , made an order which is about to be submitted for confirmation by the Minister of Health authorising them to purchase compulsorily the lands described in the schedule hereto.

The lands included in the order are

(1) lands in an area declared to be a clearance area by a resolution of the Council dated the day of 19 , which the Council have determined to purchase for securing the clearance thereof by themselves undertaking or otherwise securing the demolition of the buildings thereon and

(2) *lands which the Council in pursuance of their powers under section 27 of the Housing Act, 1936, have determined to purchase as being [lands surrounded by the clearance area the acquisition of which is reasonably necessary for the purpose of securing a cleared area of convenient shape and dimensions] *or* [lands adjoining the clearance area the acquisition of which is reasonably necessary for the satisfactory development or user of the cleared area].

Copies of the order and of the map referred to therein and a map of the clearance area have been deposited at and may be seen at all reasonable hours.

Reference to the order and maps will show:

(*a*) * what parts of the land to be acquired compulsorily are outside the clearance area;

(*b*) * what buildings, if any, to be purchased compulsorily are included in the clearance area, on the ground only, that by reason of their bad arrangement in relation to other buildings, or the narrowness or bad arrangement of the streets, they are dangerous or injurious to the health of the inhabitants of the area.

* Strike out if inapplicable.

Any objection to this order must be made in writing stating the grounds of your objection and addressed to the Minister of Health, Whitehall, London, S.W.1, before the day of 19 .

The Act provides that if no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, or if the Minister is satisfied that every objection duly made relates exclusively to matters which can be dealt with by the arbitrator by whom the compensation is to be assessed, the Minister may if he thinks fit confirm the order with or without modification, but in any other case he shall before confirming the order cause a public local inquiry to be held and shall consider any objection not withdrawn and the report of the person who held the inquiry and may then confirm the order either with or without modification.

The following paragraphs, with any necessary adaptations, to be inserted in notices to owners, etc., of land comprised in the clearance area.

As the lands in which you are interested are comprised in the clearance area, the compensation which will be payable for the land, including the buildings thereon, will, if the order is confirmed by the Minister, be assessed as follows—

(*a*) in the case of lands included in the clearance area on the ground only that the buildings thereon are, by reason of their bad arrangement in relation to other buildings, or the narrowness or bad arrangement of the streets, dangerous or injurious to the health of the inhabitants of the area, in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, subject to the rules specified in the Fourth Schedule to the Housing Act, 1936;

(*b*) in the case of other lands in the clearance area, the compensation will be the value, at the time the valuation is made, of the land as a site cleared of buildings and available for development in accordance with the requirements of the building byelaws for the time being in force in the district, assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

Any local inquiry directed by the Minister of Health in connection with this order will deal with the question whether the land is properly included in the clearance area.

If the Minister is of opinion that land included by a local authority in a clearance area ought not to have been so included, he is required to modify the order so as to exclude that land for all purposes from the clearance area, but if he is of opinion that the land may properly be purchased by the local authority under section 27 of the Housing Act, 1936, as being land surrounded by the clearance area the acquisition of which is reasonably necessary for the purpose of securing a cleared area of convenient shape and dimensions, or as being land adjoining the clearance area the acquisition of which is reasonably necessary for the satisfactory development or user of the cleared area, he is required further to modify the order so as to authorise the authority to purchase the land under the said section 27 and not as being land comprised in the clearance area. The compensation payable for land so purchased is required to be assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, subject to the rules specified in the Fourth Schedule to the Housing Act, 1936.

The following paragraph to be inserted in notices to owners, etc., of land not comprised in the clearance area.

As the lands in which you are interested are not comprised in the clearance area, compensation will, if the order is confirmed by the Minister, be assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, subject to the rules specified in the Fourth Schedule to the Housing Act, 1936.

SCHEDULE.

(Insert description of the lands comprised in the order either as set out in the order or in such other manner as may be sufficient for the purpose of identification, indicating which buildings, if any, are included in the order by reason only of bad arrangement.)

Dated this day of , 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Name and address.
[2] Description of property in respect of which the notice is served.
[3] Description of the Local Authority.

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* Not less than fourteen days from the service of the notice should be allowed.

FORM No. 25.

ADVERTISEMENT AND PERSONAL NOTICE OF COMPULSORY PURCHASE ORDER CONFIRMED BY THE MINISTER OF HEALTH IN RESPECT OF LAND COMPRISED IN A CLEARANCE AREA AND LAND SURROUNDED BY OR ADJOINING THE AREA.

Housing Act, 1936.

[1]Order.

To*

Take Notice*
Notice is hereby given that the Minister of Health in pursuance of the powers vested in him by the Housing Act, 1936, on the day of , 19 , confirmed [with modifications] an order submitted to him by[2] authorising them to purchase compulsorily under section 29 of the said Act, the lands described in the schedule hereto which lands are lands in an area declared to be a clearance area by a resolution of the Council dated the day of , 19 ,[3] [and also lands surrounded by $\frac{\text{and}}{\text{or}}$ adjoining the said clearance area].

Copies of the confirmed order and of the map referred to therein and a map of the said clearance area have been deposited at and may be seen at all reasonable hours.

[3] [Reference to the order and maps will show (*a*) what parts of the land authorised to be purchased compulsorily are outside the clearance area and (*b*) what buildings, if any, to be purchased compulsorily are included in the clearance area, on the ground only, that by reason of their bad arrangement in relation to other buildings, or the narrowness or bad arrangement of the streets, they are dangerous or injurious to the health of the inhabitants of the area.]

The order will become operative at the expiration of six weeks from the date of publication of this notice, but if proceedings in the High Court are instituted within that period by an aggrieved person desirous of questioning the validity of the order, the court may, if satisfied that the order is not within the powers of the Act or that the interests of the applicant have been substantially prejudiced by any requirement of the Act not having been complied with, quash the order either generally or in so far as it affects any property of the applicant.

SCHEDULE.

(Insert description of the lands comprised in the confirmed order either as set out in the order or in such other manner as may be sufficient for the purpose of identification, and in the personal notices indicate which buildings, if any, are included in the order by reason only of bad arrangement.)

Dated this day of , 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Here insert short title of order.
[2] Description of the Local Authority.
[3] Strike out where inapplicable.

FORM No. 26.

COMPULSORY PURCHASE ORDER IN RESPECT OF LAND SURROUNDED BY OR ADJOINING A CLEARANCE AREA.

Housing Act, 1936.

Whereas pursuant to section 25 of the Housing Act, 1936, the[1] (hereinafter referred to as "the Council") after complying with the requirements of the said section by a resolution passed on the day of , 19 , declared a certain area in their district to be a clearance area:

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* Delete for purpose of advertisement. For use as personal notice insert at head of form the name and address of the person to whom the notice is directed.

HOUSING

And Whereas the Council, by a resolution passed on the day of , 19 , determined to purchase $\frac{\text{the}}{\text{certain}}$ land comprised in the said clearance area *[and they were authorised to purchase the said land compulsorily by the[a] Order confirmed by the Minister of Health and dated the

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Description of the Local Authority.
[2] Here insert short title of that order.
[3] The map should be identified by a heading in the terms of the short title of this order.
[4] Insert this clause where the lands in the order include glebe land or other land belonging to an ecclesiastical benefice.
[5] Here insert a suitable short title.

FORM No. 27.

ADVERTISEMENT OF A COMPULSORY PURCHASE ORDER IN RESPECT OF LAND SURROUNDED BY OR ADJOINING A CLEARANCE AREA.

Housing Act, 1936.

Notice is hereby given that the[1] in pursuance of their powers under section 29 of the Housing Act, 1936, on the day of 19 , made an order which is about to be submitted for confirmation by the Minister of Health authorising them to purchase compulsorily the lands described in the schedule hereto as being [lands surrounded by a clearance area the acquisition of which is reasonably necessary for securing a cleared area of convenient shape and dimensions] *or* [lands adjoining a clearance area the acquisition of which is reasonably necessary for the satisfactory development or user of the cleared area].

Copies of the said order and of the map referred to therein and a map of the clearance area have been deposited at
and may be seen at all reasonable hours.

SCHEDULE.

(Here insert description of the lands comprised in the order.)

Dated this day of , 19 .

Signature of the Clerk of the Local Authority.

[1] Description of the Local Authority.

FORM No. 28.

NOTICE TO OWNERS, MORTGAGEES, LESSEES AND OCCUPIERS OF THE MAKING OF A COMPULSORY PURCHASE ORDER IN RESPECT OF LANDS SURROUNDED BY OR ADJOINING A CLEARANCE AREA.

Housing Act, 1936.

To[1] { Owner / Mortgagee / Lessee / Occupier }

Of[2]

Take Notice that the[3] in pursuance of their powers under Section 29 of the Housing Act, 1936, on the day of 19 , made an order which is about to be submitted for confirmation by the Minister of Health authorising them to purchase compulsorily the lands described in the schedule hereto.

The lands included in this order are lands which the Council in pursuance of their powers under section 27 of the Housing Act, 1936, have determined to purchase as being [land surrounded by an area declared to be a clearance area by a resolution of the Council dated the day of 19 , the acquisition of which is reasonably necessary for the purpose of securing a cleared area of convenient shape and dimensions] *or* [land adjoining an area declared to be a clearance area by a resolution of the Council dated the day of 19 , the acquisition of which is reasonably necessary for the satisfactory development or user of the cleared area].

Copies of the said order and of the map referred to therein and a map of the clearance area have been deposited at and may be seen at all reasonable hours.

Any objection to this order must be made in writing stating the grounds of your objection and addressed to the Minister of Health, Whitehall, London, S.W.1, before the*
day of 19 .

The Act provides that if no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, or the Minister is satisfied that every objection duly made relates exclusively to matters that can be dealt with by the arbitrator by whom the compensation is to be assessed the Minister may, if he thinks fit, confirm the order with or without modification, but in any other case he shall, before confirming the order, cause a public local inquiry to be held, and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order either with or without modification.

SCHEDULE.

(Here insert description of the lands comprised in the order.)

Dated this day of , 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Name and address.
[2] Description of property in respect of which the notice is served.
[3] Description of the Local Authority.

FORM No. 29.

ADVERTISEMENT AND PERSONAL NOTICE OF COMPULSORY PURCHASE ORDER CONFIRMED BY THE MINISTER OF HEALTH IN RESPECT OF LAND SURROUNDED BY OR ADJOINING A CLEARANCE AREA.

Housing Act, 1936.

[1]ORDER.

To†

Take Notice† / Notice is hereby given that the Minister of Health in pursuance of the powers vested in him by the Housing Act, 1936, on the day of 19 , confirmed [with modifications] an order submitted to him by[2] authorising them to purchase compulsorily under section 29 of the said Act the lands described in the schedule hereto [as being lands surrounded by a clearance area the acquisition of which is reasonably necessary for the purpose of securing a cleared area of convenient shape and dimensions] *or* [as being lands adjoining a clearance area the acquisition of which is reasonably necessary for the satisfactory development or user of the cleared area].

Copies of the confirmed order and of the map referred to therein and a map of the said clearance area have been deposited at and may be seen at all reasonable hours.

The order will become operative at the expiration of six weeks from the date of publication of this notice, but if proceedings in the High Court are instituted within that period by an aggrieved person desirous of questioning the validity of the order, the court may, if satisfied that the order is not within the powers of the Act or that the interests of the applicant have been substantially prejudiced by any requirement of the Act not having been complied with, quash the order either generally or in so far as it affects any property of the applicant.

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* Not less than fourteen days from the service of the notice should be allowed.

† Delete for purpose of advertisement. For use as personal notice insert at head of form the name and address of the person to whom the notice is directed.

SCHEDULE.

(Here insert description of the lands comprised in the confirmed order.)

Dated this day of , 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Here insert short title of order.
[2] Description of the Local Authority.

FORM No. 30.

COMPULSORY PURCHASE ORDER IN RESPECT OF LAND WHICH HAS BEEN CLEARED OF BUILDINGS IN ACCORDANCE WITH A CLEARANCE ORDER.

Housing Act, 1936.

Whereas the[1] (hereinafter referred to as " the Council ") in pursuance of their powers under section 26 of the Housing Act, 1936, on the day of , 19 , made a clearance order ordering the demolition of the buildings therein described, being the buildings in a certain area in their district known as the Clearance Area ;

And Whereas by the[2] Housing Confirmation Order, 19 , the said clearance order was confirmed [with certain modifications] by the Minister of Health ;

And Whereas by virtue of the provisions of the second Schedule of the said Act, the said clearance order became operative on the day of 19 ;

And Whereas by a resolution passed on the day of , 19 , the Council determined to purchase the lands hereinafter described, as being lands which have been cleared of buildings in accordance with the said clearance order and which at the date of the passing of the said resolution had not been, or were not in process of being, used for building purposes, or otherwise developed by the owner thereof in the manner stated in the said section :

Now Therefore the Council in pursuance of their powers under section 32 of the Housing Act, 1936, hereby make the following order—

1. Subject to the provisions of this order the Council are hereby authorised to purchase compulsorily for the purposes of section 32 of the Housing Act, 1936, the lands described in the schedule hereto which lands are shown coloured on a map marked[3] and sealed with the common seal of the Council and deposited at the offices of the Council.

2. Subject to any necessary adaptations the provisions of—

(*a*) the Lands Clauses Acts (except sections 127 to 132 of the Lands Clauses Consolidation Act, 1845) ;

(*b*) the Acquisition of Land (Assessment of Compensation) Act, 1919 ; and

(*c*) section 77 of the Railways Clauses Consolidation Act, 1845, and sections 78 to 85 of that Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act, 1923.

as modified by the provisions of the First Schedule to the Housing Act, 1936, applicable to compulsory purchase orders made under section 32 of the Act, are hereby incorporated in this order and the provisions of those Acts shall apply accordingly.

3.[4] The sums agreed upon or awarded for the purchase of any land comprised in this order which is glebe land or other land belonging to an ecclesiastical benefice or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or injury affecting any such land, shall not be paid as directed by the Lands Clauses Acts but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts of land belonging to a benefice.

4. This order may be cited as the[5] Order, 19 .

SCHEDULE.

Reference numbers on map.	Quantity, description and situation of the lands.	Owners or reputed owners.	Lessees or reputed lessees.	Occupiers (except tenants for a month or less than a month).

(L.S.)

Given under the seal of the[1] this day of 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Description of the Local Authority.
[2] Here insert short title of the order referred to.
[3] The map should be identified by a heading in the terms of the short title of this order.
[4] Insert this clause where the lands in the order include glebe land or other land belonging to an ecclesiastical benefice.
[5] Here insert a suitable short title.

FORM No. 31.

ADVERTISEMENT OF A COMPULSORY PURCHASE ORDER IN RESPECT OF LAND WHICH HAS BEEN CLEARED OF BUILDINGS IN ACCORDANCE WITH A CLEARANCE ORDER.

Housing Act, 1936.

Notice is hereby given that the[1] in pursuance of their powers under section 32 of the Housing Act, 1936, on the day of , 19 , made an order which is about to be submitted for confirmation by the Minister of Health, authorising them to purchase compulsorily the lands described in the schedule hereto, being lands which the Council by a resolution dated the day of , 19 , determined to purchase as being lands which have been cleared of buildings in accordance with the Clearance Order[2], 19 , and which at the date of the passing of the said resolution had not been or were not in process of being, used for building purposes or otherwise developed by the owners thereof in the manner stated in the said section 32.

Copies of the said order and of the map referred to therein have been deposited at and may be seen at all reasonable hours.

SCHEDULE.

(Here insert description of the lands comprised in the order.)

Dated this day of , 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Description of the Local Authority.
[2] Insert short title of the order referred to.

FORM No. 32.

NOTICE TO OWNERS, MORTGAGEES, LESSEES AND OCCUPIERS OF THE MAKING OF A COMPULSORY PURCHASE ORDER IN RESPECT OF LAND WHICH HAS BEEN CLEARED OF BUILDINGS IN ACCORDANCE WITH A CLEARANCE ORDER.

Housing Act, 1936.

To[1] { Owner / Mortgagee / Lessee / Occupier }

Of[2]

Take Notice that the[3] in pursuance of their powers under section 32 of the Housing Act, 1936, on the day of 19 , made an order which is about to be submitted for confirmation by the Minister of Health authorising them to purchase compulsorily the lands described in the schedule hereto.

The lands included in the order are lands which the Council by a resolution dated the day of , 19 , determined to purchase as being lands which have been cleared of buildings in accordance with the Clearance Order, 19 ,[4] and which at the date of the passing of the said resolution had not been, or were not in process of being, used for building purposes or otherwise developed by the owner thereof in the manner stated in the said section 32.

Copies of the said order and of the map referred to therein have been deposited at and may be seen at all reasonable hours.

Any objection to this order must be made in writing stating the grounds of your objection and addressed to the Minister of Health, Whitehall, London, S.W.1, before the* day of , 19 .

The Act provides that if no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, or if the Minister is satisfied that every objection duly made relates exclusively to matters which can be dealt with by the arbitrator by whom the compensation is to be assessed, the Minister may if he thinks fit confirm the order with or without modification, but in any other case he shall before confirming the order cause a public local inquiry to be held and shall consider any objection not withdrawn and the report of the person who held the inquiry and may then confirm the order either with or without modification.

SCHEDULE.

(Here insert description of the lands comprised in the order.)

Dated this day of , 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Name and address.
[2] Description of property in respect of which the notice is served.
[3] Description of the Local Authority.
[4] Insert short title of order referred to.

FORM No. 33.

ADVERTISEMENT AND PERSONAL NOTICE OF COMPULSORY PURCHASE ORDER CONFIRMED BY THE MINISTER OF HEALTH IN RESPECT OF LAND WHICH HAS BEEN CLEARED OF BUILDINGS IN ACCORDANCE WITH A CLEARANCE ORDER.

Housing Act, 1936.

[1]ORDER.

To†

Take Notice† that the Minister of Health in pursuance of the powers vested in him by the Housing Act, 1936, on the day of

Notice is hereby given

* Not less than fourteen days from the service of the notice should be allowed.

† Delete for purpose of advertisement. For use as personal notice insert at head of form the name and address of the person to whom the notice is directed.

19 , confirmed [with modifications] an order submitted to him by[2] authorising them to purchase compulsorily under section 32 of the said Act the lands described in the schedule hereto as being lands which have been cleared of buildings in accordance with the Clearance Order, 19 , and which at the date of the passing of the resolution of the Council determining to purchase the said lands, had not been, or were not in process of being, used for building purposes or otherwise developed in the manner stated in the said section.

Copies of the confirmed order and of the map referred to therein have been deposited at and may be seen at all reasonable hours.

The order will become operative at the expiration of six weeks from the date of publication of this notice, but if proceedings in the High Court are instituted within that period by an aggrieved person desirous of questioning the validity of the order, the court may, if satisfied that the order is not within the powers of the Act or that the interests of the applicant have been substantially prejudiced by any requirement of the Act not having been complied with, quash the order either generally or in so far as it affects any property of the applicant.

SCHEDULE.

(Here insert description of the lands comprised in the confirmed order.)

Dated this day of , 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Here insert short title of confirmed order.
[2] Description of the Local Authority.

FORM No. 34.

COMPULSORY PURCHASE ORDER IN RESPECT OF LAND COMPRISED IN AN IMPROVEMENT AREA.

Housing Act, 1936.

Whereas the[1] (hereinafter referred to as "the Council") in pursuance of their powers under section 7 of the Housing Act, 1930, after complying with the requirements of the said section, by a resolution passed on the day of , 19 , declared a certain area in their district to be an improvement area;

And Whereas by a resolution passed on the day of , 19 , the Council determined to purchase the lands hereinafter described as being lands which are in the said improvement area and which it is expedient for the Council to acquire for opening out the area:

Now Therefore the Council in pursuance of their powers under section 38 of the Housing Act, 1936, hereby make the following order—

1. Subject to the provisions of this order the Council are hereby authorised to purchase compulsorily for the purposes of section 38 of the Housing Act, 1936, the lands described in the schedule hereto which lands are shown coloured on a map marked[2] and sealed with the common seal of the Council and deposited at the offices of the Council.

2. Subject to any necessary adaptations the provisions of—

(*a*) the Land Clauses Acts (except sections 127 to 132 of the Lands Clauses Consolidation Act, 1845);

(*b*) the Acquisition of Land (Assessment of Compensation) Act, 1919; and

(*c*) section 77 of the Railways Clauses Consolidation Act, 1845, and sections 78 to 85 of that Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act, 1923,

as modified by the provisions of the First Schedule to the Housing Act, 1936, applicable to compulsory purchase orders made under section 38 of the Act, are hereby incorporated in this order and the provisions of those Acts shall apply accordingly.

3.[3] The sums agreed upon or awarded for the purchase of any land comprised in this order which is glebe land or other land belonging to an ecclesiastical benefice or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or injury affecting any such land, shall not be paid as directed by the Lands Clauses

Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts of land belonging to a benefice.

4. This order may be cited as the[4] Order, 19 .

SCHEDULE.

Reference numbers on map.	Quantity, description and situation of the lands.	Owners or reputed owners.	Lessees or reputed lessees.	Occupiers (except tenants for a month or less than a month).

(L.S.)

Given under the seal of the[1] this day of 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Description of the Local Authority.
[2] The map should be identified by a heading in the terms of the short title of the order.
[3] Insert this clause where the lands in the order include glebe land or other land belonging to an ecclesiastical benefice.
[4] Here insert a suitable short title.

FORM No. 35.

ADVERTISEMENT OF A COMPULSORY PURCHASE ORDER IN RESPECT OF LAND COMPRISED IN AN IMPROVEMENT AREA.

Housing Act, 1936.

Notice is hereby given that the[1] in pursuance of their powers under section 38 of the Housing Act, 1936, on the day of , 19 , made an order which is about to be submitted for confirmation by the Minister of Health authorising them to purchase compulsorily the lands described in the schedule hereto, as being lands which are in an area declared by a resolution of the Council dated the day of , 19 , to be an improvement area under section 7 of the Housing Act, 1930, and which the Council have determined to acquire for opening out the said area.

Copies of the said order and of the map referred to therein and of the map of the improvement area have been deposited at and may be seen at all reasonable hours.

SCHEDULE.

(Here insert description of the lands comprised in the order.)

Dated this day of , 19 .

Signature of the Clerk of the Local Authority.

[1] Description of the Local Authority.

FORM No. 36.

NOTICE TO OWNERS, MORTGAGEES, LESSEES AND OCCUPIERS OF THE MAKING OF A COMPULSORY PURCHASE ORDER IN RESPECT OF LAND COMPRISED IN AN IMPROVEMENT AREA.

Housing Act, 1936.

To[1] { Owner / Mortgagee / Lessee / Occupier }

Of[2]

Take Notice that the[3] in pursuance of their powers under section 38 of the Housing Act, 1936, on the day of , 19 , made an order which is about to be submitted for confirmation by the Minister of Health authorising them to purchase compulsorily the lands described in the schedule hereto.

The lands included in the order are lands which are in an area declared by a resolution of the Council dated the day of 19 , to be an improvement area under section 7 of the Housing Act, 1930, and which the Council have determined to purchase as being lands which it is expedient for them to acquire for opening out the area.

Copies of the said order and of the map referred to therein and a map of the improvement area have been deposited at and may be seen at all reasonable hours.

Any objection to this order must be made in writing stating the grounds of your objection and addressed to the Minister of Health, Whitehall, London, S.W.1, before the* day of , 19 .

The Act provides that if no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, or the Minister is satisfied that every objection duly made relates exclusively to matters that can be dealt with by the arbitrator by whom the compensation is to be assessed the Minister may, if he thinks fit, confirm the order with or without modification, but in any other case he shall, before confirming the order, cause a public local inquiry to be held, and shall consider any objection not withdrawn and report of the person who held the inquiry, and may then confirm the order either with or without modification.

SCHEDULE.

(Here insert description of the lands comprised in the order.)

Dated this day of , 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Name and address.
[2] Description of property in respect of which the notice is served.
[3] Description of the Local Authority.

FORM No. 37.

ADVERTISEMENT AND PERSONAL NOTICE OF COMPULSORY PURCHASE ORDER CONFIRMED BY THE MINISTER OF HEALTH IN RESPECT OF LAND COMPRISED IN AN IMPROVEMENT AREA.

Housing Act, 1936.

[1]Order.

To†

Take Notice† that the Minister of Health in pursuance of the powers vested in him by the Housing Act, 1936, on the day of

Notice is hereby given

* Not less than fourteen days from the service of the notice should be allowed.

† Delete for purpose of advertisement. For use as personal notice insert at head of form the name and address of the person to whom the notice is directed.

19 , confirmed [with modifications] an order submitted to him by[2] ; authorising them to purchase compulsorily under section 38 of the said Act, the lands described in the schedule hereto as being lands which are in an area declared by a resolution of the Council dated the day of , 19 , to be an improvement area under section 7 of the Housing Act, 1930, and which it is expedient for the Council to acquire for opening out the area.

Copies of the confirmed order and of the map referred to therein and a map of the improvement area have been deposited at and may be seen at all reasonable hours.

The order will become operative at the expiration of six weeks from the date of publication of this notice, but if proceedings in the High Court are instituted within that period by an aggrieved person desirous of questioning the validity of the order, the court may, if satisfied that the order is not within the powers of the Act or that the interests of the applicant have been substantially prejudiced by any requirement of the Act not having been complied with, quash the order either generally or in so far as it affects any property of the applicant.

SCHEDULE.

(Here insert description of the lands comprised in the confirmed order.)

Dated this day of , 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Here insert short title of the confirmed order.
[2] Description of the Local Authority.

FORM No. 38.

COMPULSORY PURCHASE ORDER IN RESPECT OF A HOUSE WHICH CANNOT BE RENDERED FIT FOR HUMAN HABITATION AT A REASONABLE EXPENSE.

Housing Act, 1936.

Whereas by a notice dated the day of , 19 , the[1] (hereinafter referred to as " the Council ") in pursuance of section 9 of the Housing Act, 1936, required the person having control of the house known as[2] to execute certain works which would in the opinion of the Council have rendered the said house fit for human habitation ;

And Whereas[3] being a person aggrieved by the said notice appealed against the same, and on the day of , 19 , the judge [court] in allowing the appeal found that the said house could not be rendered fit for human habitation at a reasonable expense ;

And Whereas by a resolution passed on the day of , 19 , the Council determined to purchase the said house :

Now Therefore the Council in pursuance of their powers under section 16 of the Housing Act, 1936, hereby make the following order :—

1. Subject to the provisions of this order the Council are hereby authorised to purchase compulsorily for the purposes of section 16 of the Housing Act, 1936, the house described in the schedule hereto being the house shown coloured on a plan marked[4] and sealed with the common seal of the Council and deposited at the offices of the Council.

2. Subject to any necessary adaptations the provisions of—

(*a*) the Lands Clauses Acts (except sections 127 to 132 of the Lands Clauses Consolidation Act, 1845) ;

(*b*) the Acquisition of Land (Assessment of Compensation) Act, 1919 ; and

(*c*) section 77 of the Railways Clauses Consolidation Act, 1845, and sections 78 to 85 of that Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act, 1923,

as modified by the provisions of the First Schedule to the Housing Act, 1936, applicable to compulsory purchase orders made under section 16 of the Act, are hereby incorporated in this order and the provisions of those Acts shall apply accordingly.

3.[5] The sums agreed upon or awarded for the purchase of the property described in the schedule to this order being glebe land or other land belonging to an ecclesiastical benefice

or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or injury affecting any such land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts of land belonging to a benefice.

4. This order may be cited as the[6] Order, 19 .

SCHEDULE.

(Here insert sufficient description of the house for purposes of indentification, stating the names of the owner, lessee and any occupier.)

(L.S.)

Given under the seal of the[1] this day of 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Description of the Local Authority.
[2] Description of the house sufficient for identification.
[3] Name of person who brought the appeal.
[4] The plan should be identified by a heading in the terms of the short title of the order.
[5] Insert this clause where the property is glebe land or other land belonging to an ecclesiastical benefice.
[6] Insert a suitable short title.

FORM No. 39.

ADVERTISEMENT OF A COMPULSORY PURCHASE ORDER IN RESPECT OF A HOUSE WHICH CANNOT BE RENDERED FIT FOR HUMAN HABITATION AT A REASONABLE EXPENSE.

Housing Act, 1936.

Notice is hereby given that the[1] in pursuance of their powers under section 16 of the Housing Act, 1936, on the day of 19 , made an order which is about to be submitted for confirmation by the Minister of Health authorising them to purchase compulsorily the dwelling-house known as[2]

Copies of the said order and of the plan referred to therein have been deposited at and may be seen at all reasonable hours.

Dated this day of , 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Description of the Local Authority.
[2] Insert description of the house sufficient for identification.

FORM No. 40.

NOTICE OF THE MAKING OF A COMPULSORY PURCHASE ORDER IN RESPECT OF A HOUSE WHICH CANNOT BE RENDERED FIT FOR HUMAN HABITATION AT A REASONABLE EXPENSE.

Housing Act, 1936.

To[1] { Owner / Lessee / Mortgagee / Occupier }

Of[2]

Take Notice :—

That the[3] having on the day of , 19 , served a notice under

section 9 of the Housing Act, 1936, requiring the execution of the works therein specified to the house known as[2] , and the judge [court], in allowing an appeal against the said notice, having found that the said house could not be rendered fit for human habitation at a reasonable expense, the Council in pursuance of their powers under section 16 of the said Act on the day of , 19 , made an order, which is about to be submitted for confirmation by the Minister of Health, authorising them to purchase compulsorily the said house.

Copies of the said order and of the plan referred to therein have been deposited at and may be seen at all reasonable hours.

Any objection to this order must be made in writing stating the grounds of your objection and addressed to the Minister of Health, Whitehall, London, S.W.1, before the[4] day of , 19 .

The Act provides that if any person being an owner or mortgagee of the house undertakes to carry out to the satisfaction of the Minister and within such period as the Minister may fix, the works specified in the notice against which the appeal was brought, the Minister shall not confirm the compulsory purchase order unless that person has failed to fulfil his undertaking.

If the Council purchase the house compulsorily they are required forthwith to execute all such works as were specified in the notice against which the appeal was brought.

The Act also provides that if no objection is duly made by any of the persons upon whom notices of the order are required to be served, or if all objections so made are withdrawn, or the Minister is satisfied that every objection duly made relates exclusively to matters that can be dealt with by the arbitrator by whom the compensation is to be assessed the Minister may if he thinks fit confirm the order with or without modification, but in any other case he shall, before confirming the order, cause a public local inquiry to be held, and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order either with or without modification.

The Act also provides that the compensation to be paid for any house purchased compulsorily under section 16 of the Act shall be the value, at the time when the valuation is made, of the site as a cleared site available for development in accordance with the requirements of the building byelaws for the time being in force in the district and of any town planning scheme in operation in the area, and subject as aforesaid, shall be assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

Dated this day of , 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Name and address.
[2] Description of property in respect of which the notice is served.
[3] Description of the Local Authority.
[4] Not less than fourteen days from the service of the notice should be allowed.

FORM No. 41.

ADVERTISEMENT AND PERSONAL NOTICE OF A COMPULSORY PURCHASE ORDER CONFIRMED BY THE MINISTER OF HEALTH IN RESPECT OF A HOUSE WHICH CANNOT BE RENDERED FIT FOR HUMAN HABITATION AT A REASONABLE EXPENSE.

Housing Act, 1936.

[1]Order.

To*

Take Notice*

Notice is hereby given that the Minister of Health in pursuance of the powers vested in him by the Housing Act, 1936, on the day of , 19 , confirmed an order submitted to him by[2] authorising them to purchase compulsorily under section 16 of the said Act the house known as[3]

Copies of the confirmed order and of the plan referred to therein have been deposited at and may be seen at all reasonable hours.

The order will become operative at the expiration of six weeks from the date of publication of this notice, but if proceedings in the High Court are instituted within that period by an aggrieved person desirous of questioning the validity of the order, the court may, if satisfied that the order is not within the powers of the Act or that the interests of the

* Delete for the purpose of advertisement. For use as personal notice insert at head of form the name and address of the person to whom the notice is directed.

applicant have been substantially prejudiced by any requirements of the Act not having been complied with, quash the order.

Dated this day of , 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Here insert short title of the confirmed order.
[2] Description of the Local Authority.
[3] Insert description of the house sufficient for identification.

FORM No. 42.

ADVERTISEMENT AND PERSONAL NOTICE OF THE PREPARATION OF A RE-DEVELOPMENT PLAN.

Housing Act, 1936.

To* { Owner / Lessee / Occupier } of*

Take Notice* / Notice is hereby given that the[1] in pursuance of their powers under section 35 of the Housing Act, 1936, have prepared a re-development plan, which is about to be submitted to the Minister of Health for approval, in respect of the area known as the[2] Re-development Area which area was declared by a resolution passed by the Council on the day of 19 , to be a proposed re-development area:

A copy of the said re-development plan has been deposited at and may be inspected at all reasonable hours.

Any objection to the said re-development plan must be made in writing, stating the grounds of objection, and addressed to the Minister of Health, Whitehall, London, S.W.1, before the[3] day of 19 .

The Act provides that if no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, the Minister of Health may, if he thinks fit, approve the plan either without modifications or with such modifications as he thinks fit (including the alteration of the defined re-development area so as to exclude land therefrom but not so as to add land thereto), but in any other case he shall, before approving the plan, cause a public local inquiry to be held and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may thereafter approve the plan with or without any such modifications as aforesaid.

Dated this day of 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Description of the Local Authority.
[2] Insert citation title of re-development area.
[3] Here insert date 42 clear days from the date of publication and service of the notice.

(NOTE.—When using this form in connection with a new development plan in respect of the whole or any part of a re-development area the appropriate adaptations should be made.)

FORM No. 43.

ADVERTISEMENT AND PERSONAL NOTICE OF RE-DEVELOPMENT PLAN APPROVED BY THE MINISTER OF HEALTH.

Housing Act, 1936.

[1]*Re-development Plan.*

To†

Take Notice† / Notice is hereby given that the Minister of Health in pursuance of the powers vested in him by the Housing Act, 1936, on the day of

* Delete for purpose of advertisement. For use as personal notice insert at head of form the name and address of the person or body to whom the notice is directed, and specify the lands or property included in the plan in which such person or body is interested.

† Delete for purpose of advertisement. For use as personal notice insert at head of form the name and address of the person or body to whom the notice is directed.

19 , approved [with modifications] a re-development plan prepared under section 35 of the Housing Act, 1936, and submitted to him by the[2]
in respect of the area known as the[3]
Re-development Area which area was declared by the Council on the
day of 19 , to be a proposed re-development area.

A copy of the re-development plan as approved by the Minister has been deposited at and may be inspected at all reasonable hours.

The approval of the re-development plan will become operative at the expiration of six weeks from the date of publication of this notice, but if proceedings in the High Court are instituted within that period by an aggrieved person desirous of questioning the validity thereof, the court may, if satisfied that the approval of the plan is not within the powers of the Act or that the interests of the applicant have been substantially prejudiced by any requirement of the Act not having been complied with, quash the approval of the plan either generally or in so far as it affects any property of the applicant.

Dated this day of 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Insert citation title of re-development plan.
[2] Description of the Local Authority.
[3] Insert citation title of re-development area.

(NOTE.—When using this form in connection with a new re-development plan in respect of the whole or any part of a re-development area the appropriate adaptations should be made.)

FORM No. 44.

COMPULSORY PURCHASE ORDER IN RESPECT OF LAND IN A RE-DEVELOPMENT AREA.

Housing Act, 1936.

Whereas pursuant to section 34 of the Housing Act, 1936, the[1]
(hereinafter referred to as "the Council") after complying with the requirements of the said section by a resolution passed on the day of
19 , declared a certain area in their district to be a proposed re-development area;

And Whereas a re-development plan in respect of the said area, prepared in accordance with the provisions of section 35 of the said Act, was approved [with certain modifications] by the Minister of Health on the day of 19 , and the approval has become operative;

And Whereas by a resolution passed on the day of
19 , the Council determined to purchase the lands hereinafter described, as being lands in the said re-development area:

Now Therefore the Council in pursuance of their powers under section 36 of the Housing Act, 1936, hereby make the following order—

1. Subject to the provisions of this order the Council are hereby authorised to purchase compulsorily for the purposes of the provisions of Part III of the Housing Act, 1936, relating to re-development, the lands described in the [first] schedule hereto which lands are delineated by brown edging on a map marked[2] and sealed with the common seal of the Council and deposited at the offices of the Council.

2.[3] The lands numbered in the [first] schedule and shown hatched yellow on the said map are purchased for the provision of houses for the working classes.

3. Subject to any necessary adaptations the provisions of—

(*a*) the Lands Clauses Acts (except sections 127 to 132 of the Lands Clauses Consolidation Act, 1845);

(*b*) the Acquisition of Land (Assessment of Compensation) Act, 1919; and

(*c*) section 77 of the Railways Clauses Consolidation Act, 1845, and sections 78 to 85 of that Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act, 1923,

as modified by the provisions of the First Schedule to the Housing Act, 1936, applicable to compulsory purchase orders made under section 36 of the Act, are hereby incorporated in this order and the provisions of those Acts shall apply accordingly.

4.[3] The houses specified in the second schedule hereto and shown coloured pink on the said map are indicated as being unfit for human habitation and not capable at reasonable expense of being rendered so fit, and are houses which the Council are authorised to purchase as being unfit for human habitation.

5.[4] The sums agreed upon or awarded for the purchase of any land comprised in th order which is glebe land or other land belonging to an ecclesiastical benefice or to be pai by way of compensation for the damage to be sustained by the owner by reason of seve ance or injury affecting any such land, shall not be paid as directed by the Lands Claus Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as mone paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts of lan belonging to a benefice.

6. This order may be cited as[5]
Order, 19 .

[FIRST] SCHEDULE.

LANDS COMPRISED IN THE ORDER.*

Reference numbers on map.	Description and situation of the lands.	Owners or reputed owners.	Lessees or reputed lessees.	Occupiers (except tenants for a month or less than a month).

SECOND SCHEDULE.[3]

HOUSES TO BE PURCHASED AS BEING UNFIT FOR HUMAN HABITATION.

Reference numbers on map.	Description and situation of house.	Owners or reputed owners.	Lessees or reputed lessees.	Occupiers.

Given under the seal of the[1] this day of , 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Description of the Local Authority.
[2] The map should be identified by a heading in the terms of the short title of this order
[3] To be omitted if inapplicable.
[4] Insert this clause where the lands in the order include glebe land or other land belonging to an ecclesiastical benefice.
[5] Insert a suitable short title.

* The first schedule must contain *all* the lands to be purchased compulsorily under th order, including the houses specified in the Second Schedule.

FORM No. 45.

ADVERTISEMENT OF A COMPULSORY PURCHASE ORDER IN RESPECT OF LAND IN A RE-DEVELOPMENT AREA.

Housing Act, 1936.

Notice is hereby given that the[1] in pursuance of their powers under section 36 of the Housing Act, 1936, on the day of , 19 , made an order which will be submitted for confirmation by the Minister of Health authorising them to purchase compulsorily the lands described in the schedule hereto, being lands in the[2] Re-development Area in respect of which a re-development plan has been approved by the Minister of Health and the approval has become operative.

Copies of the said order and of the map referred to therein and a copy of the approved re-development plan have been deposited at and may be inspected at all reasonable hours.

[3]Reference to the order and map will show which houses comprised in the land to be purchased compulsorily are to be purchased as being unfit for human habitation and not capable at reasonable expense of being rendered so fit.

SCHEDULE.

(Here insert description of the lands comprised in the order.)

Dated this day of , 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Description of the Local Authority.
[2] Insert citation title of re-development area.
[3] This paragraph to be omitted if no unfit houses are indicated in the order.

FORM No. 46.

NOTICE TO OWNERS, LESSEES, OCCUPIERS AND MORTGAGEES OF THE MAKING OF A COMPULSORY PURCHASE ORDER IN RESPECT OF LAND IN A RE-DEVELOPMENT AREA.

Housing Act, 1936.

To {Owner / Lessee / Occupier / Mortgagee*} of†

Take notice that the[1] in pursuance of their powers under section 36 of the Housing Act, 1936, on the day of , 19 , made an order which is about to be submitted for confirmation by the Minister of Health authorising them to purchase compulsorily the lands described in the schedule hereto.

The lands included in the order are lands in the[2] Re-development Area in respect of which a re-development plan has been approved by the Minister of Health and the approval has become operative.

Copies of the order and of the map referred to therein, and a copy of the approved re-development plan, have been deposited at and may be inspected at all reasonable hours.

[3]Reference to the order and map will show which houses comprised in the land to be purchased compulsorily are to be purchased as being unfit for human habitation and not capable at reasonable expense of being rendered so fit. [4]The houses in which you are interested as {owner / lessee / occupier / mortgagee*} which are indicated in the order as being in that condition are specified in the schedule to this notice.

* The notice should be served on every mortgagee of houses indicated in the order as being unfit for human habitation, if it is reasonably practicable to ascertain such persons.

† Description of property in respect of which the notice is served.

Any objection to the order must be made in writing stating the grounds of your objection and addressed to the Minister of Health, Whitehall, London, S.W.1, before the[5] day of , 19 .

The Act provides that if any objection is duly made in writing by any of the persons upon whom notices are required to be served stating as the grounds thereof either—

(*a*) that any house indicated in the order as being unfit for human habitation, and not cabable at reasonable expense of being rendered so fit, ought not to have been so indicated; or

(*b*) that the objector is prepared to enter into arrangements for the carrying out of re-development, or for securing the use of the land, in accordance with the re-development plan;

the Minister shall, unless the objection is withdrawn, cause a public local inquiry to be held with respect thereto and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order either with or without modification; in any other case the Minister may confirm the order with or without modification and either after, or without, causing a public local inquiry to be held.

[3]The compensation payable in respect of houses which are indicated in the order as being unfit for human habitation and not capable at reasonable expense of being rendered so fit will, if the order is confirmed by the Minister, be the value, at the time the valuation is made, of the sites of such houses as cleared of buildings and available for development in accordance with the requirements of the building byelaws for the time being in force in the district, assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

The compensation payable for the lands [[3]which do not comprise houses which are so unfit] will, if the order is confirmed by the Minister, be assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, subject to the rules specified in the Fourth Schedule to the Housing Act, 1936.

SCHEDULE.

(i) The lands included in the order are—
(here insert description of *all* the lands comprised in the order.)

(ii)[4] The houses in which you are interested and which are indicated in the order as being unfit for human habitation are—
(here insert description of such houses sufficient for purposes of identification.)

Dated this day of , 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Description of the Local Authority.
[2] Insert citation title of re-development area.
[3] To be omitted if no unfit houses are indicated in the order.
[4] To be omitted if inapplicable.
[5] Not less than fourteen days from the service of the notice should be allowed.

FORM No. 47.

ADVERTISEMENT AND PERSONAL NOTICE OF COMPULSORY PURCHASE ORDER CONFIRMED BY THE MINISTER OF HEALTH IN RESPECT OF LAND IN A RE-DEVELOPMENT AREA.

Housing Act, 1936.

To*

Take Notice* Notice is hereby given that the Minister of Health in pursuance of the powers vested in him by the Housing Act, 1936, on the day of , 19 , confirmed [with modifications] an order submitted to him by[1] authorising them to purchase compulsorily under section 36 of the Housing Act, 1936, the lands described in the schedule hereto, being lands comprised in the[2] Re-development Area.

* Delete for purpose of advertisement. For use as personal notice insert at head of form the name and address of the person or body to whom the notice is directed.

Copies of the confirmed order and of the map referred to therein, and a copy of the re-development plan, have been deposited at and may be inspected at all reasonable hours.

[3] Reference to the confirmed order and the map will show which houses comprised in the land to be purchased compulsorily are to be purchased as being unfit for human habitation and not capable at reasonable expense of being rendered so fit.

The order will become operative at the expiration of six weeks from the date of publication of this notice, but if proceedings in the High Court are instituted within that period by an aggrieved person desirous of questioning the validity of the order, the court may, if satisfied that the order is not within the powers of that Act or that the interests of the applicant have been substantially prejudiced by any requirements of the Act not having been complied with, quash the order either generally or in so far as it affects any property of the applicant.

SCHEDULE.

(Here insert description of the lands comprised in the confirmed order, and in the personal notices indicate any unfit houses in which the person notified is interested.)

Dated this day of , 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Description of the Local Authority.

[2] Citation title of re-development area.

[3] This paragraph should be omitted if no unfit houses were indicated in the order as submitted to the Minister.

FORM No. 48.

COMPULSORY PURCHASE ORDER IN RESPECT OF LAND OUTSIDE A RE-DEVELOPMENT AREA.

Whereas pursuant to section 34 of the Housing Act, 1936, the[1] (hereinafter referred to as " the Council ") after complying with the requirements of the said section by a resolution passed on the day of , 19 , declared a certain area in their district to be a proposed re-development area;

And Whereas a re-development plan in respect of the said area, prepared in accordance with the provisions of section 35 of the said Act, was approved [with certain modifications] by the Minister of Health on the day of , 19 , and the approval has become operative;

And Whereas by a resolution passed on the day of , 19 , the Council determined to purchase the lands hereinafter described outside the said re-development area for the purpose of providing accommodation for persons occupying premises within that area, being premises which the Council have $\frac{\text{purchased}:}{\text{agreed to purchase}}$ *or* in respect of which the Council have submitted compulsory purchase orders:

Now Therefore the Council in pursuance of their powers under section 36 of the Housing Act, 1936, hereby make the following order—

1. Subject to the provisions of this order the Council are hereby authorised to purchase compulsorily for the purpose of providing accommodation in connection with re-development under the provisions of Part III of the Housing Act, 1936, the lands described in the [first] schedule hereto which lands are delineated by blue edging on a map marked[2] and sealed with the common seal of the Council and deposited at the offices of the Council.

2.[3] The lands numbered in the [first] schedule and shown hatched yellow on the said map are purchased for the provision of houses for the working classes.

3. Subject to any necessary adaptations the provisions of—

(*a*) the Lands Clauses Acts (except sections 127 to 132 of the Lands Clauses Consolidation Act, 1845);

(*b*) the Acquisition of Land (Assessment of Compensation) Act, 1919; and

(*c*) section 77 of the Railways Clauses Consolidation Act, 1845, and sections 78 to 85 of that Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act, 1923,

as modified by the provisions of the First Schedule to the Housing Act, 1936, applicable to compulsory purchase orders made under section 36 of the Act, are hereby incorporated in this order and the provisions of those Acts shall apply accordingly.

4.[3] The houses specified in the second schedule hereto and shown coloured pink on the said map are indicated as being unfit for human habitation and not capable at reasonable expense of being rendered so fit, and are houses which the Council are authorised to purchase as being unfit for human habitation.

5.[4] The sums agreed upon or awarded for the purchase of any land comprised in this order which is glebe land or other land belonging to an ecclesiastical benefice or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or injury affecting any such land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts of land belonging to a benefice.

6. This order may be cited as the[5] Order, 19 .

[FIRST] SCHEDULE.

LANDS COMPRISED IN THE ORDER.*

Reference numbers on map.	Description and situation of the lands.	Owners or reputed owners.	Lessees or reputed lessees.	Occupiers (except tenants for a month or less than a month).

SECOND SCHEDULE.[3]

HOUSES TO BE PURCHASED AS UNFIT FOR HUMAN HABITATION.

Reference numbers on map.	Description and situation of house.	Owners or reputed owners.	Lessees or reputed lessees.	Occupiers.

Given under the seal of[1] this day of , 19 .

Signature of the Clerk of the Local Authority.

* The first schedule must contain all the lands to be purchased compulsorily under the order, including the houses specified in the Second Schedule.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Description of the Local Authority.
[2] The map should be identified by a heading in the terms of the short title of the order.
[3] To be omitted if inapplicable.
[4] Insert this clause where the lands in the order include glebe land or other land belonging to an ecclesiastical benefice.
[5] Insert a suitable short title.

FORM No. 49.

ADVERTISEMENT OF A COMPULSORY PURCHASE ORDER IN RESPECT OF LAND OUTSIDE A RE-DEVELOPMENT AREA.

Housing Act, 1936.

Notice is hereby given that the[1]
in pursuance of their powers under section 36 of the Housing Act, 1936, on the
day of 19 , made an order which will be submitted for confirmation by the Minister of Health authorising them to purchase compulsorily the lands specified in the schedule hereto, being lands which the Council have determined to purchase for the purpose of providing accommodation for persons occupying premises within the[2] Re-development Area in respect of which a re-development plan has been approved by the Minister of Health and the approval has become operative.

Copies of the said order and of the map referred to therein have been deposited at and may be inspected at all reasonable hours.

[3]Reference to the order and map will show which houses comprised in the land to be purchased compulsorily are to be purchased as being unfit for human habitation and not capable at reasonable expense of being rendered so fit.

SCHEDULE.

(Here insert description of the lands comprised in the order.)

Dated this day of , 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Description of the Local Authority.
[2] Insert citation title of re-development area.
[3] This paragraph to be omitted if no unfit houses are indicated in the order.

FORM No. 50.

NOTICE TO OWNERS, LESSEES, OCCUPIERS AND MORTGAGEES OF THE MAKING OF A COMPULSORY PURCHASE ORDER IN RESPECT OF LAND OUTSIDE A RE-DEVELOPMENT AREA.

Housing Act, 1936.

To { Owner / Lessee / Occupier / Mortgagee* } of†

Take Notice that the[1]
in pursuance of their powers under section 36 of the Housing Act, 1936, on the
day of 19 , made an order which is about to be submitted for confirmation by the Minister of Health authorising them to purchase compulsorily the lands specified in the schedule hereto.

The lands included in the order are lands which the Council have determined to purchase for the purpose of providing accommodation for persons occupying premises within the[2] Re-development Area in respect of which a re-development plan has been approved by the Minister of Health and the approval has become operative.

---

* The notice should be served on every mortgagee of houses indicated in the order as being unfit for human habitation, if it is reasonably practicable to ascertain such persons.
† Description of property in respect of which the notice is served.

Copies of the said order and of the map referred to therein have been deposited at and may be inspected at all reasonable hours.

[3]Reference to the order and map will show which houses comprised in the land to be purchased compulsorily are to be purchased as being unfit for human habitation and not capable at reasonable expense of being rendered so fit. [4]The houses in which you are interested as { owner / lessee / occupier / mortgagee* } which are indicated in the order as being in that condition are specified in the schedule to this notice.

Any objection to this order must be made in writing stating the grounds of your objection and addressed to the Minister of Health, Whitehall, London, S.W.1, before the[5]

day of 19 .

The Act provides that if any objection is duly made in writing by any person upon whom notices are required to be served stating as the ground thereof either—

(*a*) that any house indicated in the order as being unfit for human habitation and not capable at reasonable expense of being rendered so fit ought not to have been so indicated; or

(*b*) any matter not being a matter which in the opinion of the Minister can be dealt with by the arbitrator by whom the compensation is to be assessed;

the Minister shall, unless the objection is withdrawn cause a public local inquiry to be held with respect thereto and shall consider any objection not withdrawn, and the report of the person who held the inquiry, and may then confirm the order either with or without modification; in any other case the Minister may confirm the order with or without modification and either after, or without causing a public local inquiry to be held.

[3]The compensation payable in respect of houses which are indicated in the order as being unfit for human habitation and not capable at reasonable expense of being rendered so fit, will, if the order is confirmed by the Minister, be the value at the time the valuation is made of the sites of such houses as cleared of buildings and available for development in accordance with the requirements of the building byelaws for the time being in force in the district, assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

The compensation payable for the lands [[3]which do not comprise houses which are so unfit] will, if the order is confirmed by the Minister, be assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, subject to the rules specified in the Fourth Schedule to the Housing Act, 1936.

SCHEDULE.

(i) The lands included in the order are—

(here insert description of *all* the lands comprised in the order).

(ii)[4] The houses in which you are interested and which are indicated in the order as being unfit for human habitation are—

(here insert description of such houses sufficient for purposes of identification).

Dated this day of , 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Description of the Local Authority.
[2] Insert citation title of re-development area.
[3] To be omitted if no unfit houses are indicated in the order.
[4] To be omitted if inapplicable.
[5] Not less than fourteen days from the service of the notice should be allowed.

---

* The notice should be served on every mortgagee of houses indicated in the order as being unfit for human habitation, if it is reasonably practicable to ascertain such persons.

FORM No. 51.

ADVERTISEMENT AND PERSONAL NOTICE OF COMPULSORY PURCHASE ORDER CONFIRMED BY THE MINISTER OF HEALTH IN RESPECT OF LAND OUTSIDE A RE-DEVELOPMENT AREA.

Housing Act, 1936.

To*

Take Notice* Notice is hereby given that the Minister of Health in pursuance of the powers vested in him by the Housing Act, 1936, on the day of , 19 , confirmed [with modifications] an order submitted to him by[1] authorising them to purchase compulsorily under section 36 of the Housing Act, 1936, the lands described in the schedule hereto, being lands required for the purpose of providing accommodation for persons occupying premises within the[2] Re-development Area.

Copies of the confirmed order and of the map referred to therein have been deposited at and may be inspected at all reasonable hours.

[3]Reference to the confirmed order and map will show which houses comprised in the land to be purchased compulsorily are to be purchased as being unfit for human habitation and not capable at reasonable expense of being rendered so fit.

The order will become operative at the expiration of six weeks from the date of publication of this notice, but if proceedings in the High Court are instituted within that period by an aggrieved person desirous of questioning the validity of the order, the court may, if satisfied that the order is not within the powers of the Act or that the interests of the applicant have been substantially prejudiced by any requirement of the Act not having been complied with, quash the order either generally or in so far as it affects any property of the applicant.

SCHEDULE.

(Here insert description of the lands comprised in the confirmed Order, and in the personal notices indicate any unfit houses in which the person notified is interested.)

Dated this day of , 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Description of the Local Authority.

[2] Citation title of re-development area.

[3] This paragraph should be omitted if no unfit houses were indicated in the order as submitted to the Minister.

Given under the official seal of the Minister of Health this twenty-fifth day of January, nineteen hundred and thirty-seven.

(L.S.)

H. H. GEORGE,
Assistant Secretary,
Ministry of Health.

S. R. & O., 1937, No. 79.

THE HOUSING ACT (EXTINGUISHMENT OF PUBLIC RIGHT OF WAY) REGULATIONS, 1937, DATED JANUARY 29, 1937, MADE BY THE MINISTER OF HEALTH UNDER SECTION 176 (1) OF THE HOUSING ACT, 1936 (26 GEO. 5 & 1 EDW. 8, c. 51).

The Minister of Health in exercise of the powers conferred on him by section 176 (1) of the Housing Act, 1936, and all other powers enabling him in that behalf, hereby makes the following Regulations :—

1. These Regulations may be cited as the Housing Act (Extinguishment of Public Right of Way) Regulations, 1937, and shall come into operation forthwith.

* Delete for purpose of advertisement. For use as personal notice insert at head of form the name and address of the person or body to whom the notice is directed.

2. The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3. The Housing Acts (Extinguishment of Public Right of Way) Regulations, 1936, are hereby revoked but without prejudice to anything done thereunder or to the continuance under those Regulations of any action taken or commenced before the commencement of the Housing Act, 1936.

4. An order made by a local authority under Section 46 of the Housing Act, 1936 (*a*), for the extinguishment of any public right of way over any land which—

(1) they have purchased or resolved to purchase under Part III of the Housing Act, 1936 ; or

(2) is land belonging to the local authority which they have included in a clearance area or which might have been purchased by the authority as being land surrounded by or adjoining a clearance area had it not previously been acquired by them ; or

(3) is land belonging to the local authority and is comprised in a re-development plan in respect of which the approval of the Minister of Health has become operative,

shall be in the form set out in the schedule hereto or in a form substantially to the like effect.

5. Not less than six weeks before submitting the order for the approval of the Minister of Health the local authority shall—

(*a*) publish in one or more local newspapers circulating within their district a notice in the form set out in the schedule hereto describing the public right of way to which the order relates and naming a place at which a copy of the order and of the map referred to therein may be seen at all reasonable hours ; and

(*b*) affix a copy of the same notice in a prominent position at each end of the public right of way to which the order relates.

6. Every notice affixed in accordance with the last preceding clause shall be kept exhibited in such position for a period of not less than six weeks.

SCHEDULE.

FORM OF ORDER EXTINGUISHING A PUBLIC RIGHT OF WAY.

Housing Act, 1936.

Whereas the[1]
(hereinafter referred to as " the Council ") in pursuance of their powers under section 46 of the Housing Act, 1936, by a resolution passed on the day of 19 , determined to order the extinguishment of the public right of way along the

street[2] / road / pathway / passage } known as

over certain lands situate at
which lands are shown coloured [pink] on a map marked[3]

and sealed with the common seal of the Council and deposited at the offices of the Council ;

Now Therefore the Council in pursuance of their powers under the said section hereby order that the public right of way over the said lands along the

street[2] / road / pathway / passage } known as

and marked on the said map by[4] [dotted lines between points A and B and thereon hatched brown] shall cease and be extinguished as from the date of operation of this order.

(*a*) *Ante*, p. 1656.

This order may be cited as the[5] Right of Way Extinguishment Order, 19 , and shall come into operation as from the* HOUSING

Given under the seal of the[1] this day of 19 .

(L.S.)

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Description of the Local Authority.
[2] Strike out whichever descriptions are inappropriate.
[3] The map should be identified by a heading in the terms of the short title of the order.
[4] Or other clear description.
[5] Here insert a suitable short title.

FORM OF NOTICE OF THE MAKING OF AN ORDER EXTINGUISHING A PUBLIC RIGHT OF WAY.

Housing Act, 1936.

Notice is hereby given that the[1] in pursuance of their powers under Section 46 of the Housing Act, 1936, on the day of 19 , made an order which will be submitted to the Minister of Health for his approval, ordering that the public right of way described in the schedule hereto be extinguished as from the[2]

A copy of the said order and of the map referred to therein has been deposited at and may be seen at all reasonable hours.

Any objection to the said order must be made in writing, stating the grounds of objection, and addressed to the Minister of Health, Whitehall, London, S.W., before the[3] day of 19 .

The Act provides that if any objection to the order is duly made to the Minister before the expiration of six weeks from the date of publication thereof, the Minister shall not approve the order until he has caused a public local inquiry to be held into the matter.

SCHEDULE.

(Here insert such a description of the public right of way to which the order relates as may be sufficient for identification.)

Dated this day of 19 .

Signature of the Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THIS FORM.

[1] Description of Local Authority.
[2] Insert date of operation specified in the Order.
[3] Here insert a date six clear weeks from the date of publication of the notice.

Given under the official seal of the Minister of Health this twenty-ninth day of January, nineteen hundred and thirty-seven.

(L.S.)

H. H. GEORGE,
Assistant Secretary,
Ministry of Health.

* If the order for extinguishment of the right of way is made in advance of the purchase of the land, the order may, under the provisions of Section 46 of the Housing Act, 1936, extinguish that right as from the date on which the buildings on the land are vacated or at the expiration of such period thereafter as may be specified in the order, or as the Minister in approving the order may direct. In any other case the date of operation of the order should be stated either as the date of its approval by the Minister of Health or as at the expiration of a specified time thereafter.

S. R. & O., 1937, No. 80.

THE HOUSING ACT (OVERCROWDING AND MISCELLANEOUS FORMS) REGULATIONS, 1937, DATED JANUARY 29, 1937, MADE BY THE MINISTER OF HEALTH UNDER SECTION 176 (1) OF THE HOUSING ACT, 1936 (26 GEO. 5 & 1 EDW. 8, c. 51).

The Minister of Health in the exercise of the powers conferred on him by section 176 (1) of the Housing Act, 1936, and all other powers enabling him in that behalf, hereby makes the following Regulations :—

1. These Regulations may be cited as the Housing Act (Overcrowding and Miscellaneous Forms) Regulations, 1937, and shall come into operation forthwith.

2.—(i) In these Regulations the expression " the Act " means the Housing Act, 1936.

(ii) The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3. The Housing Acts (Overcrowding and Miscellaneous Forms) Regulations, 1936, are hereby revoked but without prejudice to anything done thereunder or to the continuance under those Regulations of any action taken or commenced before the commencement of the Act.

4. For determining for the purposes of Part IV of the Act (*a*) the number of persons permitted to use a house for sleeping, the floor area of a room shall be ascertained for the purposes of the Fifth Schedule to the Act (*a*), in the following manner—

(i) The area of any part of the floor space over which the vertical height of the room is, by reason of a sloping roof or ceiling, reduced to less than 5 feet shall be excluded from the computation of the floor area of that room.

(ii) Subject to any exclusion under the foregoing rule, the floor shall be measured so as to include in the computation of the floor area any floor space formed by a bay window extension and any area at floor level which is covered or occupied by fixed cupboards or projecting chimney breasts.

(iii) All measurements for the purpose of computing the floor area shall be made at the floor level and, subject as aforesaid, shall extend to the back of all projecting skirtings.

5. The summary of the provisions of sections 58, 59 and 61 of the Act (*b*) which, under sub-section (1) of section 62 of the Act (*b*), is required to be inserted in every rent-book or similar document, used in relation to a dwelling-house by or on behalf of the landlord thereof, shall be in the form set out in Part I of the Schedule hereto.

6. The forms set out in Part II of the schedule hereto, or forms substantially to the like effect, shall be used by a local authority in connection with their powers and duties under the Act in all cases to which those forms are applicable.

SCHEDULE.

PART I.

Summary of Sections 58, 59 and 61 of the Housing Act, 1936, to be inserted in a Rent Book or similar document.

1. After the day of an occupier who causes or permits his dwelling to be overcrowded is liable to prosecution for an offence under the Housing Act, 1936, and, if convicted, to a fine not exceeding five pounds. Any part of a house which is occupied by a separate family is a " dwelling."

2. A dwelling is overcrowded if the number of persons sleeping in it is more than the " permitted number," or is such that two or more of those persons, being ten years old or over, of opposite sexes (not being persons living together as husband and wife), must sleep in the same room.

3. The " permitted number " for the dwelling to which this [Rent Book] [ ] relates is persons. In counting the number of persons each child

(*a*) *Ante*, pp. 1668, 1784.
(*b*) *Ante*, pp. 1669, 1674.

under ten years of age counts as half a person, and a child of less than one year is not counted at all.

4. The Act contains special provisions relating to overcrowding already existing on the above-mentioned date or which is due to a child attaining the age of either one or ten years after that date, or which is due to exceptional circumstances. Full information about these special provisions and all provisions as to overcrowding can be obtained free on application to the Local Authority whose address is

PART II.

FORM A.

NOTICE BEFORE ENTRY FOR THE PURPOSE OF MEASUREMENT OF THE ROOMS OF A HOUSE.

Housing Act, 1936.

[Section 157 (*d*).]

To*

The occupier [owner] of the premises

(*description of premises*).

TAKE NOTICE that in pursuance of Section 157 of the Housing Act, 1936, I being a person duly authorised in writing by the Council of intend on the† day of 19 at any time between in the forenoon and in the afternoon, to enter the above-mentioned premises for the purpose of measuring the room for ascertaining, in accordance with the provisions of the Housing Act, 1936, the number of persons permitted to use the said premises for sleeping.

Dated this day of 19 .

Signature
Description
Residence or Place of Business } of the person authorised to enter.

FORM B.

NOTICE REQUIRING STATEMENT OF PERSONS SLEEPING IN A HOUSE.

Housing Act, 1936.

[Section 66 (3).]

To
Occupier of (*description of premises*).

YOU ARE HEREBY REQUIRED BY THE Council of in pursuance of Section 66 of the Housing Act, 1936, to complete the statement given below stating the numbers, ages and sexes of the persons sleeping in the above-mentioned premises within the period of twenty-four hours ending at noon on the§ day of 19 .

The statement required must be completed by you, as occupier of the said premises, and must be delivered or sent by post addressed to WITHIN FOURTEEN DAYS from the date of this Notice.

Date

Signature of the Clerk of the Local Authority.

(Any person who fails to give the required information or who furnishes a statement which to his knowledge is false in any material particular is liable on summary conviction to a fine of £2.)

STATEMENT REQUIRED.

The total number of persons sleeping at‡
within the period of twenty-four hours ending at noon on the‡§

---

* Notice must be given to the occupier and also to the owner, if the owner is known.
† 24 hours notice must be given before entry.
‡ These spaces should be filled up by the Authority.
§ The date specified should be the date of the Notice.

day of 19 was (*number*) persons, consisting of:—

Male persons ten years old or over .	(*number*)....			
Female persons ten years old or over .	(*number*)....			
Children one year old or over but under ten years .	(*number*).....(*ages*)	years months	years months	years months
		....	....	....
		....	....	....
		....	....	....
Children under one year old	(*number*).....(*ages*)	months		
		....		
		....		
		....		
		....		

I declare that the particulars given by me in the above statement are true and accurate to the best of my knowledge.

Date

Signature of occupier of premises.

FORM C.

NOTICE THAT A HOUSE IS OVERCROWDED.

Housing Act, 1936.

[Section 59 (5).]

To

(*name and address of the Landlord or his Agent*)

The Council of in pursuance of their powers under Part IV of the Housing Act, 1936, hereby give you Notice that the premises (*description of premises*) of which you are the Landlord [Agent for the Landlord] are overcrowded in such circumstances as to render the occupier thereof guilty of an offence under the Act, for the reason that [the number of persons sleeping therein is in excess of the permitted number which is persons] *or* *[the number of persons sleeping therein is such that two or more of those persons, being ten years old or more, of opposite sexes (not being persons living together as husband and wife) must sleep in the same room].

Under the provisions of subsection (5) of Section 59 of the Housing Act, 1936, the landlord of an overcrowded house is deemed to cause or permit it to be overcrowded if, after notice in writing that it is overcrowded in such circumstances as to render the occupier thereof guilty of an offence has been served upon the landlord or his agent by the local authority, the landlord fails to take such steps as it is reasonably open to him to take for securing the abatement of the overcrowding, including if necessary, legal proceedings for the possession of the house.

Subsection (1) of the same section provides that if the landlord of a dwellinghouse causes or permits it to be overcrowded, he shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding £5, and to a further fine not exceeding £2 in respect of every day subsequent to the day on which he is convicted on which the offence continues.

Dated this day of 19 .

Signature of the Clerk of the Local Authority.

* This alternative can only apply to a dwelling consisting of one room.

FORM D.

NOTICE TO OCCUPIER TO ABATE OVERCROWDING.

Housing Act, 1936.

[Section 66 (2).]

To
Occupier of (*description of premises*).

Whereas it appears to the Council of that the above-mentioned premises are overcrowded in such circumstances as to render the occupier thereof guilty of an offence under the Housing Act, 1936, for the reason that [the number of persons sleeping in the premises is in excess of the permitted number which is persons] *or* *[the number of persons sleeping in the premises is such that two or more of those persons, being ten years old or more, of opposite sexes (not being persons living together as husband and wife) must sleep in the same room].

TAKE NOTICE that the Council in pursuance of their powers under Section 66 of the Housing Act, 1936, hereby require you, before the expiration of fourteen days from the date of the service of this Notice on you, to abate the overcrowding of the above-mentioned premises, and for that purpose to (*state general action required to be taken by the occupier*)

If you fail to abate the overcrowding, proceedings for giving vacant possession of the premises to the landlord will be instituted by the Council under the provisions of the said Section 66 of the Act.

Dated this day of 19 .

Signature of the Clerk of the Local Authority.

FORM E.

LICENCE FOR TEMPORARY USE OF HOUSE BY PERSONS IN EXCESS OF THE PERMITTED NUMBER.

Housing Act, 1936.

[Section 61.]

To
Occupier *or* intending Occupier of the premises (*description of premises*).

The Council of in pursuance of Section 61 of the Housing Act, 1936, having considered your application dated the day of 19 for a licence to permit more than the permitted number of persons to sleep in the premises known as

DO HEREBY AUTHORISE you to permit persons only in excess of the permitted number to sleep in the above-mentioned premises during the period from to (*specify period not exceeding* 12 *months*) subject to the following conditions :—

UNLESS PREVIOUSLY REVOKED this licence will continue in force until the expiration of the above-mentioned period only, that is to say until the day of 19 , and authorises you during such period to permit the total number of persons to sleep in the above-mentioned premises.

This licence may be revoked by the Council at their discretion by means of a notice in writing specifying a period (not being less than one month from the date of the service of the notice) at the expiration of which the licence is to cease to be in force.

Dated this day of 19 .

Signature of the Clerk of the Local Authority.

FORM F.

NOTICE REVOKING LICENCE TO EXCEED THE PERMITTED NUMBER OF PERSONS.

Housing Act, 1936.

[Section 61 (3).]

To
Occupier *or* intending Occupier of the premises (*description of premises*).

Whereas the Council of in pursuance of their powers under subsection (3) of Section 61 of the Housing Act, 1936, have determined

* This alternative can only apply to a dwelling consisting of one room.

to revoke the licence granted to you on the day of 19 , whereby you were authorised to permit persons in excess of the number to sleep in the premises known as during the period from to

NOW THEREFORE I GIVE YOU NOTICE that the said licence is revoked and will cease to be in force as from the expiration of (*insert period not less than one month*) from the date of service of this Notice.

If, after the expiration of the above-mentioned period, you permit more than (*permitted number*) persons to sleep in the above-mentioned premises, you will be liable to prosecution for an offence in relation to overcrowding under the provisions of Section 59 of the Act of 1936.

Dated this day of 19 .

Signature of the Clerk of the Local Authority.

FORM G.

CERTIFICATE AS TO SUITABLE ALTERNATIVE ACCOMMODATION.

Housing Act, 1936.

[Section 68.]

PREMISES to which this certificate relates : { (*Description*) (*Address*)

The Council of HEREBY CERTIFY under Section 68 of the Housing Act, 1936, that the above-mentioned premises, of which the permitted number under the Act is persons, are suitable to the needs of and his family of persons now living at as regards security of tenure and proximity to place of work and otherwise, and are suitable in relation to his means *[and are also suitable as respects extent of accommodation, having regard to the standard specified in paragraph (*b*) of Section 136 of the Housing Act, 1936].

Dated this day of 19 .

Signature of the Clerk of the Local Authority.

FORM H.

CERTIFICATE OF AVAILABILITY OF SUITABLE ALTERNATIVE ACCOMMODATION.

Housing Act, 1936.

[Section 50 (2).]

The Council of in pursuance of subsection (2) of Section 50 of the Housing Act, 1936, are satisfied that for the purpose of enabling re-development to be carried out in accordance with proposals which have been submitted to them by of and in respect of which they have given notice of their satisfaction, it is necessary that the dwellinghouse (*description*) to which the Rent and Mortgage Interest Restrictions Acts, 1920 to 1933, apply, should be vacated.

And the Council HEREBY CERTIFY that suitable alternative accommodation† within the meaning of Part IV of the Housing Act, 1936, is [will be] available [on the day of 19] for (*name*) tenant of the above-mentioned dwellinghouse and his family consisting of persons at (*description of premises which are or will be available*)

Dated this day of 19 .

Signature of the Clerk of the Local Authority.

---

* This part is required only if the certified house belongs to the Local Authority.

† A certificate as to suitable alternative accommodation in the preceding Form G must have been given in respect of the house.

FORM I.

CERTIFICATE OF FITNESS OF A HOUSE.

Housing Act, 1936.

[Section 51.]

HOUSE to which this certificate relates: { (*Description*) / (*Address*) }

The Council of being satisfied that all requisite works have been executed HEREBY CERTIFY under Section 51 of the Housing Act, 1936, that the above-mentioned house is in all respects fit for human habitation and will with reasonable care and maintenance remain so fit for a period of* years from the date hereof.

Dated this day of 19 .

Signature of the Clerk of the Local Authority.

Fee payable—One Shilling.

Given under the official seal of the Minister of Health this twenty-ninth day of January, nineteen hundred and thirty-seven.

(L.S.)

H. H. GEORGE,
Assistant Secretary,
Ministry of Health.

CIRCULAR 1602.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
6th March, 1937.

HOUSING (RURAL WORKERS) ACTS: PUBLICITY.

SIR,—I am directed by the Minister of Health to refer to the Report on the Housing (Rural Workers) Acts, submitted to him by the Central Housing Advisory Committee, a copy of which was enclosed with Circular 1583 (*a*) and forwarded to you on November 28, 1936.

The Report drew attention to the excellent results obtained in those areas where wide publicity has been given to the facilities available under the Acts and included the following recommendation (paragraph 9 of the Report):—

> "We also suggest that the Minister of Health might be recommended to consider the preparation of an attractive illustrated pamphlet, calling attention to the facilities offered by the Acts and stressing the use which may be made of them in connection with the relief of overcrowding by making it possible to enlarge small cottages. This pamphlet could then be used by local authorities and other persons for purposes of publicity."

The Minister is of opinion that a greater use of the provisions of the Acts is much to be desired and he has gladly adopted the suggestion made to him by the Advisory Committee. Accordingly arrangements are now being made for the issue of an illustrated booklet and also of a pictorial poster and a folder illustrated in colours. Descriptions of these publications are given in the memorandum accompanying this Circular (*b*). The poster is intended for general display both outdoors and indoors, the folder for wide distribution to landowners, farmers, architects, surveyors, builders, solicitors, estate agents and others, and the booklet for issue to all who, in response to the wider publicity, seek more detailed information.

It is anticipated that these publications will be ready for issue shortly after Easter and the Minister earnestly hopes that the Council will be willing to co-operate with

* The period inserted must not be less than five nor more than ten years.

(*a*) Not here printed.

(*b*) See *post*, p. 3088.

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him by undertaking to distribute them in their area. Copies of the publications, together with envelopes for the folders and booklets, will be supplied without charge and it will be of great assistance to the Minister to know as soon as possible how many copies of each publication the Council are likely to require. As some guidance to the number of copies required, I am to add that provision has been made in the first instance to meet an average demand of about 500 posters and 2,500 leaflets for each administrative county. It will be appreciated that the booklet will not be available in such large numbers, as it will not be for general distribution but only for the use of *bona fide* inquirers. The Minister will accordingly be much obliged if you will be good enough to complete and return without delay the form, of which two copies are enclosed with this letter.

Suggestions as to publicity arrangements, some of which it may be found convenient to adopt, are given on pages 10–13 of the Advisory Committee's Report. In particular, the Minister thinks that County Councils administering the Acts will wish to act in close co-operation with the Rural District Councils within the county, and *vice versa*. He hopes also that his Inspectors may be able to be of some assistance to the Council on the matter, and they are being instructed to communicate with you to this end.

I am, etc.

MINISTRY OF HEALTH CIRCULAR 1602.

HOUSING (RURAL WORKERS) ACTS: PUBLICITY.

(NAME OF LOCAL AUTHORITY)

(*Date*)

To the Secretary,
Ministry of Health,
Whitehall,
London, S.W.1.

With reference to the above Circular and accompanying memorandum, please supply, for the use of the above Council:—

* * * * * *

.....copies of the Booklet with envelopes.

(Signed)

Clerk to the Council.

(Address)

MEMORANDUM.

PUBLICITY ABOUT THE HOUSING (RURAL WORKERS) ACTS.

A Sixteen page booklet, $8\frac{3}{8}$ inches by $5\frac{3}{8}$ inches, entitled "New Homes for Old," together with a plain envelope bearing the Ministry of Health symbol—the letters M.H. in reversed lettering on a small disc—is available for distribution to persons interested in rural housing. The booklet has a cover design shewing a farmer discussing with his farmworker tenant the bad state of repair of his cottage and a photographic frontispiece shewing a house before and after reconditioning. It contains a description in non-technical language of common defects in country cottages, the way they can be remedied under the Acts, and the financial arrangements of the Acts. The text is illustrated by line drawings.

S. R. & O., 1937, No. 216.

THE HOUSING ACT, 1936 (OPERATION OF OVERCROWDING PROVISIONS) ORDER, 1937, DATED MARCH 20, 1937, MADE BY THE MINISTER OF HEALTH UNDER THE HOUSING ACT, 1936 (26 GEO. 5 & 1 EDW. 8, C. 51).

The Minister of Health, in exercise of his powers under Section 68 of the Housing Act, 1936 (hereinafter referred to as " the Act "), and of all other powers enabling him in that behalf, hereby makes the following Order :—

1. In relation to the areas which are specified in the Schedule to this Order the appointed day for the purposes of Section 62 of the Act (which provides for entry in rent books or similar documents of a summary in the prescribed form of certain provisions of the Act relating to overcrowding) shall be the first day of April, 1937, and the appointed day for the purposes of Sections 59 and 64 (which contain provisions as to offences in relation to overcrowding) and Section 60 and sub-section (2) of Section 6 of the Act shall be the first day of October, 1937.

For s. 62 see *ante*, p. 1674; s. 59, *ante*, p. 1670; s. 64, *ante*, p. 1675; s. 60, *ante*, p. 1672; s. 6 (2), *ante*, p. 1599.

2. This Order may be cited as the Housing Act, 1936 (Operation of Overcrowding Provisions) Order, 1937.

SCHEDULE.

AREAS TO WHICH THIS ORDER APPLIES.

County of Chester.

Borough of :—Stalybridge.

County of Derby.

Urban District of :—Heanor.
Rural District of :—Chesterfield.

County of Leicester.

Urban District of :—Coalville.

County of York, West Riding.

Rural District of :—Hemsworth.

County of Brecknock.

Rural District of :—Ystradgynlais.

County of Caernarvon.

Borough of :—Bangor.

Given under the official seal of the Minister of Health this twentieth day of March, nineteen hundred and thirty-seven.

(L.S.)

E. D. MACGREGOR,
Assistant Secretary,
Ministry of Health.

S. R. & O., 1937, No. 555.

THE HOUSING ACT, 1936 (OPERATION OF OVERCROWDING PROVISIONS) ORDER (No. 2), 1937, DATED JUNE 17, 1937, MADE BY THE MINISTER OF HEALTH UNDER THE HOUSING ACT, 1936 (26 GEO. 5 & 1 EDW. 8, C. 51).

The Minister of Health, in exercise of his powers under Section 68 of the Housing Act, 1936 (hereinafter referred to as " the Act "), and of all other powers enabling him in that behalf, hereby makes the following Order :—

1. In relation to the areas which are specified in the Schedule to this Order the appointed day for the purposes of Section 62 of the Act (which provides for entry in

rent books or similar documents of a summary in the prescribed form of certain provisions of the Act relating to overcrowding) shall be the first day of July, 1937, and the appointed day for the purposes of Sections 59 and 64 (which contain provisions as to offences in relation to overcrowding) and Section 60 and subsection (2) of Section 6 of the Act shall be the first day of January, 1938.

2. This Order may be cited as the Housing Act, 1936 (Operation of Overcrowding Provisions) Order (No. 2), 1937.

SCHEDULE.

AREAS TO WHICH THIS ORDER APPLIES.

I.—METROPOLITAN BOROUGHS.

Hampstead, Holborn, Paddington, Saint Marylebone, Saint Pancras, Southwark.

II.—COUNTY BOROUGHS.

Barnsley, Birmingham, Bradford, Bristol, Dewsbury, Huddersfield, Plymouth, Southampton, Walsall, Wolverhampton.

III.—COUNTY DISTRICTS.

County of Chester.

Borough of:—Congleton.

County of Derby.

Borough of:—Buxton.
Urban Districts of:—Alfreton, Belper, Clay Cross.

County of Monmouth.

Urban Districts of:—Rhymney, Tredegar.

County of Salop.

Borough of:—Wenlock.
Urban District of:—Dawley.

County of Stafford.

Borough of:—Wednesbury.

County of York, West Riding.

Boroughs of:—Batley, Brighouse, Morley, Ossett.
Urban Districts of:—Heckmondwike, Normanton, Spenborough, Stanley.

County of Anglesey.

Urban District of:—Holyhead.

County of Flint.

Rural Districts of:—Hawarden, Holywell.

Given under the official seal of the Minister of Health this seventeenth day of June nineteen hundred and thirty-seven.

(L.S.)

E. D. MACGREGOR,
Assistant Secretary,
Ministry of Health.

S. R. & O., 1937, No. 854.

THE HOUSING ACT, 1936 (OPERATION OF OVERCROWDING PROVISIONS) ORDER (No. 3), 1937, DATED SEPTEMBER 20, 1937, MADE BY THE MINISTER OF HEALTH UNDER THE HOUSING ACT, 1936 (26 GEO. 5 & 1 EDW. 8, C. 51).

The Minister of Health, in exercise of his powers under Section 68 of the Housing Act, 1936 (hereinafter referred to as "the Act"), and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. In relation to the areas which are specified in the Schedule to this Order the appointed day for the purposes of Section 62 of the Act (which provides for entry

in rent books or similar documents of a summary in the prescribed form of certain provisions of the Act relating to overcrowding) shall be the first day of October, 1937, and the appointed day for the purposes of Sections 59 and 64 (which contain provisions as to offences in relation to overcrowding) and Section 60 and sub-section (2) of Section 6 of the Act shall be the first day of April, 1938.

2. This Order may be cited as the Housing Act, 1936 (Operation of Overcrowding Provisions) Order (No. 3), 1937.

SCHEDULE.

AREAS TO WHICH THIS ORDER APPLIES.

COUNTY DISTRICTS.

County of Monmouth.

Urban District of :—Nantyglo and Blaina.

County of Anglesey.

Rural District of :—Aethwy.

Given under the official seal of the Minister of Health this twentieth day of September, nineteen hundred and thirty-seven.

(L.S.)

E. D. MACGREGOR,
Assistant Secretary,
Ministry of Health.

S. R. & O., 1937, No. 1172.

THE HOUSING ACT, 1936 (OPERATION OF OVERCROWDING PROVISIONS) ORDER (No. 4), 1937, DATED DECEMBER 22, 1937, MADE BY THE MINISTER OF HEALTH UNDER THE HOUSING ACT, 1936 (26 GEO. 5 & 1 EDW. 8, C. 51).

The Minister of Health, in exercise of his powers under Section 68 of the Housing Act, 1936 (hereinafter referred to as " the Act "), and of all other powers enabling him in that behalf, hereby makes the following Order :—

1. In relation to the areas which are specified in the Schedule to this Order the appointed day for the purposes of Section 62 of the Act (which provides for entry in rent books or similar documents of a summary in the prescribed form of certain provisions of the Act relating to overcrowding) shall be the first day of January, 1938, and the appointed day for the purposes of Sections 59 and 64 (which contain provisions as to offences in relation to overcrowding) and Section 60 and sub-section (2) of Section 6 of the Act shall be the first day of July, 1938.

2. This Order may be cited as the Housing Act, 1936 (Operation of Overcrowding Provisions) Order (No. 4), 1937.

SCHEDULE.

AREAS TO WHICH THIS ORDER APPLIES.

COUNTY DISTRICTS.

County of Chester.

Borough of :—Dukinfield.

County of Derby.

Borough of : Ilkeston.

County of Monmouth.

Urban District of :—Pontypool.

County of Stafford.

Urban District of :—Tipton.

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County of Anglesey.

Rural District of:—Valley.

County of Carmarthen.

Rural District of:—Newcastle Emlyn.

Given under the official seal of the Minister of Health this twenty-second day of December nineteen hundred and thirty-seven.

(L.S.)

R. STANTON,
Assistant Secretary,
Ministry of Health.

S. R. & O., 1938, No. 216.

THE HOUSING ACT, 1936 (OPERATION OF OVERCROWDING PROVISIONS) ORDER, 1938, DATED MARCH 16TH, 1938, MADE BY THE MINISTER OF HEALTH UNDER THE HOUSING ACT, 1936 (26 GEO. 5 & 1 EDW. 8, C. 51).

The Minister of Health, in exercise of his powers under Section 68 of the Housing Act, 1936 (hereinafter referred to as "the Act"), and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. In relation to the areas which are specified in column 1 of the Schedule to this Order the appointed day for the purposes of Section 62 of the Act (which provides for entry in rent books or similar documents of a summary in the prescribed form of certain provisions of the Act relating to overcrowding) shall be the date shown in column 2 of the said Schedule and the appointed day for the purposes of Sections 59 and 64 (which contain provisions as to offences in relation to overcrowding) and Section 60 and subsection (2) of Section 6 of the Act shall be the date shown in column 3 of the said Schedule.

2. This Order may be cited as the Housing Act, 1936 (Operation of Overcrowding Provisions) Order, 1938.

SCHEDULE.

1 Areas to which this Order applies.	2 Appointed day.	3 Appointed day.
Metropolitan Boroughs of:—		
Bermondsey	April 1, 1938	October 1, 1938
Bethnal Green	April 1, 1938	October 1, 1938
Finsbury	October 1, 1938	April 1, 1939.
Islington	April 1, 1938	October 1, 1938.
Poplar	April 1, 1938	October 1, 1938.
Shoreditch	April 1, 1938	October 1, 1938.
Stepney	January 1, 1939	July 1, 1939.

Given under the official seal of the Minister of Health this sixteenth day of March, nineteen hundred and thirty-eight.

(L.S.)

LOUIS INFIELD,
Assistant Secretary,
Ministry of Health.

CIRCULAR 1696.

The London County Council.
County Borough Councils.
Metropolitan Borough Councils.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
23rd April, 1938.

SIR,—I am directed by the Minister of Health to refer to the Housing (Financial Provisions) Act, 1938 (*a*), and to enclose, for the information and guidance of the

(*a*) *Ante*, p. 1866.

Council, two copies of a memorandum explaining the provisions of the Act and the procedure which should be followed by local authorities in carrying out their duties under it. The memorandum has been placed on sale and further copies may be obtained from H.M. Stationery Office, or through any bookseller.

The main effect of the Act, so far as regards the County Borough Councils and the London housing authorities, is to replace as from the beginning of the year 1939 the varying Exchequer and rate contributions payable for the different purposes of the Housing Acts of 1930 and 1935 by uniform rates of contribution applicable alike to all those purposes. As from that date, therefore, the same rates of contributions will be payable in respect of the provision of such new houses as may be necessary, whether in connection with the rehousing of persons displaced from unfit houses in pursuance of demolition orders, closing orders, and clearance, improvement and redevelopment operations, or as a result of displacements from other houses in pursuance of redevelopment operations, or with a view to the abatement of overcrowding.

In accordance with the suggestion made in the Circular of October 22nd, 1935 (Circular 1500A), local authorities have in the execution of their programmes for dealing with slum clearance and the abatement of overcrowding concentrated their first efforts on the provision of houses in connection with slum clearance. As a result of the progress which has been made the position has now been reached that the total amount of rehousing work to be done after the end of 1938 may be expected to be divided in approximately equal proportions between slum clearance and overcrowding, although the proportions will vary in different districts. The equalisation of the contributions in respect of houses built for each purpose will facilitate the progress of the two campaigns for slum clearance and the abatement of overcrowing side by side and the Minister is anxious that both campaigns should be prosecuted with equal vigour.

It will be observed that, while under Section 1 of the Act the new Exchequer contributions will apply to houses completed after the beginning of 1939, the Minister is empowered by Section 10 to pay such contributions in respect of houses, other than houses provided in connection with slum clearance, completed before the end of 1938 for which no building contract had been entered into by February 3, 1938. There will consequently be no need for local authorities to hold up proposals for the provision of houses for the relief of overcrowding during the remainder of the present year, in order to secure the new subsidies.

It will also be observed that the new Exchequer contributions are payable for housing accommodation approved for the purposes of the Act by the Minister. Any houses, therefore, approved by the Minister under the Act of 1936 which are not completed fit for occupation by the end of 1938, and so will fall within the purview of the new Act, will require the approval of the Minister under the Act; and he hereby approves such houses for the purposes of the Act.

The assimilation of the two subsidies for slum clearance and the abatement of overcrowding which is effected by the Act of 1938 is based on the view that the economic position of those living in unfit and in overcrowded houses, respectively, does not differ to such an extent as to warrant any general difference in the rents of the houses built by local authorities for their accommodation. This assimilation will enable local authorities to determine the sequence of their housing programme during the next few years on the ground of the relative urgency of need from the public health point of view, and without reference to the comparative amount of assistance which will be available.

When the subsidies fixed by this Act come into operation nearly one-half of those living in unfit and overcrowded houses in the operative programmes will have moved to their new homes, though the proportion in any individual district will vary substantially according to the extent of the programme and the activity displayed by the local authority since the campaign began.

The subsidies fixed by the Act will be available for houses completed by September 30, 1942, and the Minister feels no doubt that with the activity which is now being generally displayed the programmes adopted by local authorities can be substantially completed within this period.

The Minister favours the practice which has been adopted generally by local authorities of entering into building contracts for the erection of such number of

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houses only as can be completed within a reasonable period. He suggests, however, that there is considerable advantage to local authorities in taking such preliminary steps as the choice and acquisition of sites required for the execution of their programme well in advance of actual building operations. Such procedure will enable local authorities to aid the planning of their district by determining in advance what land is likely to be required by them during the next few years for the erection of working-class houses, and will enable them to maintain an even flow of production, or to increase or decrease it as may at any time be found most convenient, without being hampered by any difficulties or delays in regard to the acquisition of sites.

The Minister will be prepared to entertain applications for sanction to loans for the acquisition of sites likely to be required by the local authority, notwithstanding that building operations are not immediately contemplated.

I am, etc.

CIRCULAR 1697.

Town Councils.
Urban District Councils.
Rural District Councils.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
23rd April, 1938.

SIR,—I am directed by the Minister of Health to refer to the Housing (Financial Provisions) Act, 1938 (*a*), and to enclose, for the information and guidance of the Council, two copies of a memorandum explaining the provisions of the Act and the procedure which should be followed by local authorities in carrying out their duties under it. The memorandum has been placed on sale and further copies may be obtained from H.M. Stationery Office, or through any bookseller.

Under the Act the varying Exchequer and rate contributions payable for the different purposes of the Housing Acts of 1930 and 1935 will be replaced as from the beginning of the year 1939 by uniform rates of contribution applicable alike to all those purposes. As from that date, therefore, the same rates of contributions will be payable in respect of the provision of such new houses as may be necessary, whether in connection with the rehousing of persons displaced in pursuance of demolition orders, closing orders, and clearance and improvement operations, or with a view to the abatement of overcrowding. Although the amount of the contributions will be uniform for both slum clearance and the abatement of overcrowding, the Act maintains and extends the difference in the amount of this contribution in favour of the agricultural population which was established by the Act of 1935.

The amount of the Exchequer contribution payable in respect of houses built with the Minister's approval for the agricultural population will in the ordinary case be £10 a year for 40 years, but this amount may be increased up to £12 a year in exceptional circumstances.

The scope of the assistance available for the provision of houses for the agricultural population is considerably extended by the Act. The contributions under the Act are available not merely for houses built for slum clearance and the abatement of overcrowding but also for houses built to meet the general needs of the agricultural population.

Rural District Councils have in the past directed the Minister's attention to the difficulties which they have experienced in providing houses for agricultural workers at rents within their capacity to pay, and the Minister understands that the lack of modern houses available for such workers has contributed in no small measure to the drift from the land which has led to the present shortage of agricultural labour. The Rural Housing Sub-Committee of the Central Housing Advisory Committee recommended that assistance for the purpose should be made available and should be assimilated with that provided for the abatement of overcrowding.

The provisions in the Act are designed to secure this object and the Exchequer

(*a*) *Ante*, p. 1866.

subsidy has been fixed at a high level in order to secure houses which can be let to agricultural workers at an appropriate level of rents without imposing an undue burden on local rates.

The Minister has no doubt that he can rely on local authorities to take early advantage of this opportunity with special reference to the needs of agricultural workers and that they will at once give consideration to the question of including in their building programme provision for their ascertained needs for this purpose.

The local authority will be aware from the surveys which they have made of the general extent of the house building required to replace unfit houses and to abate overcrowding. The full extent of the new accommodation required over a period of years for the general needs of the agricultural population will depend materially upon the trend of the agricultural industry in the district during this period, and any estimate now made will therefore need to be reviewed in the light of experience.

Nevertheless, with their knowledge of the conditions of their district the authority will no doubt already have ascertained or will be able readily to ascertain by inquiry in the different parishes what is the present need for this purpose and will be able to formulate provisional proposals for dealing with unfit houses, the abatement of overcrowding, and the general needs of the agricultural population.

With the knowledge of the subsidies available for houses to be built in the next few years the local authority should consider the adoption of such proposals in outline and take early action for the choice and acquisition of sites even though building operations may not in all cases be immediately contemplated. For the purpose of their immediate building programme the local authority will no doubt put in hand only such number of houses as can be completed within a reasonable period (say 9–12 months), and the Minister will be glad to be informed of the number of such houses. Particulars as to the form in which proposals should be submitted are contained in the accompanying memorandum.

In this connection the Minister wishes to emphasise the importance of building houses which will not only provide more healthy living conditions for the tenants but will be attractive and in keeping with the neighbourhood. The houses now to be built may be expected to stand as a part of the village or the countryside for several generations and the Minister is confident that the local authority will desire that they should be objects of pride and not of criticism. To secure this end the houses should be not merely well planned but well sited.

The Minister has already referred to this matter in the Circular issued in May, 1936 (*a*) (Circular 1539), and since, under the present Act, a special measure of financial assistance is being given towards the needs of the agricultural population, he wishes to urge upon local authorities the importance of securing skilled technical advice which will enable them to attain the desired object.

The Minister is anxious to afford any assistance in his power and he is about to issue a new Manual supplementary to those previously issued for the guidance of local authorities, containing additional material which he thinks will be of special interest to Rural District Councils. When plans have been prepared, it will save time and trouble at a later stage if they are submitted to the Department before tenders are obtained.

In considering the acquisition of sites for the new houses Rural District Councils will no doubt bear in mind the observations of the Rural Housing Sub-Committee of the Central Housing Advisory Committee in paragraphs 22 and 23 of their Second Report on "Rural Housing." The majority of the witnesses who appeared before the Sub-Committee considered that so far as possible new houses should be built in or close to existing villages, rather than on isolated sites; and the Sub-Committee suggested that the new houses might fit more appropriately into the existing surroundings if the size of gardens were varied to correspond to the custom of the district, additional land being provided if necessary in the form of separate allotments on which tenants might keep pigs or poultry without causing annoyance to their neighbours.

The Sub-Committee also stressed the importance of adequate outbuildings in rural areas and mentioned that, according to the evidence given before them, existing houses built by local authorities often left something to be desired in this respect.

It will be observed that, while under Section 1 of the Act the new Exchequer

(*a*) *Ante*, p. 3010.

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contributions will be payable for houses completed after the beginning of 1939, the Minister is empowered by Section 10 to pay such contributions in respect of houses, other than houses provided in connection with slum clearance, completed before the end of 1938 for which no building contract was entered into by February 3, 1938. There will consequently be no need for local authorities to hold up proposals for the provision of houses to abate overcrowding or houses for the agricultural population during the remainder of the present year in order to secure the new subsidies.

It will also be observed that the Exchequer contributions provided under the Act are payable for housing accommodation approved for the purposes of the Act by the Minister. Any houses therefore approved by the Minister under the Act of 1936, which are not completed fit for occupation by the end of 1938, and so will fall within the purview of the new Act, will require the approval of the Minister under the Act, and he hereby approves such houses for the purposes of the Act.

I am, etc.

HOUSING (FINANCIAL PROVISIONS) ACT, 1938.

SUMMARY OF PROVISIONS OF THE ACT.

1. Section 1 provides that in respect of houses built by local authorities with the approval of the Minister for the rehousing of persons displaced from unfit houses as a result of demolition and closing orders and in pursuance of clearance, improvement, or redevelopment operations, for the rehousing of persons displaced from other houses in pursuance of redevelopment operations, and for the purpose of abating overcrowding, an Exchequer contribution of £5 10*s*. per house per annum shall be payable for 40 years.

Special provision is made in subsection (2) of Section 1 in respect of flats built on expensive sites, the Exchequer contribution being graded according to the cost of the site per acre, as set out in the Schedule to the Act.

Under subsections (3) and (4) of Section 1 the subsidy of £5 10*s*. may be increased to £6 10*s*. in non-county boroughs, urban and rural districts where the level of working-class rents is substantially below the average for the particular type of district and the financial resources of the district are small in relation to the housing work to be done.

Section 2 provides that in respect of houses built by local authorities with the approval of the Minister for members of the agricultural population, whether for slum clearance, overcrowding or for general needs, the Exchequer contribution shall be £10 a year for 40 years, which may in exceptional circumstances be increased up to a maximum of £12 a year.

Section 3 provides that if in special cases local authorities make arrangements for the erection of houses for members of the agricultural population by some person other than themselves an Exchequer contribution may be made available to the owner of the house up to £10 a year for 40 years, subject to certain specified conditions.

Section 4 prescribes that the Exchequer contributions (other than those payable under Section 3) provided under the Act shall be Exchequer contributions for the purposes of the Act of 1936, *i.e.* they shall be brought into the Housing Revenue Account.

Section 5 prescribes arrangements for the review of the Exchequer contributions payable under the Act, amending appropriately the relevant provisions of the Act of 1936. The section provides that the Minister shall review the situation after October 1, 1941, but that the contributions under the Act shall be payable in respect of all houses completed by September 30, 1942.

Section 6 provides that rate contributions shall be paid by the local authorities on the basis of one-half of the Exchequer contributions, with the exceptions that in cases in which the Exchequer contribution of £5 10*s*. is increased to £6 10*s*. the contribution by the local authority will be on the basis of one-half of £5 10*s*., and that the local authority's contribution in respect of houses provided by them for the agricultural population will be on the basis of £1 a year for 40 years.

Section 7 provides for contributions by the County Council in respect of agricultural housing and where the Exchequer contribution of £5 10*s.* is increased to £6 10*s.* In each case the County Council are required to make a payment of £1 a year for 40 years. Further, where the Exchequer contribution towards houses for the agricultural population is increased beyond £10 the County Council are required to contribute an additional amount equal to the excess.

Section 8 enables arrangements to be made by local authorities with housing associations for the provision of houses not only for purposes of slum clearance and the abatement of overcrowding as under the Act of 1936 but also for the general needs of the agricultural population, and for the Exchequer contributions provided under the Act to be made available to them.

Section 9 authorises the continuance of Exchequer contributions in cases in which houses provided by other persons with assistance from a local authority become, owing to default, vested in the local authority.

Section 10 makes the transitional provisions necessitated by the changes effected by the Act. It provides that houses completed not later than December 31, 1938, shall rank for the Exchequer contributions fixed by the Acts of 1930 and 1935, whereas those finished after that date will rank for the subsidies fixed by the new Act. It extends, however, the new subsidies to houses for the abatement of overcrowding or for the general needs of the agricultural population completed before December 31, 1938, if no contracts were entered into in respect of them before February 3, 1938.

Sections 11 and 12 deal with the interpretation and short title of the Act, with special reference to the interpretation of the term " blocks of flats."

TRANSITIONAL ARRANGEMENTS.

2. (a) *Houses provided for the purposes of slum clearance.*

Exchequer contributions at the rates fixed by the Act of 1930 will be available for houses the erection of which has been approved for slum clearance purposes and which are completed by December 31, 1938, where the housing accommodation is rendered necessary because of displacements occurring in the circumstances set out in paragraph (*a*) of Section 1 (5) of the new Act.

In order to render these houses eligible for assistance at the rate fixed under the Act of 1930 evidence should be available to show that the number of displacements effected by the local authority by December 31, 1938, or within a reasonable time after that date, arises in such circumstances as to justify the claim for subsidy. It would, on the one hand, be inequitable to exclude in calculating the subsidy to be paid as prescribed by the Act of 1930 persons displaced from unfit houses after December 31, 1938, whose needs formed part of the justification for the building of houses completed by that date. On the other hand, it would not be equitable to bring into account for the purpose of calculating subsidy displacements occurring perhaps before, perhaps long after, December 31, 1938, which were not so taken into account (except to the extent that they may have been substituted for others so taken into account but not actually dealt with).

(*b*) *Houses erected to abate overcrowding.*

As previously indicated, while the Exchequer contributions provided by the Act will normally be applicable to houses completed after December 31, 1938, those subsidies may be paid in respect of housing accommodation provided for purposes other than those referred to in sub-paragraph (*a*) of this paragraph completed before that date if they were included in contracts let not earlier than February 3, 1938.

GENERAL CONDITIONS ATTACHING TO PROPOSALS UNDER THE ACT.

3. Proposals submitted by local authorities after the receipt of this memorandum will for the most part relate to houses which will be completed after December 31, 1938. The Act does not amend the general law contained in the Acts which were consolidated in the Housing Act of 1936 and accordingly calls for no substantial alteration in the procedure of local authorities under those Acts. The main difference

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under the new Act lies in the fact that the Exchequer contributions payable under it will be uniform, whether the houses are provided for slum clearance or the abatement of overcrowding. It will not be necessary therefore for local authorities to adopt different procedures in submitting proposals for houses for these purposes, and it will make no difference if houses intended for one of these purposes at the outset are in fact used for the other of these purposes, and no approval by the Minister is needed to such change of procedure on the part of the local authority.

It is however essential that at the time of submitting proposals to the Minister for the erection of a specific number of houses and their approval for subsidy under the Act the local authority should have, and should submit to him, evidence that their needs for slum clearance, the abatement of overcrowding, or the general needs of the agricultural population, are sufficient to call for the erection of the number of houses proposed. In their application the local authority should therefore indicate—

(*a*) the number of unfit houses remaining in their programme for which provision has not been made by houses already approved;

(*b*) the number of overcrowded houses in regard to which provision has not already been made; and

(*c*) in the case of houses for the agricultural population, the number already reserved and the number still needed.

Under Section 85 (2) of the Housing Act, 1936, the local authority are required in selecting their tenants to give a reasonable preference to persons who are occupying insanitary or overcrowded houses, have large families or are living under unsatisfactory housing conditions. Exchequer contributions under the Act of 1938 are given specifically for the purposes of slum clearance and the abatement of overcrowding and it is essential therefore that the houses built under that Act should be let in such a way as to secure the maximum contribution to the solution of these evils.

For the reasons indicated in paragraph 4 following it will not be obligatory on the local authority to let the whole of the houses to persons removed from unfit or overcrowded houses but they must ensure that the provision of the houses is accompanied by the elimination of unfit accommodation or the abatement of overcrowding at least to an equivalent amount. An assurance that such action has been or will be taken will be required when proposals for the erection of further houses are submitted.

In approving proposals for the purposes of the Act, the Minister would not normally allow for Exchequer subsidy a greater number of houses than the total of the unfit houses to be dealt with *plus* the number of overcrowded families in respect of whom new accommodation has to be provided. But, where owing to the number of families living in the unfit houses it is necessary to provide new houses in excess of those which are to be dealt with, he would be prepared to allow a number of new houses not greater than the total number of families.

When the immediate building proposals which form the subject of the application approximate to the total some fuller evidence in regard to the number of houses included for the abatement of overcrowding will be required. The experience of local authorities has already shown that it is not as a rule necessary to build a new house in place of each overcrowded house, as many cases of overcrowding can be relieved by a better distribution of existing accommodation; and in such cases the local authority should therefore indicate the evidence on which they have formed their estimate of the number of houses likely to be required for this purpose. Care should be taken not to include among overcrowded houses those overcrowded houses which will be dealt with as unfit houses.

TYPES OF HOUSES TO BE INCLUDED IN PROPOSALS.

4. An important consideration for the local authority to bear in mind in the formulation of their building proposals is the type of houses to be built and the number of each type.

It is, of course, important to see that those families who are to be removed from unfit or overcrowded houses are provided with suitable accommodation, but it does not therefore follow that the new accommodation which is being provided should be determined solely with regard to the needs of the actual families whose displacement will be the justification for the local authority's claim for subsidy under the Act.

As a result of the overcrowding survey the local authorities now have available full information as to the housing conditions and housing needs of their districts and they are in a position to judge of which types of houses there is a surplus and of which types there is a deficiency. If the new houses to be provided by the local authority are to serve the most beneficial purpose they should take the form of those types in which the district is lacking and, in so far as the families to be displaced require accommodation of a type of which there is a surplus, opportunities should be taken to provide them with this accommodation by some re-allocation of existing accommodation. For instance, it is not uncommon to find that houses with two bedrooms constitute a large proportion of the working-class accommodation in many districts, and that many of these houses are occupied by families too large for them. It would in such districts be undesirable for the local authority to add to this type of accommodation when there is a demand for and a shortage of houses with more bedrooms for family use or of houses of a smaller type suitable for aged couples. While, therefore, the provision of those types which are generally suitable for the needs of the ordinary family will no doubt continue to constitute the main form of supply, the special needs of old age pensioners, and other single persons, and old couples and large families should be considered and when necessary provided for in the building programme of the authority.

The opportunities of relating the new houses to the general needs of the district will be greater in districts where there is a substantial programme of building than in districts where the work of the local authority consists of the provision of small groups of houses scattered over a large area, but the extent to which the general housing situation of the district can be improved by attention to this aspect of the problem should be carefully examined by each local authority.

OUTBUILDINGS, GARDENS, ETC., IN RURAL DISTRICTS.

5. Rural District Councils erecting houses should consider the desirability of providing such appurtenances as outbuildings, garden plots and suitable space for the keeping of poultry and pigs. In suitable cases such provision would materially enhance at small cost the value of the house to the tenant.

The normal density in rural areas has been at the rate of eight houses to the acre, but where land can be acquired at reasonable cost and the circumstances of the district render this course desirable the Minister would raise no objection to proposals which allow of additional land being provided for the use of some or all of the houses.

On the other hand the Minister accepts the view expressed in the report of the Rural Sub-Committee of the Central Housing Advisory Committee (paragraph 23 of that report) that there are occasions when houses may properly be erected at a somewhat higher density than eight to the acre, the needs of those tenants who require larger gardens being met by the provision of separate allotments. Each local authority should consider this question in the light of their own local conditions, and should take into account the wishes and habits of those who are likely to occupy the houses.

PROCEDURE OF LOCAL AUTHORITIES.

6. (a) *General.*

As indicated in an earlier paragraph of this Memorandum, the Act does not call for any substantial variation in the procedure previously adopted by local authorities. The experience which has been gained during the last few years suggests, however, that for the guidance of local authorities generally, and for the benefit of those who may under the new opportunities provided by this Act be embarking for the first time on building proposals, it is desirable to draw attention to a few points of procedure with a view to expediting the submission and approval of proposals.

(b) *Acquisition of Sites.*

Local authorities have for the most part had considerable experience in the selection and purchase of sites for housing purposes, but as difficulties have arisen in regard to individual proposals the Minister thinks it desirable to indicate the general procedure to be adopted.

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In the selection of a site the local authority should have regard to the availability of services such as water, drainage, gas and electricity, and to the suitability of the site for an effective lay-out. Where the proposals presently in mind represent only an instalment of the need, the authority should consider the advisability of purchasing additional land at the same time in order that the lay-out may be prepared as a whole. Otherwise they may later find themselves under the necessity of purchasing additional land at a price enhanced by their own operations.

Applications to the Minister for sanction to a loan for the acquisition of a site should be accompanied by—

A site plan drawn to a scale of 1/500.

The District Valuer's valuation of the land.

The services of the District Valuer are available to the local authority for conducting negotiations for the acquisition of the land.

(c) *Lay-out and House Plans.*

Local authorities have in general put forward building proposals for the erection of such number of houses as can be completed within a reasonable period (say 9–12 months) and the Minister concurs in the adoption of this general procedure. His technical officers will, however, be glad to consider lay-outs of sites as a whole, notwithstanding that only a portion of the site is intended to be used for immediate building operations.

In giving instructions for the preparation of lay-out and house plans the local authority will have regard to the importance of obtaining skilled technical advice.

Before steps are taken to obtain tenders it will be necessary for local authorities to obtain the approval of the Minister to the number of houses to be built at any one time, and for this purpose the Minister should be furnished with the following information :—

(i) Site on which proposed to be erected, stating whether already acquired or not.

(ii) Description and superficial area of houses.

(iii) Whether the local authority have satisfied themselves that the proposals will not prejudice or conflict with the requirements of any planning scheme made or likely to be made in respect of or in the neighbourhood of the area in which the houses are to be provided.

(iv) A lay-out of the whole of the site with contour lines or sufficient spot levels to show the general lie of the land, indicating in some distinctive way the houses to be built immediately. The density of dwellings to be stated.

(v) Sketch plans of the houses to be built immediately.

(vi) An outline specification dealing with external materials.

(d) *Tenders.*

Where tenders have been obtained in accordance with the approval given as above, application will be made for sanction to the necessary loans.

It would be of assistance to the Minister's officers in expediting the consideration of tenders if local authorities would in submitting them supply the particulars specified in the form set out in Appendix II to this memorandum.

The information to be supplied to the Ministry at this stage should include—

(1) a copy of the resolution of the local authority applying for sanction to the loan : the resolution should specify separately the amounts estimated to be required for land, roads, sewers and houses ;

(2) a certificate that the houses as proposed will comply with the prescribed conditions as regards materials, type of construction and density ;

(3) a list of tenders submitted indicating which it is proposed to accept. If the tender proposed to be accepted is not the lowest tender, a statement of the special reasons of the local authority should be given ; and

(4) a copy of the lay-out, house plans and specifications if these are not already in the possession of the Ministry. If they are, a reference to the date of submission should be given.

ERECTION BY LOCAL AUTHORITIES OF HOUSES FOR AGRICULTURAL POPULATION.

7. Under the Act a higher rate of Exchequer contribution is available and there is a lower statutory rate contribution for houses required for the agricultural population, and these provisions apply not only to houses required for slum clearance and overcrowding but also to houses for the general needs of the agricultural population.

Applications for Exchequer contributions for houses for the agricultural population will under the Act be dealt with direct by the Minister and not, as was the case for houses built for the agricultural population under the Act of 1935, on the recommendation of a special Committee.

Houses for the agricultural population will no doubt as a rule form part of building proposals which include houses for which the ordinary rates of Exchequer contribution will be payable.

In view of the special rates of contribution it will be necessary for the local authority, as indicated in paragraph 3, to satisfy the Minister that the houses are actually required for the agricultural population.

Where therefore proposals are submitted to the Minister for authority to proceed with a specified number of houses including houses required for the agricultural population, the local authority should state the number estimated to be required for this purpose.

The proviso to Section 2 (1) of the Act makes provision for an increased subsidy for houses required for the agricultural population in certain special circumstances. In any such cases consultation with the County Council will be required, and as an application for an increase cannot be considered until after the necessary cost of the houses has been ascertained the procedure will be devised in consultation with the individual local authority as and when the case arises.

Although the definition of agricultural population is not restricted in terms to agricultural workers and their dependants as ordinarily understood the subsidy and particularly the new subsidy for the general needs of the agricultural population would have failed in its purpose if the houses were not in fact mainly occupied by the agricultural workers. The Minister will watch with interest the progress made by local authorities in improving by the means now available the housing conditions of agricultural workers for whose benefit this subsidy has been introduced.

RESERVATION OF HOUSES FOR AGRICULTURAL POPULATION.

8. The Minister's approval to building proposals will be given in the light of estimates made by the local authority but the payment of subsidy at the increased rate will be contingent upon evidence as to the use made by the Council of their housing accommodation for the benefit of the agricultural population.

The general requirement that only those houses needed for the agricultural population will attract the special rate of subsidy must be read in conjunction with the condition laid down in Section 2 (2) of the Act. The Council must secure that a number of their houses equal to the number for which they receive the higher rate of contribution are reserved for members of the agricultural population except in so far as the demand for housing accommodation in the district on the part of such members can be satisfied without such reservation.

This condition is similar to that contained in Section 85 of the Housing Act, 1936, and applies to the whole of the houses erected with the special rate of subsidy under Section 2 of the Act of 1938 as well as to those towards which the County Council have undertaken to make a contribution under subsection (2) of Section 115 of the Act of 1936, or are required to make a contribution under subsection (3) of that Section.

The essential point to remember is that, while the number of houses for which local authorities may receive this special rate of subsidy is governed by the needs of the agricultural population for the time being, a particular house need not always be occupied by a person in that category. If at some future date the Council consider that another of their houses would be more suitable it would be proper to reserve that house for a member of the agricultural population in need of one, in place of the house originally provided with the special rate of subsidy. The latter might then be occupied by an ordinary tenant, and the rent suitably adjusted according to the

circumstances. Further, it would not be necessary that a member of this class should be compelled to vacate his home merely because he had changed his occupation, provided that another vacant house were made available for a member of the agricultural population needing accommodation. In such a case the subsidy would not be affected. The local authority must (under Section VII of Appendix I to Memorandum E which accompanied Circular 1500 of October 22, 1935 (*a*)) keep a register which will show at any date the actual houses reserved for members of the agricultural population.

ERECTION OF HOUSES FOR AGRICULTURAL WORKERS BY PERSONS OTHER THAN THE LOCAL AUTHORITY.

9. Section 3 of the Act enables the local authority to make grants in respect of agricultural housing by other persons. The local authority must before undertaking to grant assistance satisfy themselves on the individual application that the housing accommodation can more conveniently be provided in this way than by the local authority themselves. The particular case which the Rural Sub-Committee of the Housing Advisory Committee instanced as being likely to lend itself to this provision was the erection of new houses on isolated farms for the accommodation of stockmen, etc. There may be other occasions on which the local authority, in the light of their knowledge of local conditions, may satisfy themselves that they could not conveniently undertake the erection of houses, and it will be observed that under the terms of the section the local authority are required to satisfy themselves in regard to each individual application.

The assistance to be afforded by the local authority should take the form of an annual payment over a period of 40 years. The amount of the assistance will be at the discretion of the local authority but the amount of the Exchequer contribution payable to the local authority where such assistance has been granted will not exceed the amount of the assistance or a maximum of £10 a year for a period of 40 years for each house.

The payment of this Exchequer contribution will be dependent on the observance of certain requirements. These are that the house—

(*a*) is reserved for members of the agricultural population, and

(*b*) if let,

(i) is let at a rent which by any order of the appropriate agricultural wages committee in force at the time of letting is determined as the value at which the benefit of a cottage is to be reckoned as payment of wages in lieu of payment in cash, or

(ii) if no such rent is so determined such weekly rent as may be determined by the local authority, and

(*c*) is suitable in respect of size and construction.

The local authority should make the observance of these requirements a condition of their grant of assistance to the applicant, and it is suggested that the applicant should be required to sign an undertaking that requirements (*a*) and (*b*) will be observed.

No contribution is payable in respect of a house for any year unless those requirements have been observed and unless reasonable steps have been taken to secure the maintenance of the house in a proper state of repair during the year. It will be necessary for the local authority to certify to the Minister that these conditions have been observed during the year.

Particulars of any applications in regard to which the local authority propose to make arrangements should be submitted to the Minister with an indication of the amount of grant proposed to be given and of the steps which the local authority propose to take to ensure that the statutory requirements are observed. A plan and lay-out of the house or houses should be enclosed and also a certificate from the Surveyor to the Council that the houses—

(*a*) are in compliance with the requirements as to size, materials, density, type of construction, etc., approved by the Minister of Health for houses to be built by local authorities;

(*a*) *Ante*, p. 3007.

(*b*) are to be of entirely new construction and of a type for which a loan period of not less than 60 years is allowed to a local authority by the Minister of Health;

(*c*) will not prejudice or conflict with the requirements of any planning scheme made or likely to be made in respect of or in the neighbourhood of the area in which the houses are to be provided.

EXCHEQUER CONTRIBUTION OF £6 10*s.* IN SPECIAL CASES.

10. The essential qualifications for this rate of contribution are indicated in subsections (3) and (4) of Section 1 of the Act. They are—

(i) that the houses in the borough or district which are occupied by members of the working classes are let at rents substantially less on the average than the average of the rents of such houses in the country generally. The rental standard of comparison for a borough or urban district will be with the average of boroughs and urban districts, and for a rural district with the average of rural districts; and

(ii) that the provision of the houses without the additional contributions provided by this subsection will involve an undue burden on the borough or district.

It will be necessary for any local authority who wish to make application under these subsections to supplement the information required under paragraphs 3 and 6 of this memorandum with a summary of the particulars which they have obtained for the purpose of ascertaining the average rents of houses occupied by members of the working classes in the district, and with particulars regarding their past and prospective expenditure for housing purposes, and as to their financial position generally.

The Minister is required by the statute to consult with the County Council before undertaking to make any contribution under these subsections, and he will be glad if the local authority will apprise the County Council of the application and of the information which they furnish to the Minister, informing the Minister that they have done so.

REGISTERS, RECORDS, ETC.

11. The Exchequer contributions provided for by the Act are payable subject to any conditions laid down by the Treasury. The Treasury conditions are appended to this memorandum (Appendix I).

The forms of registers to be kept under the Treasury conditions differ slightly from those previously kept. Local authorities may, however, in some cases find it convenient to adapt the existing registers set up under the Acts of 1930 and 1935 instead of compiling new ones. The registers will record the completion of operations in connection with which the new accommodation is to be provided and will show cases where for any reason those operations were not carried out in their entirety. It should thus be easy when considering proposals for further building to make due allowance for any accommodation provided under earlier proposals which may prove to have been in excess of requirements.

Appended to this memorandum (Appendix III) is a model form of application for the use of local authorities in submitting proposals under the Act.

APPENDIX I.

CONDITIONS OF GRANT APPROVED BY TREASURY.

Housing (Financial Provisions) Act, 1938.

1. The local authority shall keep registers for the purpose of recording action taken by them in relation to (*a*) houses in clearance or improvement areas (*b*) unfit houses in re-

HOUSING

development areas and (c) individual unfit houses or parts of houses not included in clearance, improvement, or re-development areas.

Particulars will be entered in the register as regards each house showing :—

(1) Address or situation of house ;

(2) Section of principal Act under which action has been taken ;

(3) Result of action taken, *e.g.* whether the house was closed, or demolished, etc. ;

(4) Description of clearance, re-development or improvement area (if any) in which it was included ;

(5) Number of working-class occupants to be displaced ;

(6) Reference to certificate of authorised officer as to (5) ;

(7) Date of displacement ;

(8) Reference to certificate of authorised officer as to (7) ;

(9) Reference to proposals for the provision of necessary new accommodation and to Minister's undertaking to make a contribution.

2. The local authority shall keep registers of new dwellings provided under the Act, with financial assistance from the Exchequer which (*a*) are rendered necessary (i) by displacements of persons occurring in connection with any action taken by the local authority under the principal Act for the demolition of insanitary houses, for dealing with clearance or improvement areas or for closing parts of buildings, or (ii) by displacements, occurring in the carrying out of re-development in accordance with a re-development plan, from houses which are unfit for human habitation and are not capable of being rendered fit for human habitation at reasonable expense, and (*b*) are required for the purpose of the abatement of overcrowding in the area of the local authority, or rendered necessary by displacements, occurring in the carrying out of re-development as aforesaid, from houses other than such as are mentioned in (ii). Separate parts of the registers shall be used for the recording of particulars relating to dwellings provided by the authority and dwellings provided by a housing association. Particulars will be entered in the register as regards each contract, showing :—

(*a*) Site and address or situation of dwellings ;

(*b*) Reference to contract and plans ;

(*c*) Amount and period of contribution to be made by the Minister ;

(*d*) Reference to the Minister's undertaking to make the contribution referred to at (*c*) ;

(*e*) Date of completion of each dwelling ;

(*f*) Reference to certificate of completion by surveyor or other authorised officer of the Council ;

(*g*) If the dwellings are provided by a housing association, references to the arrangements made by the local authority with the association and to the Minister's approval of such arrangements.

3. Where new dwellings are provided under the Act by a housing association and Exchequer contributions are payable to the local authority in respect of the dwellings, an undertaking in relation to the dwellings shall be given by the local authority that they will take steps to satisfy themselves before each payment of grant by them to the association that the terms of the arrangements made with the association and approved by the Minister, or the conditions imposed by a scheme under Section 95 of the Act of 1936, have been, and are being observed by the association.

4. The Local authority shall keep separate registers of new houses provided under Sections 2 and 3 of the Act, other than those referred to in paragraph 2 of these conditions. Particulars will be entered in the register of dwellings provided under Section 2 as regards each contract, showing :—

(*a*) Site and address or situation of the houses ;

(*b*) Reference to contract and plans ;

(*c*) Amount of annual contribution to be made by the Minister ;

(*d*) Reference to the Minister's undertaking to make the contribution referred to at (*c*) ;

(*e*) Date of completion of each house ;

(*f*) Reference to certificate of completion by Surveyor or other authorised officer of the Council.

Particulars will be entered in the register of dwellings provided under Section 3 as regards each house, showing :—

(*a*) Name of person providing the house ;

(*b*) Address or situation of house ;

(*c*) Reference to arrangements made by the local authority with the person referred to at (*a*) ;

(*d*) Reference to the Minister's approval of the arrangements ;

(*e*) Amount of annual contribution to be made by the Minister ;

(*f*) Date of completion of the house ;

(*g*) Reference to certificate of completion by Surveyor or other authorised officer of the Council ;

(*h*) Name and occupation of tenant or occupier of the house ;

(*i*) The weekly rent charged for the house (if let) ;

(*j*) The weekly rent determined in accordance with sub-paragraphs (i) and (ii) of Section 3 (1) (*b*) of the Act of 1938.

5. The certificate of completion by the Surveyor or other authorised officer of the authority shall be in the following form :—

Housing (Financial Provisions) Act, 1938.

CERTIFICATE OF COMPLETION OF DWELLINGS.

This is to certify that each of the dwellings described in the schedule below was completed fit for occupation before the date set opposite to the description of the dwelling in that schedule ;

And that the dwellings have been constructed in a proper and workmanlike manner and in compliance with the requirements as to size, materials, type of construction, etc., approved by the Minister of Health ;

And that the dwellings are of entirely new construction and of a type for which a loan period of not less than sixty years is allowed by the Minister of Health or which has been specially approved by the Minister of Health.

SCHEDULE.

Address or description of dwelling.	Date of Completion.	Reference No. for register.

Given under my hand this day of .19

Signed

Surveyor or other authorised officer of the

Council.

6. The Treasury conditions set out in Section VII of Appendix I to Memorandum E shall apply to new dwellings provided under this Act in the same manner as they apply to other dwellings provided with financial assistance from the Exchequer and referred to in the said Appendix.

APPENDIX II.

FORM TO ACCOMPANY SUBMISSION OF TENDERS.

Authority .....

*Site ..... Number of houses .....

Details of Building Cost (including buildings, house drains, paths, fences).

†Tender by .....

	Type.	Area exclusive of out-buildings.	Rate per sq. ft. s. d.	Cost per House.	Number of Houses.	Total Cost.	Remarks.‡
1.			@	£			
			Outbuildings				
2.			@	£			
			Outbuildings				
3.			@	£			
			Outbuildings				
4.			@	£			
			Outbuildings				
						£	

APPENDIX III.

Housing (Financial Provisions) Act, 1938.

SECTION 1.

Form of Application to be completed and forwarded when approval is sought to the erection of houses to rank for Exchequer Contribution under Section 1 of the Act.

Name of local authority .....

PART I.

Present Estimate of the Total Number of Houses still required.

1. Number of overcrowded families as disclosed by the original Survey .
2. Estimate of number of overcrowded families who will remain overcrowded after all houses at present under construction are occupied
3. Estimated number of insanitary houses in respect of which re-housing proposals have not yet been approved . . . . .
4. Estimated number of further houses required . . . . .

* A separate form should be used for each site.

† The tender includes £.....per house for contingencies.

‡ Particulars of any estimated amounts due to abnormal works such as underbuilding, etc., should be mentioned here.

PART II.

Particulars as to present proposals for rehousing persons displaced from unfit dwellings.

Name, situation and area of site, whether already acquired and, if so, for what purpose.*	Proposed houses.			Number of persons for whom the houses would provide accommodation on basis of Sec. 136 of the Act of 1936.	Probable date of completion.
	Type.	No. of each type.	Superficial area of each type.		
Total . . .			Total .		

Displacements for which the above proposals are intended to provide.

	Number of houses to be demolished.	Number of persons to be displaced.	No. of houses required for rehousing on basis laid down in Sec. 136 of the Act of 1936	Probable dates of displacements.
1. Names or descriptions of Areas .				
2. Individual insanitary houses not included in Areas†				
Totals . . .				

* If the Council possess land already acquired for housing purposes and do not propose to utilise it for the present scheme the reasons should be stated.

† There should be entered in the Register kept under the Treasury conditions against each house included in the number entered here, a reference to this proposal.

PART III.

Particulars as to present proposals for the abatement of overcrowding.

Name, situation and area of site, whether already acquired and, if so, for what purpose.*	Proposed houses.			Number of persons for whom the houses would provide accommodation on basis of Sec. 136 of the Act of 1936.	Probable date of completion.
	Type.	No. of each type.	Superficial area of each type.		
Total . . .			Total .		

Signed

Date

CIRCULAR 1716.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
1*st July*, 1938.

HOUSING (RURAL WORKERS) AMENDMENT ACT, 1938.

SIR,—I am directed by the Minister of Health to call the attention of county councils and other local authorities administering the Housing (Rural Workers) Acts, 1926 and 1931 (*a*), to the above-mentioned amending Act (*b*) which recently became law.

The following is a summary of the provisions of the Act :—

Section 1 extends the operation of the existing Acts of 1926 and 1931 and of schemes made by local authorities under them so as to cover applications for assistance made up to September 30th, 1942.

Section 2 provides that lump sum grants under the Acts may in future be paid by instalments as the reconditioning works progress.

Section 3 provides that persons exercising the option to relieve themselves of the conditions attached to grants by making repayment shall in future be required to repay not the whole of the grant but an amount proportionate to the unexpired part of the period during which the conditions were to operate.

Section 4 amends the definition in Section 3 of the principal Act of the term "normal agricultural rent" in relation to cases in which the number of agricultural workers in a district is insufficient to enable an average rent of such workers to be determined.

Section 5 prescribes in respect of grants made after the passing of the Act that in addition to the conditions laid down under the earlier Acts all reasonable steps must

* If the Council possess land already acquired for housing purposes and do not propose to utilise it for the present scheme the reasons should be stated.

(*a*). *Ante*, pp. 1839, 1859.

(*b*) *Ante*, 1875.

be taken for twenty years to maintain the house in a fit state for working-class habitation.

Section 6 specifies the maximum rent which may be charged by owners who, having received assistance under the Acts, subsequently obtain further assistance in respect of the same house.

Section 7 provides for the apportionment by the local authority of the rent of a house in respect of which assistance has been received under the Acts in cases in which the house is let with other land at a single rent.

Section 8 enables a county council, if they have paid grants in the district of a local authority to whom the administration of the Acts is subsequently transferred, to include the district in their area of charge in respect of these grants.

Section 9 provides that where a dwelling in respect of which grant has been paid on an application made before August 2, 1935, is overcrowded within the meaning of the Housing Act, 1936, a further grant may be paid in respect of improvements designed to abate the overcrowding equivalent to a maximum of two-thirds of the cost of the works with a limit of £100, but the total amount of all the grants paid in respect of the dwelling must not exceed £150.

Section 10 relates exclusively to Scotland.

Section 11 deals with the short title, citation, construction, and extent of the Act.

It will be seen that the Act extends (with certain modifications) the provisions of the Acts of 1926 and 1931 to cover applications received by local authorities not later than September 30, 1942.

The period of extension has been synchronised so far as is practicable with the period for which Exchequer assistance has been made available for the building of new houses for the agricultural population under the Housing (Financial Provisions) Act, 1938, and the Minister trusts that by the concurrent operation of the two Acts, which are complementary to each other, the maximum degree of improvement will be secured during the next four years in the housing condition of the agricultural population. He hopes moreover that local authorities will be prepared in all cases to envisage the maximum assistance permissible under the Acts, since he feels sure that the establishment of any arbitrary maximum below that amount, as has, he understands, been done by some local authorities in the past, would have the effect of limiting the number of cottages benefiting under the Acts.

The first essentials in this campaign, so far as the present Act is concerned, are to ascertain what houses are most suitable for improvement and to give every facility and encouragement for the improvement of these houses.

The Minister is much impressed with the increased progress made in those areas where wide publicity has been given to the facilities available under the Acts and he trusts that local authorities will continue and intensify this work. Further supplies of the illustrated folder and booklets made available to local authorities in the spring of last year, suitably amended to take account of the provisions of the new Act, will be obtainable without charge on application to the Ministry. Specimens will be forwarded as soon as practicable, together with an application form.

The Rural Sub-Committee of the Central Housing Advisory Committee in their Second Report recommended a survey to show what suitable houses there are, and the Minister believes that the making of such a survey would be a most useful supplement to the publicity work which local authorities are already carrying out.

In cases in which the county council are the authority administering the Acts the councils of county districts will, the Minister hopes, place all information in their possession as to houses suitable for assistance at the disposal of the county council, and will, if requested by that council, undertake investigations on their behalf. As a result of the surveys which they have already made in order to ascertain the unfit and overcrowded houses in their areas local authorities will in most cases be in a position to give the county council valuable information for the purpose of extending the operation of the Acts. In this, as in other matters, the Minister trusts that he may rely on the councils of county districts to establish the closest co-operation with the county councils. Conversely, the Minister hopes that county councils will take steps to secure the fullest possible co-operation with the councils of county districts with a view to drawing on their knowledge and experience. This will assist in the establishment of uniform standards as between county councils and the councils of county districts which is of vital importance. Apart from other

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considerations, it is clearly desirable to avoid any possibility that cottages for which grant had been paid by the county council should subsequently be regarded as fit for demolition by the council of the county district.

The character and scope of the work to be carried out with the help of the Acts is of primary importance. Ordinary works of repair are excluded, and it should be the objective to secure not simply such amount of work as would be sufficient to bring a house up to a minimum standard of fitness or to save it from falling below that standard, but such substantial and comprehensive improvements as will make the house as near as can be comparable in its standard of structure and amenities with a modern house. Information which has on occasion been supplied by individual local authorities in regard to work already done under the Acts shows that substantial expenditure has often been incurred by owners in excess of the statutory minimum with the idea of attaining this objective, and the Minister welcomes the attitude which this action betokens. No one will suggest that in every way or in every case there can be any exact comparison between an old and a new house, but by careful attention to the range of practicable works it should usually be possible to make the life of the occupants as healthy and comfortable in the old house which is reconstructed as in a new house on the same site. The Minister thinks it desirable to indicate for the guidance of local authorities and of applicants the sort of points which he has in mind.

The limited facilities for water supply and drainage in many rural districts impose corresponding limits on the extent to which country cottages can be equipped with the sanitary conveniences which are available in towns, but where possible it is in the Minister's view highly desirable that such cottages should have an internal water supply, a bathroom, and modern sanitary accommodation. Other desirable facilities are modern cooking appliances, and, in suitable areas, electric or gas lighting. In connection with the provision of water supply and drainage local authorities are reminded that assistance may be given to persons providing such facilities jointly for a number of cottages if the total cost is not less than £100 irrespective of the number of cottages concerned. Authorities will doubtless bring this point to the notice of potential applicants in suitable cases.

If the Act is to succeed in its object, it is essential that the administering authorities should not only do all they can to encourage applications for assistance but should also give applicants every possible help. Their procedure should accordingly be as elastic and personal as possible. The purpose of the Acts is to provide good homes for the tenants, and local authorities should not therefore reject proposals for improvements simply because in their view the applicants could afford to carry out the work without assistance.

In Circular 1697 (*a*) issued on April 23, 1938, regarding the Housing (Financial Provisions) Act, 1938, the Minister emphasised the importance of building houses which will not only provide more healthy living conditions for the tenants but will be attractive and in keeping with the neighbourhood, and of securing skilled technical advice which will enable local authorities to attain this object. Similar considerations apply to the reconstruction of rural cottages under the Housing (Rural Workers) Acts in cases in which, as will often happen, improvements affect design, and the manual referred to in that Circular, which has now been issued, contains a section on the subject of reconditioning. The Minister hopes that county councils will enlist the services of their appropriate technical officer in considering reconditioning proposals and will, if necessary, be prepared to make his services available to the councils of county districts administering the Acts. Local authorities will doubtless in suitable cases point out to applicants that architects' fees can be included in the cost of works for which assistance is claimed, and that the Council for the Preservation of Rural England in conjunction with the Royal Institute of British Architects and the Institute of Builders have organised local panels who will give general advice to owners free of charge. Further information about the local panel can be obtained from the Secretary to the Council for the Preservation of Rural England, 4, Hobart Place, London, S.W.1.

The Minister would draw the attention of authorities to the following difficulties in the administration of the Acts referred to in the Second Report of the Rural Housing Sub-Committee of the Central Housing Advisory Committee:—

(*a*) *Ante*, p. 3094.

(*a*) the difficulty which has sometimes arisen in providing temporary accommodation for tenants during the process of works. The Minister suggests that the difficulty might be met, as has been done in some areas, by the placing of a road van at the disposal of the tenants ;

(*b*) where a house has been separately let before the execution of works and the rent charged has been less than that normally paid by agricultural workers in the district the rent may be raised on completion of the works to the level of the rent normally paid by such workers, but there is no power to force the owner to reduce a rent which has previously been above the normal agricultural rent. The Minister suggests that authorities might consider the obtaining of an undertaking that if assistance is granted the rent to be charged in future should not exceed that normally paid in the district.

The Minister earnestly invites each local authority administering the Acts, and particularly those in whose districts comparatively little advantage has been taken of the Acts, to review their machinery and to consider in what manner they can secure that the best possible use is made of the Acts in their districts. The Minister will be glad to afford local authorities any help in his power if they wish to apply to him for advice. In addition to providing good homes for rural workers at comparatively small cost, a proper use of the Acts may well save many country cottages the loss of which would be generally deplored.

Local authorities will observe that the Act of 1938 imposes certain new functions upon them. Thus, under Section 2 they now have the power to pay grants by instalments, under Section 7 they may have to apportion rents as between houses and land, and under Section 9 they are empowered to give additional assistance with a view to the abatement of overcrowding and are required to ensure that the additional assistance will in fact lead to such abatement. Further, Sections 3, 4, 5, and 6 will involve local authorities in certain duties of ascertainment. But the Act does not call for any alteration of procedure as between the Minister and local authorities and the schemes made under Section 1 of the Act of 1926 are continued under it. It will, however, be appreciated that if the extension of the operation of a scheme makes it necessary to exceed any limit, *e.g.*, in respect of the number of applications to be granted contained in the scheme the Minister's approval should be obtained.

Two copies of this Circular are enclosed. The Circular has been placed on sale and further copies may be obtained from H.M. Stationery Office, or through any bookseller.

I am, etc.

S. R. & O., 1938, No. 1231.

THE HOUSING ACTS (EQUALISATION ACCOUNT) REGULATIONS, 1938, DATED OCTOBER 3, 1938, MADE BY THE MINISTER OF HEALTH UNDER SECTION 176 OF THE HOUSING ACT, 1936 (26 GEO. 5 & 1 EDW. 8, C. 51).

The Minister of Health in exercise of the powers conferred on him by section 176 and section 132 (1) of the Housing Act, 1936, and of all other powers enabling him in that behalf, hereby makes the following regulations :—

1. These regulations may be cited as the Housing Acts (Equalisation Account) Regulations, 1938.

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them :—

"The Act of 1923" means the Housing, &c. Act, 1923 :

"The Act of 1924" means the Housing (Financial Provisions) Act, 1924 :

"The Act of 1936" means the Housing Act, 1936 :

"The Act of 1938" means the Housing (Financial Provisions) Act, 1938 :

"The Minister" means the Minister of Health :

The "Housing Revenue Account" (*a*) and the "Housing Equalisation Account" (*b*) have the same meaning as in the Housing Act, 1936.

(*a*) See s. 128 of the Housing Act, 1936, *ante*, p. 1729.
(*b*) See s. 132 of the Housing Act, 1936, *ante*, p. 1733.

(2) The Interpretation Act applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

The Acts mentioned are printed *ante*: Act of 1923, p. 1812; Act of 1924, p. 1826; Act of 1936, p. 1583; Act of 1938, p. 1866.

3. The Housing Acts (Equalisation Account) Regulations, 1936 are hereby revoked, but without prejudice to anything done thereunder or to the continued operation of any direction given by the Minister under section 132 (2) of the Act of 1936.

4. Subject to the provisions of these regulations and of any directions given by the Minister under subsection (2) of section 132 of the Housing Act, 1936, every local authority who are required to keep a Housing Revenue Account shall keep a Housing Equalisation Account and shall in each financial year beginning April 1 carry to the credit of that account from the Housing Revenue Account the aggregate of the undermentioned sums, viz. :—

(*a*) an amount equal to the one-seventh part of the aggregate amount of the Exchequer contributions payable to the authority for that year under :—

(i) paragraph (*b*) of subsection (1) of section 1 of the Act of 1923, as amended by sections 1 and 2 of the Act of 1924 ;

(ii) Sections 105, 106 and 108 of the Act of 1936 ;

(iii) Sections 1 and 2 of the Act of 1938 ;

(*b*) an amount equal to the one-seventh part of the aggregate amount of any contributions payable to the authority for that year from a county council under :—

(i) Section 115 of the Act of 1936 ;

(ii) Section 7 of the Act of 1938.

5. If a local authority satisfy the Minister that, having regard to arrangements made by them for repaying money borrowed for expenditure in connection with the provision of the houses to which the Housing Revenue Account relates, or for any other reason, it is necessary or expedient that the total amount to be carried to the credit of the Housing Equalisation Account in any year under regulation 4 of these regulations should be varied, the amount to be carried to the credit of that account in that year shall be such sum as the Minister may determine to be appropriate in all the circumstances.

6. If a local authority satisfy the Minister that it is necessary or expedient that an amount should be carried in any year from the Housing Revenue Account in respect of contributions payable under paragraph (*b*) of subsection (1) of section 1 of the Act of 1923 or under section 107 of the Act of 1936 to the credit of the Housing Equalisation Account the amount to be carried to the credit of that account in that year in respect of the said contributions shall be such sum as the Minister may determine to be appropriate.

7. Such sums as the local authority may, with the approval of the Minister, think it necessary or desirable to transfer to the Housing Revenue Account with a view to carrying out the objects of section 132 of the Act of 1936 shall from time to time be transferred from the Housing Equalisation Account accordingly but, subject to the foregoing provision, an amount equal to all moneys standing to the credit of the Housing Equalisation Account shall be applied in manner provided by section 133 of the Act of 1936.

Given under the official seal of the Minister of Health this third day of October, nineteen hundred and thirty-eight.

(L.S.)

J. N. BECKETT,
Assistant Secretary,
Ministry of Health.

CIRCULAR 1740.

To Housing Authorities.

MINISTRY OF HEALTH,
WHITEHALL,
LONDON, S.W.1.
31*st October*, 1938.

REPORT ON THE MANAGEMENT OF MUNICIPAL HOUSING ESTATES.

SIR,—1. I am directed by the Minister of Health to enclose for the information of your Council a copy of a Report on the Management of Housing Estates by local authorities which has been prepared by a Sub-Committee of the Central Housing Advisory Committee (*a*). This Report was the outcome of an investigation made by the Sub-Committee at the request of Sir Kingsley Wood; and Mr. Elliot, who fully shares Sir Kingsley's view that the question of house management is of comparable importance with that of the building of new houses, believes that the Report will be of much interest and value to local authorities, and hopes that it will receive careful study.

2. The Minister recognises that by statute the control and management of houses belonging to a local authority is vested in the authority, and he has no intention of seeking to interfere with a system of local discretion which has worked well for so many years past. At the same time, in view of the fact that local authorities own over 1,000,000 houses and that this accommodation is being increased at the rate of about 80,000 houses a year, it has for some time been clear that the subject of house management is of such importance, both from the financial and the social point of view, as to call for special investigation, and it was for this reason that the Sub-Committee were invited to undertake their task.

3. The success of municipal housing administration depends on a combination of individual freedom and corporate responsibility. There is no reason why the tenants of a municipal housing estate should enjoy less individual freedom than any other body of tenants: there is no reason why they should be less willing to accept those limitations of individual freedom which, in the general interests of the tenants, are essential to the efficient administration of any housing estate, whether municipal or not.

These will be commonplaces readily accepted by the general body of municipal tenants, accustomed to live their own lives without impinging upon the comfort or convenience of their neighbours.

The function of the local authority is to play the part of the prudent and progressive landlord who will combine efficient management of his estate with the development of its amenities, and the adaptation to their new environment of those tenants for whom it provides an opportunity for a new life in healthy surroundings.

4. The concentration of local authorities during the last few years upon the provision of new homes for those living in unfit or overcrowded houses emphasises this aspect of their work, and it is now a statutory requirement that in the selection of tenants preference is to be given to those living under such conditions and to tenants with large families, an area of choice which should generally concentrate the benefits of subsidised housing upon those most in need of such assistance. In considering their method of management local authorities will have regard to their local conditions and to the needs of the various types of tenant, and the Minister has no doubt that these considerations have weighed with local authorities in the type of organisation which they have gradually evolved. Compliance by local authorities with their statutory obligations will progressively increase the proportion of municipal tenants who come from unfit or overcrowded houses; and the Minister thinks that local authorities generally might with advantage review their existing machinery for management in the light of the recommendations made by the

(*a*) Copies of this Report can be obtained from H.M. Stationery Office, York House, Kingsway, W.C.2, price 9*d*. net.

HOUSING

Advisory Committee, with a view to ensuring that the system in operation is calculated to secure the best results for the local authority and the tenants. The Minister has no intention of dogmatising upon a matter which is essentially one of local knowledge and judgment, nor is it necessary for him to comment on each and every one of the suggestions contained in the Report. He thinks it desirable, however, to draw attention to the following points :—

(1) He agrees with the view of the Committee that, particularly where families are being removed from unfit or overcrowded houses, contact with the families in their old homes before their removal is an essential preliminary, and that this contact should, where possible, be established by means of the officer who will be primarily in touch with the tenants after they have moved into their new homes.

(2) He agrees that, so far as practicable, there should be a single officer to whom the tenants will normally look as the medium of communication between themselves and the local authority. This continuity and regularity of personal association appears to the Minister most likely to promote the right relationship between the local authority and their tenants for their mutual benefit.

Without regarding it as essential that the whole of the functions which bring the local authority and the tenants into association (rent collecting, repairs and social service) should be concentrated in the hands of one person, a concentration to the greatest degree consistent with practical efficiency will, in the view of the Minister, be likely to prove most successful.

(3) It appears to the Minister important to recognise in practical administration the substantial difference in the needs of individual tenants both for help and for supervision. The measure of attention required may vary from place to place, *e.g.*, according to local traditions of house-wifery ; it will certainly vary in the same place from tenant to tenant according to the degree of individual capacity for managing their own affairs and to social habits and financial resources. For this reason it does not appear to the Minister either practicable or desirable to lay down any precise number of houses which should at all times and in all places be regarded as an appropriate unit for the whole-time services of a responsible officer. Each local authority and their responsible officers will need to make up their own minds on this point in the light of practical experience and local conditions.

(4) The Minister has no intention of suggesting the employment of one sex to the exclusion of the other on house management, but it does not appear to him that there are any functions involved which cannot adequately be performed by women of the right training and character.

In reviewing this matter a local authority should consider whether the number of their houses is sufficient to call for the employment of a whole-time manager. Where a whole-time manager could with advantage be employed, the Minister sees no reason to dissent from the suggestions made in the Report as to the kind of qualifications and characteristics for which they should look in any officer to be appointed for this purpose.

5. Reference is made in the Report to the two types of case where special arrangements are likely to be necessary—the authority with a large scheme which will remain under the general control of some qualified technical officer of the local authority, and the authority with a scheme insufficiently large to call for the employment of a whole-time officer. Although the actual arrangements required may vary according to the circumstances of particular cases, the principles and methods of sound management will remain equally applicable in such cases. The Minister feels that it would be of great advantage to him and to local authorities to have some co-ordinated information as to the methods of management adopted by local authorities and the general results which are being secured, on a wider scale than was practicable in the investigation made by the Sub-Committee. Local authorities have for nearly 20 years (some of them even longer) been engaged in the management of houses to an increasing extent, and one local authority can most easily profit by the experience of another if information as to this general body of experience is made readily available. With this object in view the Minister would be obliged if the local authority would, after they have given careful consideration to this question,

acquaint him with their conclusions, and if at some time not later than June 30 next they will to him make a report. The form in which this report should be submitted is set out in an appendix to this Circular, but the Minister will be glad to receive any supplementary information derived from the experience of the local authority which may be likely to be of interest or use.

6. It is important in good management that the local authority should be satisfied that the best use is being made of the houses provided by them for the purposes for which they are built. As has already been stated, local authorities are by statute required to secure that in the selection of their tenants a reasonable preference is given to persons who are occupying insanitary or overcrowded houses, have large families or are living under unsatisfactory housing conditions, and these conditions are applicable both to new houses built by the authority and to re-lets of houses previously built.

The Minister is aware that in many districts the process of rescuing families from bad housing conditions has been substantially accelerated by the use for their benefit of vacancies in existing council houses. In the large pool of housing accommodation built by local authorities during the last 20 years there must be a considerable volume of change: some tenants are fortunate enough no longer to require the assistance which is provided by a subsidised rent: others by changes in family circumstances, such as the growing up and marriage of children, no longer require the same amount of accommodation as at the time of their original tenancy. Those who have had the benefit of a municipal house in the time of their need will be the first to appreciate that these houses should be used to the widest possible extent for the benefit of those whose needs are greatest, and the Minister is aware that in some districts a considerable contribution to this end has been secured by a gradual re-adjustment of the letting of municipal houses. The matter is essentially one requiring tact and good will on the part of the authority and tenants, and the Minister does not think it necessary to do more than indicate his view that in reviewing the allocation of houses at their disposal the authority should keep to the fore the objective of better housing for those whose needs are greatest.

7. The Committee have dealt with a number of other issues which will be of interest to local authorities and the Minister is in general agreement with the views which they have expressed.

He thinks it sufficient to refer here to the following points—

Disinfestation.

The Minister agrees with the view expressed by the Committee that where disinfestation is carried out it is better that the process should be carried out automatically and as a matter of routine rather than in selected cases.

It is now generally appreciated that the infestation with bed-bugs, which has unfortunately been so common in old properties, is usually beyond the control of the individual tenant and that the process of disinfestation does not involve any criticism of the tenant, but is carried out solely with the idea of saving him from exposure to similar trouble in his new home.

Provision of Furniture.

The Minister concurs in the view of the Committee that facilities for this purpose may be of material benefit to tenants in their new houses, and that these facilities can be provided without interfering in any way with the normal trading arrangements.

Community Centres.

The attention of local authorities has no doubt already been directed to the special question of the need for Youth Community Centres on new housing estates referred to in the Report of the Board of Education Juvenile Organisations Committee issued to local education authorities in 1936, and the Minister has no doubt that local authorities recognise the importance of this question for adults as well as for the young. Local authorities have a variety of statutory powers which enable them to make this provision in one form or another, and it will be for the local authority to

consider in what form and under which statutory authority the provision can best be made. All the Minister thinks it necessary to say here is that in selecting and planning a site for the erection of houses, the local authority should satisfy themselves that adequate facilities for community activities will be available in a reasonably central position on the site or elsewhere, and that where the local authority do decide that the provision can best be made under the Housing Acts, he will be prepared to sanction the necessary loans and his officers will be prepared to give any advice or assistance in the preliminary consideration of any plans for this purpose.

Intermixture of Tenants.

The Minister considers that there is some force in the Committee's suggestion that the few tenants whose domestic standard is markedly below the average would benefit from living amongst families with a good standard. He thinks, therefore, that much can be said in favour of a policy of mixing families of all types upon municipal housing estates.

Standard of Building in New Houses.

It will be observed that the Report refers to the importance of sound construction and finish and the care which needs to be exercised in regard to the matter of technical supervision in connection with the provision of new houses. The Minister does not doubt that the local authorities have for long recognised, as he has, the value of a well-built house from a management point of view, and that they will be the first to endorse the Committee's recommendations on these points.

The Committee also make certain suggestions regarding the maintenance of the house and its repair. Here, too, the Minister feels sure that the local authorities, as responsible landlords, appreciate the advantages of keeping their property in good tenantable condition and the desirability of regular inspections to this end.

8. Further copies of this Circular and the Report can be obtained through any bookseller or direct from H.M. Stationery Office.

I am, etc.

APPENDIX.

The Minister is anxious to collect information as to the method of house management adopted by local authorities. He would, therefore, be glad to be supplied, not later than June 30, 1939, with brief notes on the following points affecting the management of the Council's houses, together with any other particulars considered to be of general interest: the reply should so far as practicable relate to the position as it is likely to be after June 30, 1939, indicating any changes the Council have in mind after consideration of the Report and the Circular :—

1. The total number of completed dwellings owned by the Council. Where the Council have provided blocks of flats, the number of these should be stated, and any special arrangements made in regard to their management indicated.

2. The number and qualifications of the staff engaged in the management of the Council's dwellings, indicating particularly—

(*a*) whether a whole-time manager is employed : if so, whether man or woman, and the rate of salary paid.

(*b*) what officers are responsible for—

(i) rent collection,

(ii) repairs,

(iii) social service.

3. What arrangements are made for ascertaining disrepair, e.g., by inspection or otherwise, and for carrying out and supervising redecorations and repairs ; and whether the local authority or the tenants are responsible for interior decorations.

4. Whether contact is established with the tenants before moving to the new house, and if so, by what officer.

The Minister would be glad to be furnished with a copy of any handbook for tenants which may have been issued by the Council.

CIRCULAR 1762.

Rural District Councils.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
26th January, 1939.

HOUSING ACT, 1936.

DEMOLITION OF INDIVIDUAL UNFIT HOUSES IN RURAL AREAS.

SIR,—I am directed by the Minister of Health to state that his attention has been drawn to certain difficulties which have arisen in connection with the administration of the procedure under the Housing Act, 1936, in relation to the demolition of individual houses of the working-class type in rural areas.

The statistics in relation to unfit houses show that, in the overwhelming majority of cases houses in regard to which proceedings have been taken by local authorities on the ground that they were unfit for human habitation and not capable at reasonable expense of being rendered fit have subsequently either been made fit by the owners or have become the subject of operative Demolition Orders without any suggestion either from the owner or anyone else that demolition was not the most appropriate method of dealing with the house.

A limited number of individual cases have, however, been brought to the Minister's notice where proposals to recondition a house, or to use it for some purpose other than human habitation, which might have been acceptable if submitted at the proper time, have had to be rejected because they were not submitted until after a Demolition Order had become operative and when it was too late to do anything in the matter. Moreover, it has been suggested that proposals of this kind have on occasion related to cottages of architectural or artistic merits or historic value, and that the district has suffered loss of charm by the demolition of these cottages.

The Minister has no jurisdiction in relation to the particular provisions of the Housing Act which deal with individual houses, the appeal from a decision of a local authority lying to the County Court, but he is naturally concerned with the efficient and equitable working of the Acts as a whole; and the fact that even a limited number of cases were brought to light in which it was suggested that reconditioning could, with advantage, have been substituted for demolition if the facilities for reconditioning had been known and proposals put forward at the right time seemed to him to call for further investigation into the procedure.

He accordingly appointed a Sub-Committee of the Central Housing Advisory Committee "to investigate the administration of the statutory provisions relating to the demolition of individual unfit houses in rural areas, having regard to the importance of giving full consideration to the possibility of reconditioning and to advise whether and, if so, how, the administration of these provisions can be improved."

The Sub-Committee have presented a report which has been adopted by the Central Housing Advisory Committee with slight modifications. The report has been printed and the Minister desires me to enclose a copy (*a*) and to request that the recommendations of the Sub-Committee, with which he is in general agreement, will receive the careful consideration of the Council.

In order to give effect to the first recommendation of the Sub-Committee a paragraph has been added to the form of "Time and Place" notice prescribed by the Minister making it clear that if the owner fails to take action the Rural District Council are bound to make a Demolition Order requiring the owner to demolish the house at his own expense and that once the Order becomes operative there is no power to rescind or vary it. A copy of this amended form is enclosed with this Circular.

The Minister trusts that in their administrative procedure in dealing with individual unfit houses the Council will give effect, in the most appropriate manner practicable, to the remaining recommendations of the Sub-Committee which, as adopted by the Central Housing Advisory Committee are, for convenience, set out below—

(*a*) Copies of this Report may be obtained from H.M. Stationery Office, York House, Kingsway, W.C.2, price 4*d.*, net.

HOUSING

(1) That a leaflet drawing attention to the facilities provided under the Housing (Rural Workers) Acts should be enclosed with the formal notice.

(2) That an unofficial letter should be sent, at the same time as the formal notice, emphasising the effect of the notice and particularly emphasising the necessity for a time limit to make action effective. The letter should intimate that a short statement of the principal defects will be supplied on application to the Council.

(3) That either before or after the issue of the formal notice an officer or member of the Rural District Council, specially delegated for the purpose, should, if possible, personally interview the owner or his representative for the purpose of explaining the procedure and the facilities available under the Housing (Rural Workers) Acts.

(4) That before a Rural District Council reach a decision to take action under Section 11 of the Housing Act, 1936, in respect of a house, on the architectural or artistic merits or historic value of which any question may arise, the house should be reported upon, not only by the Sanitary Inspector and the Medical Officer of Health, but also by a member of the Architectural Panel of the Council for the Preservation of Rural England operating in the area or by some person or persons on whose information and judgment the authority may have confidence as qualified to form an opinion on such merits or value.

The Minister understands that some of these recommendations already form part of the current practice of many rural local authorities and he believes that if these recommendations are universally and systematically adopted the difficulties which have arisen in regard to individual cases will be obviated in future. In this way it will be possible to secure the objective of eliminating those houses which have reached the end of their useful life while at the same time ensuring that no house which can be made fit for human habitation or which is of architectural or artistic merits or historic value is demolished until every opportunity has been given for the submission of proposals.

A Council, who are not themselves the authority under the Housing (Rural Workers) Acts, can obtain explanatory leaflets or booklets from the County Council, who may have a leaflet or booklet of their own in addition to the illustrated booklets provided free of charge by the Ministry.

Further copies of this Circular and of the Report, price 4*d.* net, may be obtained from H.M. Stationery Office or through any bookseller.

I am, etc.

CIRCULAR 1763.

County Councils.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
26th January, 1939.

HOUSING ACT, 1936.

DEMOLITION OF INDIVIDUAL UNFIT HOUSES IN RURAL AREAS.

SIR,—I am directed by the Minister of Health to enclose for the information of the County Council a copy of a circular which he has addressed to Rural District Councils (*a*), together with a copy of the Report of the Demolition Procedure Sub-Committee of the Central Housing Advisory Committee (*b*) and a copy of the amended form of "Time and Place" notice prescribed by the Minister referred to therein.

I am, etc.

(*a*) See Circular 1762, *ante*, p. 3117.
(*b*) See note (*a*), *ante*, p. 3117.

S. R. & O., 1939, No. 529.

TREASURY MINUTE, DATED MAY 9, 1939, FIXING RATES OF INTEREST ON LOCAL LOANS.

My Lords read Section 1 of the Public Works Loans Act, 1897 (*a*) (60 & 61 Vict. c. 51), which empowers the Treasury from time to time to fix the rates of interest at which loans may be made out of the Local Loans Fund on the security of Local rates, and provides that the Treasury, in fixing the rates, shall have regard to the duration of the loans, and also that the rates shall be such as, in the opinion of the Treasury, are sufficient to enable the loans to be made without loss to the Fund.

They also read Section 4 of the Public Works Loans Act, 1918 (*a*) (8 & 9 Geo. 5, c. 27), by which it is declared that the power of the Treasury under Section 1 of the Public Works Loans Act, 1897, as amended by Section 4 of the Public Works Loans Act, 1917 (7 & 8 Geo. 5, c. 32), to fix rates of interest on loans made out of the Local Loans Fund otherwise than on the security of local rates includes (subject always to the provisions of the said Sections) a power to fix rates of interest differing from the rates fixed for loans made out of that fund on the security of local rates, and a power to fix different rates of interest in respect of different loans and that in fixing the rate of interest the Treasury may take into account the nature and value of the security for the loan.

They further read Section 92 of the Housing Act, 1936 (*b*) (26 Geo. 5 & 1 Edw. 8, c. 51), and Section 73 of the Housing (Scotland) Act, 1925 (15 & 16 Geo. 5, c. 15), as amended by Sections 25 and 28 of the Housing (Scotland) Act, 1935 (25 & 26 Geo. 5, c. 41), which provide that loans may be granted to companies, societies, associations and persons as defined in those Sections in connection with the provision of houses for the working classes.

The rates of interest were last revised by the Treasury Minute of March 31, 1939, when the minimum rate was fixed at $3\frac{7}{8}$ per cent. In view, however, of present monetary conditions the lowest rate now consistent with the conditions laid down by the Acts cited in the first and second paragraphs above is 4 per cent.

Accordingly, the Chancellor of the Exchequer recommends that the minimum rate for local loans be raised from $3\frac{7}{8}$ per cent. to 4 per cent. and that all other rates for local loans, whether secured on local rates or otherwise, be raised by $\frac{1}{8}$ per cent.

My Lords approve, and accordingly the following scales will come into operation as from May 10, 1939, and will apply to all loans granted out of the Local Loans Fund on or after that date :—

I

Housing Loans.	*Rate of Interest.*
(1) Loans to Local Authorities secured on Local Rates for any purpose of the Housing Acts and the Housing (Rural Workers) Acts, 1926 to 1938.	
Any period	4 per cent.
(2) Loans to Housing Associations as defined by the Housing Act, 1936, and the Housing (Scotland) Act, 1935.	
Not exceeding 30 years	4 per cent.
Not exceeding 50 years	$4\frac{1}{4}$ per cent.
(3) To Companies and Private Persons limiting their profits to the rate for the time being prescribed.	
Not exceeding 30 years	4 per cent.
Not exceeding 40 years	$4\frac{1}{4}$ per cent.
(4) To Companies and Private Persons not limiting their profits as aforesaid.	
Not exceeding 30 years	$4\frac{1}{2}$ per cent.
Not exceeding 40 years	$4\frac{3}{4}$ per cent.

(*a*) Printed in a later volume of this work.
(*b*) *Ante*, p. 1583.

II.

Other Loans.

(1) Loans to Local Authorities for any purposes of the Small Holdings and Allotments Acts, 1908 to 1931 and the Allotments Acts, 1908 to 1931 (*a*).

Any period	4 per cent.

(2) Other Loans secured on Local Rates :—

Not exceeding 30 years	4 per cent.
Not exceeding 50 years	4¼ per cent.

(3) Loans not secured on Local Rates :—

(*a*) Loans under the Harbours and Passing Tolls, &c. Act, 1861 (*b*) :—

(i) With collateral security :—

Not exceeding 30 years	4 per cent.
Not exceeding 50 years	4¼ per cent.

(ii) Without collateral security :—

Not exceeding 30 years	4½ per cent.
Not exceeding 50 years	4¾ per cent.

(*b*) Other loans not secured on Local Rates (except loans to Territorial Associations, which, under Section 6 of the Public Works Loans Act, 1908, bear interest at the rate prescribed for Loans on the Security of Local Rates) :—

Not exceeding 30 years	4½ per cent.
Not exceeding 50 years	4¾ per cent.

CIRCULAR 1802.

The London County Council.
County Borough Councils.
Town Councils.
Metropolitan Borough Councils.
Urban District Councils.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
16*th May*, 1939.

HOUSING ASSOCIATIONS.

SIR,—I am directed by the Minister of Health to enclose for the information of the Council a copy of a Report upon the Operations of Housing Associations prepared by a Sub-Committee of the Central Housing Advisory Committee and adopted by the Advisory Committee (*c*). Mr. Elliot feels sure that local authorities are, as he is, sensible of the valuable assistance, both in providing new housing accommodation and in stimulating public interest in housing, which has been given by housing associations to local authorities in connection with the execution of the statutory housing duties for which the latter are primarily responsible. He does not doubt that the Report will for this reason receive their careful consideration.

The Sub-Committee point out that housing associations are dependent upon the goodwill of the local authorities if they are to be allowed to supplement the work of the authorities, and that this result can only be achieved if the respective bodies

(*a*) Printed in a later volume of this work.
(*b*) 18 Halsbury's Statutes 105.
(*c*) Copies of this Report may be obtained from H.M. Stationery Office, York House, Kingsway, W.C.2, price 3*d*., net.

act in close collaboration. The Minister fully concurs. The extent of the co-operation which has already been secured is borne out by the numbers of new dwellings, referred to in the Report, which have been provided by housing associations. The Minister appreciates that in some parts of the country a good deal of work still remains to be done, and he trusts that facilities will be afforded to housing associations, especially by those authorities with a big programme yet to complete, still further to extend the scope of their activities.

The Sub-Committee draw attention to the powers available to local authorities under Section 93 of the Housing Act, 1936 (*a*), enabling them, subject to any regulations or conditions which may be made or imposed by the Minister, to make grants or loans to a housing association on such security as they think fit. The Minister agrees with the view of the Sub-Committee that local authorities should favourably consider making use in appropriate cases of their power to lend money for the purpose of financing the building schemes of housing associations, seeing especially that such schemes serve to relieve the local authorities of housing obligations which they would otherwise themselves have to undertake; and he will be prepared to entertain sympathetically proposals submitted to him by local authorities with the object of assisting housing associations in this way.

The Sub-Committee refer in their Report to a number of other matters connected with the operations of housing associations their remarks on which will, the Minister believes, be of interest to local authorities. He agrees generally with the views expressed by the Sub-Committee on these matters.

Further copies of this Circular and of the Report may be obtained from H.M. Stationery Office or through any bookseller.

I am, etc.

S. R. & O., 1939, No. 563.

THE HOUSING ACT (FORM OF CHARGING ORDER) REGULATIONS, 1939, DATED MAY 16, 1939, MADE BY THE MINISTER OF HEALTH.

The Minister of Health, in pursuance of the powers conferred on him by subsection (1) of section 21 and subsection (1) of section 176 of the Housing Act, 1936, and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1. These regulations may be cited as the Housing Act (Form of Charging Order) Regulations, 1939, and shall come into operation forthwith.

2. The form set out in the Schedule hereto or a form substantially to the like effect shall be the form to be used in connection with the powers and duties of a local authority under section 20 of the Housing Act, 1936 (*b*), to grant a charging order to an owner on completion of works.

3. The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

SCHEDULE.

CHARGING ORDER.

Housing Act, 1936.

In pursuance of their powers under Section 20 of the Housing Act, 1936, the [*description of local authority*] do by this order charge the premises mentioned in the schedule hereto with the payment to of of the sum of £ yearly on the day of for the term of years in consideration of an expenditure of £ incurred by him in respect of the said premises.

(*a*) *Ante*, p. 1705.
(*b*) *Ante*, p. 1622.

SCHEDULE.

Given under the seal of the this day of nineteen hundred and thirty-nine.

Signature of the Clerk of the Local Authority.

Given under the official seal of the Minister of Health this sixteenth day of May, nineteen hundred and thirty-nine.

(L.S.)

S. F. S. HEARDER,
Assistant Secretary,
Ministry of Health.

CIRCULAR 1822.

Local Authorities,
England and Wales.

MINISTRY OF HEALTH,
WHITEHALL,
LONDON, S.W.1.
17th May, 1939.

HOUSING ACTS, 1935 AND 1936, HOUSING (RURAL WORKERS) ACTS, AND SMALL DWELLINGS ACQUISITION ACTS. INTEREST ON LOANS, ETC.

SIR,—I am directed by the Minister of Health to notify you that His Majesty's Treasury have directed that the rate of interest to be charged on loans, secured on Local Rates, made on and after the 10th May, 1939, from the Local Loans Fund to Local Authorities for any purposes of the Housing Acts (*a*), the Housing (Rural Workers) Acts, 1926 to 1938 (*a*), and the Small Dwellings Acquisition Acts, 1899 to 1923 (*a*), shall be 4 per cent. The rate previously fixed was $3\frac{7}{8}$ per cent.

I am to remind you that by virtue of Sections 37 (3) and 92 (2) of the Housing Act, 1935 (*b*), the rate of interest on (i) loans made by local authorities under the provisions of Section 2 of the Housing (Rural Workers) Act, 1926, and (ii) advances made by local authorities under the provisions of the Small Dwellings Acquisition Acts is fixed at a rate $\frac{1}{4}$ per cent. in excess of the rate of interest which, one month before the date on which the terms of the loan or advance are settled, was the rate fixed by the Treasury in respect of loans from the Local Loans Fund to local authorities for housing purposes.

An additional copy of this Circular is enclosed for the use of the Financial Officer of the Authority and further copies may be obtained at any of the addresses shown overleaf.

I am, Sir,
Your obedient Servant,
S. F. S. HEARDER,
Assistant Secretary.

The Clerk to the Local Authority.

S. R. & O., 1939, No. 622.

THE HOUSING (RATE OF INTEREST) AMENDMENT ORDER, 1939, DATED JUNE 8, 1939, MADE BY THE MINISTER OF HEALTH, WITH THE APPROVAL OF THE TREASURY, UNDER SECTION 10 OF THE HOUSING ACT, 1936, AMENDING THE HOUSING (RATE OF INTEREST) AMENDMENT ORDER, 1934.

The Minister of Health, in pursuance of the powers conferred on him by subsections (3) and (5) of section 10 of the Housing Act, 1936 (in this order referred

(*a*) *Ante*, pp. 1583 *et seq.*, 1839 *et seq.* and 1797 *et seq.*
(*b*) *Ante*, pp. 1863, 1865.

to as " the Act "), and of all other powers enabling him in that behalf, with the approval of the Treasury, hereby orders as follows :—

1. This order may be cited as the Housing (Rate of Interest) Amendment Order, 1939.

2. The rate of interest on expenses incurred by a local authority under section 10 of the Act, and

(*a*) demanded after the date of this order, or

(*b*) declared after the date of this order, by order of the local authority made under subsection (5) of the said section (*a*), to be payable by instalments,

shall be at the rate of four and a half per cent. per annum instead of at the rate of four per cent. per annum as fixed by the Housing (Rate of Interest) Amendment Order, 1934.

Given under the official seal of the Minister of Health this eighth day of June, nineteen hundred and thirty-nine.

(L.S.)

F. SLATOR,
Assistant Secretary,
Ministry of Health.

We approve this order.

TOM L. DUGDALE,
STEPHEN N. FURNESS,
Two of the Lords Commissioners of His Majesty's Treasury.

CIRCULAR 1824.

Local Authorities,
England and Wales.

MINISTRY OF HEALTH,
WHITEHALL,
LONDON, S.W.1.
20th June, 1939.

HOUSING (RURAL WORKERS) ACTS, 1926 TO 1938, HOUSING ACT, 1936—SECTION 10.

RATES OF INTEREST.

SIR,—I am directed by the Minister of Health to notify you of the following changes in rates of interest :—

The Housing (Rural Workers) Act, 1926 *to* 1938.—The Minister has, with the approval of the Treasury, prescribed, with effect as from June 1st, 1939, an increase in the rate of interest from 4 to 4½ per cent. for purposes for which a rate of interest is required to be prescribed under Sections 2 (4) (*c*), 3 (1) (*d*) (ii) and 4 (3) of the Act of 1926 (*b*).

The Housing Act, 1936—*Section* 10 (*c*).—By the Housing (Rate of Interest) Amendment Order, 1939, dated June 8th, 1939 (S. R. & O., 1939, No. 622), a copy of which is enclosed, the Minister, with the approval of the Treasury, has now fixed, with effect after the date of the Order, 4½ per cent. as the rate of interest to be charged by Local Authorities on expenses incurred and recoverable by them under Section 10 of the Housing Act, 1936. This Order supersedes the previous Order made on June 8th, 1934 (S. R. & O., 1934, No. 558) which fixed the rate at 4 per cent.

(*a*) *Ante*, p. 1606.
(*b*) *Ante*, p. 1839.
(*c*) *Ante*, p. 1605.

HOUSING

An additional copy of this Circular and of the Order is enclosed for the use of the Financial Officer of the Authority and further copies may be obtained at any of the addresses shown overleaf.

I am, Sir,
Your obedient Servant,
S. F. S. HEARDER,
Assistant Secretary.

The Clerk of the Local Authority.

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* CIRCULAR 1810.

To Housing Authorities, England and Wales.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
18*th August*, 1939.

REPAIR OF WAR DAMAGE.
HOUSING ACCOMMODATION.

SIR,—1. I am directed by the Minister of Health to inform you that the Government have had under consideration the steps to be taken for carrying out the necessary repairs to housing accommodation rendered unfit for habitation by air bombardment or other war action and have decided that the duty of supervising and carrying out such work should rest with the housing authority.

2. As regards houses for the working classes, the duties which the Government will call upon local authorities to undertake are substantially those already imposed by the Housing Act, 1936. The Government intended, however, in the event of an emergency, to seek legislation which will extend the duties to cover houses and other buildings which, although not working-class houses, are being used or are required to be used for the accommodation of the general population. The proposed legislation would enable the housing authority to proceed with a minimum of formalities.

3. For the purpose of dealing with possible claims for compensation the local authority have been requested in Circular 1811 to compile a return after any damage has resulted from war action for transmission to the District Valuer at the Inland Revenue Valuation Office which will show amongst other things the number of buildings which are:

(*a*) totally destroyed;

(*b*) so badly damaged that demolition is necessary;

(*c*) seriously damaged by capable of repair; and

(*d*) slightly damaged.

For purposes of their housing duties the authority have been asked to make additional copies of the Summary part of the return, and to send one copy to the Ministry of Health at Whitehall and one copy to the Ministry of Health Regional Office for their region.

4. The first duty of a local authority after a raid would consist in rescue and demolition work and nothing must be allowed to hinder this. It is probable, however, that after the raid the local authority would find many occupied houses (or buildings used as housing accommodation) with damaged walls and roofs, etc., which could speedily be rendered wind and water-tight by emergency repairs of a "first-aid" nature, *e.g.* by placing a tarpaulin over the hole in the roof or by temporarily boarding up a hole in the wall. The immediate carrying out of this work is essential to safeguard the the health of the occupants and to prevent further damage to their belongings. Such repairs when carried out would often be effective for a considerable time and would

* This and the following circular, issued just before and just after the outbreak of war, have a bearing on the performance of the duties set out in earlier circulars, etc.

allow the local authority time in which to schedule the more permanent repairs required and to carry them out if necessary. Accordingly, the proposed legislation would empower the local authority without serving prior notice to carry out " first-aid " repairs in all cases where they consider these should be done at once. In the case of more permanent repairs the legislation would provide that the local authority must give fourteen days' notice to the person having control of the house or building that at the expiration of that time they proposed to carry out the works named in the notice, the estimated cost of which would also be given. These works would be such as to make the house or building reasonably fit for human habitation having regard to the existence of an emergency, and would include such things as reinstating tiling, brickwork, windows, etc., but not internal decoration. The local authority would consider any representations made by the person having control of the house or building and would no doubt endeavour to reach agreement with him, but there would be no question of appeal against the works which the authority proposed to carry out or against their decision to do them.

5. The cost of any works carried out by the local authority under these provisions would be registered as a charge on the premises but there would be no right of recovery until the end of the emergency. The local authority would obtain the necessary money to pay for the repairs by means of loans advanced by the Minister on terms and conditions approved by the Treasury. There would normally be no repayments or interest charges in respect of these loans until the end of the emergency. At the end of the emergency the question of the treatment of any residual liability remaining on the local authority after taking into account the charges registered on property and the operation of the Government's compensation scheme would be considered.

6. The foregoing outlines briefly the scheme which the Government contemplate would be put into operation in the event of an emergency. Advice and assistance in the execution of their task will be available to local authorities from the Regional offices of the Ministry.

In the case of the " first-aid " repairs, the matter is of such urgency that it must largely be left to the local authority and their officers, but it will be essential to keep proper records of the cost in terms of time and materials of the work done on emergency repairs to each house. In the case of the subsequent operation of carrying out more permanent repairs, the position is different and there will be time to give the matter adequate consideration and for consultation with the Ministry's officers. For this reason, the Minister's consent is required before the local authority can serve the fourteen days' notice referred to above. This consent will in most cases be given on the Minister's behalf by the regional representatives of the Department. The precise degree of consultation between the officers of the local authority and the officers of the Department which will be possible or advisable will depend largely on circumstances as they develop, but it is not intended that the Department's officer should inspect every property on which it is proposed that the more permanent repairs should be carried out. Before giving consent on the Minister's behalf the regional representative will, however, have to be satisfied that the number of premises on which more permanent repairs are to be undertaken bears a reasonable relation to the needs of the district. It should be kept clearly in mind that the local authority's duty will not be to repair every house that has been damaged but to see that repairs are carried out or to carry out those repairs themselves where necessary on such number of houses or other buildings used as housing accommodation as will ensure that a reasonable amount of habitable accommodation is kept going in their area. The Minister's representative will also be instructed to give special attention to houses on which it is proposed that more than the average amount of money is to be spent on repairs.

7. In deciding how much should be done in addition to the " first-aid " repairs it is probable that local authorities, in view of difficulties associated with the supply of labour and materials, will find it necessary to make a selection of the houses damaged and to confine the repairs to the minimum necessary to make them reasonably fit as housing accommodation in war time. In making their selection, the authority will take into account the accommodation available in undamaged property in the area at any given moment, the liability of the property to further

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damage if repaired and the possible effect of evacuation schemes or transference of industry. One very relevant factor will be the relation between the value of the property when repaired to the cost of repairs. Houses which were unfit for human habitation before being damaged would not, save in very exceptional circumstances, be repaired and where there is a choice, it is clearly better to spend £50 on a house worth £400 than £100 on a house only worth £300.

8. In advance of an emergency the most important preparatory step for the local authority to take is to make such arrangements as may be possible for securing that the "first-aid" repairs referred to above could be effected immediately.

For this purpose the Minister suggested that the authority should get into touch with the representatives of the building industry in their area and endeavour to arrange that in an emergency small squads of men with the requisite plant and temporary materials could be taken off the work they have in hand and sent out immediately to effect temporary repairs, returning to their other work when finished. In this connection attention is drawn to Circular No. 104/1939 and to paragraph 3 of Circular No. 142/1939 issued by the Lord Privy Seal.

The materials most useful for temporary repairs are sheeting materials of various kinds (roofing felt, corrugated iron, asbestos sheets, wall boards, etc.) and timber, with their necessary accessories. Steps are being taken to ensure that a reasonably adequate supply of materials will be available for an emergency, but if during an emergency the local authority experience any difficulty in obtaining sufficient supplies they should communicate with the regional housing officer of the Ministry, who will be instructed to give any necessary advice and assistance to the local authority in the carrying out of the duties described in this circular.

9. Further copies of this Circular may be purchased through any bookseller or directly from His Majesty's Stationery Office at any of the addresses shown below.

I am, Sir,
Your obedient Servant,
H. H. GEORGE,
Assistant Secretary.

The Clerk to the Authority.

CIRCULAR NO. 1866.

To Housing Authorities (England and Wales).

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
R.A.
8th September, 1939.

HOUSING ACTS.
POSTPONEMENT OF WORK.

SIR,—1. I am directed by the Minister of Health to say that in view of the outbreak of war he has had under consideration the action to be taken by local authorities in relation to their normal housing work. In the case of Slum Clearance the schemes are in various stages from the earliest step of the declaration of the area to the stage when an Order has been confirmed by the Minister but the operative date is still in the future. In the case of Housing Schemes, local authorities have nearly 50,000 houses under construction whilst there are large numbers of such schemes in stages varying from the selection of a site to the acceptance of a tender for houses.

2. Local authorities have powers and duties under the Housing (Emergency Powers) Act, 1939 (*a*), and the Essential Buildings and Plant (Repair of War Damage) Act, 1939 (*b*), which may involve them in a considerable amount of work. At

(*a*) 32 Halsbury's Statutes 1003.
(*b*) 32 Halsbury's Statutes 1006.

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the moment it is not possible to envisage just how the normal activities of Housing Authorities will be affected by the war, but for the time being, at any rate, the Minister has decided that it is necessary to defer the holding of Inquiries into Slum Clearance Orders. Accordingly, for the present, local authorities should take no further steps in connection with Orders which have not reached the stage of local Inquiry. As regards any Orders on which the Inquiry has been held, the Minister proposes to postpone his decision or the issue of his Order unless he is satisfied on representations by the local authority that there are special circumstances which make it desirable that action on that particular Order should proceed.

3. Where an Order has been confirmed by the Minister so that it becomes the duty of the local authority to proceed with the steps which will end with the demolition of the property the Minister is of opinion that, save in exceptional circumstances, the steps taken should stop short of actual demolition. In view of the possible destruction of housing accommodation by attacks from the air, it is clearly desirable that the existing supply of accommodation should not be diminished. Questions as to the payment of subsidy which this procedure may raise will be considered later.

4. Considerations similar to those in the preceding paragraphs apply to individual demolition orders and redevelopment schemes, and similar action should be taken

5. The postponement of the demolition of unfit property in the manner suggested will allow the provision of replacement accommodation to be deferred and to that extent the immediate building programme of the Local Authorities will be diminished. In view of the probable heavy demand on the supply of building labour and material, it may also be necessary for local authorities to curtail building for overcrowding and general needs. Generally speaking, therefore, the Minister would not be prepared for the time being to approve of the erection of further houses unless he were satisfied that there were exceptional circumstances which rendered the work of importance in the national interest, *e.g.*, that the houses were necessary for the employees of new factories or, in agricultural districts, for agricultural workers.

6. As regards houses which are in course of construction, the Minister would be glad if local authorities would arrange with their contractors to concentrate on those houses which are in an advanced stage of construction and not to continue work on houses in an early stage or to start foundations for new houses. If a local authority have good ground for considering that the completion of a contract would be in the national interest they should communicate with the Minister.

7. An additional copy of the Circular is forwarded for the use of the Financial Officer of the Authority, and further copies may be purchased through any bookseller or directly from His Majesty's Stationery Office at any of the addresses shown below.

I am, Sir,
Your obedient Servant,
H. H. GEORGE,
Assistant Secretary.

The Clerk to the Authority.

LAND: ACQUISITION, ETC. OF.

See also "HOUSING," *ante*, "PROVISIONAL ORDERS," *post.*

S. R. & O., 1919, No. $\frac{1836}{\text{L. } 30}$.

THE ACQUISITION OF LAND (ASSESSMENT OF COMPENSATION) RULES, 1919, DATED DECEMBER 2ND, 1919, MADE BY THE REFERENCE COMMITTEE FOR ENGLAND AND WALES UNDER THE ACQUISITION OF LAND (ASSESSMENT OF COMPENSATION) ACT, 1919.

In pursuance of the Acquisition of Land (Assessment of Compensation) Act, 1919, the Reference Committee for England and Wales constituted under that Act hereby make the following Rules :—

LAND: ACQUISITION, ETC. OF

1. These Rules may be cited as the Acquisition of Land (Assessment of Compensation) Rules, 1919.

2.—(1) In these Rules, unless the context otherwise requires :

The expression "the Act" means the Acquisition of Land (Assessment of Compensation) Act, 1919 (*a*) :

The expression "arbitrator" means an official arbitrator :

The expression "question" means any question of disputed compensation, or any question of the apportionment of a rent, which is to be referred to and determined by arbitration in manner provided by the Act.

(2) The Interpretation Act, 1889, applies for the purpose of the interpretation of these Rules as it applies for the purpose of the interpretation of an Act of Parliament.

3.—(1) Where any question has arisen either the acquiring authority or the claimant may at any time after the expiration of fourteen days from the date on which the notice to treat was served send to the Reference Committee an application for the selection of an arbitrator.

(2) The acquiring authority or the claimant, as the case may be, shall, immediately after sending the application to the Reference Committee, send notice of the fact to the claimant or the acquiring authority, as the case may be, together with a copy of the application.

(3) An application for the selection of an arbitrator shall be in the form set out in the schedule to these Rules or in a form to the like effect.

4.—(1) The Reference Committee, on receiving a valid application for the selection of an arbitrator, shall, as soon as may be, proceed to select from the panel an arbitrator to deal with the case.

(2) The Reference Committee shall, as soon as they have selected the arbitrator, inform the acquiring authority and the claimant of the name and address of the person so selected.

5.—(1) The arbitrator selected shall, as soon as may be, proceed with the determination of the question in dispute, and shall arrange with the acquiring authority and the claimant the time and place of the hearing.

(2) The Reference Committee shall send to the arbitrator selected a copy of the application for the appointment of an arbitrator, and the acquiring authority and the claimant shall furnish to the arbitrator on his request any document or other information which it is in their or his power to furnish and which the arbitrator may require for the purpose of considering and determining the case.

(3) Subject to the provisions of the Act and of these Rules the proceedings before an arbitrator shall be such as the arbitrator, subject to any special directions of the Reference Committee, may in his discretion think fit.

6. The Reference Committee may, in the case of the death or the incapacity of the arbitrator originally selected, or if it is shown to the Committee that it is expedient so to do, in any other case, at any time before the arbitrator has made his award, revoke the reference of the question to the selected arbitrator and select another arbitrator for the purpose of determining the question (*b*).

7.—(1) Where notices to treat have been served for the acquisition of the several interests in the land to be acquired and questions as to the amount of compensation have arisen in the case of any two or more of those interests the acquiring authority may, subject as hereinafter provided, either on making the application for the selection of an arbitrator to hear the claims or at any time thereafter make an application to the Reference Committee to have the same person selected as the arbitrator to hear and determine all the claims to which the application relates :

Provided that no such application shall be made as respects a claim if an arbitrator has already entered on the consideration of the claim.

(2) On receiving an application under this Rule the Reference Committee shall select the same person to act as arbitrator in respect of all the claims to which the

(*a*) See the Act printed in a later volume.

(*b*) See *Gross, Sherwood & Heald* v. *Essex C. C.*, [1927] 1 Ch. 205 ; 91 J. P. 17 ; Digest Supp.

application relates, and so far as necessary for that purpose may revoke any selection previously made.

(3) An application under this Rule shall be in the form set out in the schedule to these Rules or in a form to the like effect.

(4) Where the same person has been selected under this Rule to act as arbitrator in respect of two or more claims the acquiring authority may at any time after he has been so selected apply to him for an order that all the claims shall be heard together.

(5) Notice of intention to apply to the arbitrator for such an order as aforesaid shall be sent to each claimant and the notice shall specify the date on which and the place at which the arbitrator will hear any objection which may be made to the application.

(6) If any claimant objects to have his claim heard together with the other claims he shall within seven days after the receipt of the notice aforesaid send notice of his objection to the acquiring authority and the arbitrator.

(7) Where the acquiring authority apply for an order under this Rule the arbitrator after taking into consideration any objections made to the application shall make such order in the matter as he thinks proper having regard to all the circumstances of the case.

(8) On an application for an order under this Rule an order for consolidation may be made if the arbitrator thinks fit with respect to some only of the claims, and the order may in any case be made subject to such special directions as to costs, witnesses, method of procedure, and otherwise as the arbitrator thinks proper.

8.—(1) If the fees prescribed by the Treasury in pursuance of the powers conferred on them by subsection (6) of section three of the Act include a fee in respect of an application under these Rules or a fee in respect of the hearing before an official arbitrator, the prescribed fee shall be collected by means of adhesive stamps affixed to or stamps impressed on the application and the award of the arbitrator respectively.

(2) Any application under these Rules, which is not properly stamped in accordance with the foregoing provision shall be treated as invalid, and the award of an official arbitrator shall not be delivered out by him unless and until it has been properly stamped in accordance with the said provision.

9. Any notice or other document required or authorised to be sent to any person for the purpose of these Rules shall be deemed to be duly sent by post addressed to that person at his ordinary address, and the address of the Reference Committee, shall for this purpose be—*J. Johnston, Esq.*, Secretary to the Reference Committee *Room 174*, Royal Courts of Justice, Strand, London, W.C.2.

Note.—The italicised words will obviously need altering from time to time. The latest available name and address is S. A. Lynn, Esq., M.B.E., Room 121.

10. Save as herein otherwise expressly provided, any failure on the part of any authority or any person to comply with the provisions of these Rules shall not render the proceedings, or anything done in pursuance thereof, invalid, unless the arbitrator so directs.

SCHEDULE.

A.

Form of Application for Selection of Official Arbitrator

Acquisition of Land (Assessment of Compensation) Act, 1919.

Application for Selection of Official Arbitrator.

To the Reference Committee.

I, being the claimant [*or*, We being the acquiring authority] specified in the annexed particulars, hereby apply for the selection, pursuant to the above Act, of an official arbitrator to hear and determine the question of which particulars are annexed.

*Signed ——————————

Date——————————

*If the application is signed by an agent, add " by—————————— his [*or* their] agent."

Particulars.

Name and address of acquiring authority :

Name and address of acquiring authority's solicitor or agent :

Name and address of claimant :

Name and address of claimant's solicitor or agent :

Description of land to be acquired :

Situation of land to be acquired :

County———

Parish———

Nature of question (whether as to amount of compensation or apportionment of rent) :

Interest in respect of which compensation is claimed :

B.

FORM OF APPLICATION TO HAVE SAME PERSON APPOINTED AS ARBITRATOR ON CLAIMS IN RESPECT OF VARIOUS INTERESTS IN SAME LAND.

Acquisition of Land (Assessment of Compensation) Act, 1919.

Application to have same person appointed as Arbitrator on Claims in respect of various interests in same land.

To the Reference Committee.

We, being the acquiring authority in the case of the land specified in the annexed particulars, apply, pursuant to the Rules made under the above Act, to have the same person selected as the official arbitrator to hear and determine all the claims for compensation made in respect of the several interests in the said land.

No official arbitrator has been selected in the case of any of the said claims [*or* An official arbitrator has already been selected in the case of the claims of the persons numbered———in the annex of particulars, namely, Mr.———in the case of No. 1———*state the facts*].

*Signed———

Date———

*If the application is signed by an agent of the applicants, add "by———their agent."

Particulars.

Name and address of acquiring authority :

Name and address of acquiring authority's solicitor or agent :

Description of land to be acquired :

Situation of land to be acquired :

County

Parish

Names and addresses of (i) the persons entitled to the several interests in the land, and (ii) their respective solicitors or agents :

Nature of interest.

1. (i) 1.

(ii)

2. (i) 2.

(ii)

3. (i) 3.

(ii)

We, the Reference Committee for England and Wales under the Acquisition of Land (Assessment of Compensation) Act, 1919, have made the above rules in pursuance of the powers conferred on us by the said Act.

READING, C.J.
STERNDALE, M.R.
ANDREW YOUNG, P.S.I.

2nd December, 1919.

LAND: ACQUISITION, ETC. OF

S. R. & O., 1930, No. 856.

THE MINISTRY OF TRANSPORT (UNEMPLOYMENT RELIEF WORKS PROCEDURE) ORDER, 1930. DATED OCTOBER 21ST, 1930.

Whereas under and by virtue of the Unemployment (Relief Works) Act, 1920 (hereinafter referred to as "the Act"), and the enactments applied thereby, and subject to and in accordance with the provisions of those enactments as adapted and modified in pursuance of the Act, the Minister of Transport (hereinafter referred to as "the Minister") is empowered to prescribe the form of order (hereinafter referred to as "Compulsory Order") to be made by a Local Authority for the compulsory acquisition of land for the purpose of works of public utility as defined in that Act for which the Ministry of Transport is the appropriate Government Department within the meaning of the Act; the manner of publication of a Compulsory Order; the notice to be given in the locality and to the owners, lessees and occupiers of the land proposed to be acquired; and the periods within which objections to a Compulsory Order shall be presented.

The Unemployment (Relief Works) Act, 1920 is printed in a later volume.

The Minister hereby in pursuance of such powers orders as follows:—

1. A Compulsory Order shall be in the form set forth in the First Schedule hereto, or in a form to the like effect.

2.—(1) Before they submit a Compulsory Order to the Minister for confirmation the Local Authority shall cause the same to be published by advertisement in one or more of the local newspapers circulating in the district of the Local Authority and in the parish or parishes in which the land to which the Compulsory Order relates is situated.

(2) The advertisement shall contain in addition to a copy of the Compulsory Order a notice setting out the following particulars:—

(*a*) a statement that any objection to the Compulsory Order must be presented to the Minister within the period of fourteen days after the date of the publication of the advertisement; and

(*b*) a statement of the period, times and place or places during and at which the plan referred to in the Schedule to the Compulsory Order may be inspected by or on behalf of any person interested in the land to which the Compulsory Order relates.

(3) The plan referred to in the Schedule to the Compulsory Order shall be deposited by the Local Authority on or before the date of the advertisement at a place convenient for the purposes of inspection by persons interested in the land shown thereon, and shall be kept deposited thereat for a period not being less than fourteen days from the date of the publication of the advertisement; and the said plan shall be open for inspection by any person interested or affected, without payment of any fee at all reasonable hours on any week-day during the said period. The Local Authority shall also make suitable provision for affording to any such person inspecting the said plan any necessary explanation or information in regard thereto.

3.—(1) The Local Authority shall, not later than the seventh day after the making of the Compulsory Order cause notice thereof to be served in manner hereinafter prescribed upon every owner, lessee and occupier of the land to which the Compulsory Order relates, and every such notice shall include a printed copy of the Compulsory Order to which shall be appended a notice containing the particulars mentioned in Article 2 (2) of this Order.

(2) The Local Authority shall furnish a printed copy of the Compulsory Order, free of charge, to any person interested in the land to which the Compulsory Order relates upon his applying for the same.

4. The period within which an objection to a Compulsory Order may be presented to the Minister by a person interested in the land to which the Compulsory Order relates shall be the period of fourteen days from and after the date of the publication of the advertisement of the Compulsory Order.

5.—(1) The Local Authority shall as soon as practicable after the confirmation of a Compulsory Order cause a printed copy of the Compulsory Order as confirmed to be served on every owner, lessee and occupier of the land to which the Compulsory Order relates.

(2) A printed copy of a Compulsory Order as confirmed shall be furnished free of charge by the Local Authority to any person interested in the land authorised to be purchased upon his applying for the same, and a copy of any plan to which reference is made in the Compulsory Order as confirmed shall also be furnished by the Local Authority to any such person in so far as such plan relates to his land upon his applying for such copy and paying the reasonable cost of preparing the same.

6. Every notice or other document which in pursuance of Article 3 (1) or 5 of this Order is required to be given or served by the Local Authority to or on an owner, lessee or occupier shall be served :—

(*a*) by delivery of the same personally to the person required to be served, or, if such person is absent abroad or cannot be found, to his agent ; or

(*b*) by leaving the same at the usual or last known place of abode of such person as aforesaid ; or

(*c*) by post as a registered letter addressed to the usual or last known place of abode of such person ; or

(*d*) in the case of a notice required to be served on a Local Authority or corporate body or company, by delivering the same to their clerk or secretary or leaving the same at his office with some person employed there, or by post as a registered letter addressed to such clerk or secretary at his office.

Provided that in the case of any such owner, lessee or occupier who cannot be found, a notice sent by registered post to his last known place of abode shall be sufficient service of notice.

Provided also that if the owner, lessee or occupier of any such land cannot be ascertained, a notice exhibited in some conspicuous position or positions on the land shall be sufficient service of notice upon such owner, lessee or occupier.

7. For the purpose of the application of this Order to Scotland a reference to the Second Schedule to this Order shall be substituted for the reference to the First Schedule in Article 1 of this Order.

8. The Ministry of Transport (Unemployment Relief Works Procedure) Order, 1925, is hereby revoked.

The revoked order is S. R. & O., 1925, No. 628.

9. This Order may be cited as the Ministry of Transport (Unemployment Relief Works Procedure) Order, 1930, and shall come into operation on the first day of November, nineteen hundred and thirty.

FIRST SCHEDULE.

FORM OF COMPULSORY PURCHASE ORDER, UNEMPLOYMENT (RELIEF WORKS) ACT, 1920.

The*
hereby make the following Order :—

1. For the purposes of the Unemployment (Relief Works) Act, 1920, which, as extended by the Expiring Laws Continuance Act [1929], is hereinafter referred to as " the Act of 1920," the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement are, subject to the terms of the Act of 1920, and of the enactments applied thereby, and of this Order, hereby put in force as respects the purchase by the* of the lands described in the Schedule hereto.

2. Subject to the necessary adaptations, and to the provisions of Section 2 of the Housing, Town Planning, &c., Act, 1909, and to the provisions of the First Schedule to that Act

* Here insert title of the Authority making the Order.

LAND: ACQUISITION, ETC. OF

as modified by Section 50 and the Fifth Schedule to the Housing, Town Planning, &c., Act, 1919, and of Section 1 of the Act of 1920, the following enactments, namely:—

(*a*) The Lands Clauses Acts (except Section 127 of the Lands Clauses Consolidation Act, 1845), as modified by the Acquisition of Land (Assessment of Compensation) Act, 1919, and

(*b*) Sections 77 to 85 of the Railways Clauses Consolidation Act, 1845.

are hereby incorporated with and shall apply for the purposes of this Order.

†3. The sums agreed upon or awarded for the purchase of the lands described in the Schedule to this Order being glebe lands or other land belonging to an ecclesiastical benefice or the sums to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or other injury affecting any such land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.

4. This Order shall come into operation on the date of its confirmation by the Minister of Transport.

5. This Order may be cited as the‡ Order, 19 .

The Schedule above referred to.

Numbers on Plan deposited at the Offices of the*	Quantity, Description and Situation of the Lands.	Owners or Reputed Owners.	Lessees or Reputed Lessees.	Occupiers.

Given under the Seal of the* this day of , 19 .

SECOND SCHEDULE.

Form of Compulsory Order (Scotland).

Given under the Seal of the Minister of Transport this twenty-first day of October, nineteen hundred and thirty.

(L.S.) 4731
F.G.T.

ROBERT H. TOLERTON,
Authorised by the Minister.

S. R. & O., 1930, No. 1057.

THE PUBLIC WORKS FACILITIES (PROCEDURE, MINISTRY OF HEALTH) ORDER, 1930, DATED AUGUST 20TH, 1930, MADE BY THE MINISTER OF HEALTH UNDER PARAGRAPHS 1 AND 3 OF PART II AND PARAGRAPH 1 OF PART III OF THE FIRST SCHEDULE TO THE PUBLIC WORKS FACILITIES ACT, 1930.

The Minister of Health, in exercise of the powers conferred on him by paragraphs 1 and 3 of Part II and by paragraph 1 of Part III of the First Schedule to the Public Works Facilities Act, 1930, hereby prescribes that the forms set out in the First

* Here insert title of the Authority making the Order.

† Insert this Article where the lands described in the Schedule to the Order include glebe land or other land belonging to an ecclesiastical benefice.

‡ Here insert a suitable short title.

Schedule hereto, or forms substantially to the like effect, shall be the forms to be used in the cases to which those forms are applicable, and in exercise of the power conferred on him by sub-paragraph (*b*) of paragraph 3 of Part II of the First Schedule to the said Act hereby prescribes that notices therein referred to shall be served in the manner specified in the Second Schedule hereto.

This order may be cited as the Public Works Facilities (Procedure, Ministry of Health) Order, 1930, and shall come into operation on the date hereof.

The Public Works Facilities Act, 1930, is printed in a later volume.

FIRST SCHEDULE.

FORM I.

Form of Compulsory Purchase Order made by Local Authority under Section 2 of the Public Works Facilities Act, 1930.

Public Works Facilities Act, 1930.

The* hereby make the following Order:—

1. Subject to the provisions of this Order the above-named Council are hereby authorised to purchase compulsorily for the purpose of† the lands which are described in the Schedule hereto, and are coloured red on a map marked‡ and sealed with the common seal of the Council and deposited at the offices of the Council.
2. Subject to any necessary adaptations the provisions of:—
   (*a*) the Lands Clauses Acts (except Section 92 [and Sections 127 to 132§] of the Lands Clauses Consolidation Act, 1845);
   (*b*) the Acquisition of Land (Assessment of Compensation) Act, 1919; and
   (*c*) Section 77 of the Railways Clauses Consolidation Act, 1845, and Sections 78 to 85 of that Act;

   are hereby incorporated in this Order, and the provisions of those Acts shall apply accordingly.
3. In lieu of Section 92 of the Lands Clauses Consolidation Act, 1845, the following provisions shall have effect:—

   No person shall be required to sell a part only of any house, building, or manufactory or of any land which forms part of a park or garden belonging to a house if he is willing and able to sell the whole of the house, building, manufactory, park or garden, unless the arbitrator determines that in the case of a house, building or manufactory such part as is proposed to be taken can be taken without material detriment to the house, building, or manufactory, or in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house and, if he so determines, he may award compensation in respect of the severance of the part so proposed to be taken, in addition to the value of that part, and thereupon the person interested shall be required to sell that part of the house, building, manufactory, part or garden.
4. || The sums agreed upon or awarded for the purchase of the lands described in the Schedule to this Order, if glebe land or other land belonging to an ecclesiastical benefice, or to be paid by way of compensation for damage to be sustained by the owner by reason of severance or injury affecting any such land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners, to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.
5. This Order may be cited as the (Compulsory Purchase) Order , 193 .

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* Description of the local authority.

† Insert purpose for which land is to be acquired.

‡ Insert short title of Order.

§ In the case of Orders made by Local Authorities the Minister will be prepared to give a direction under the proviso to paragraph 1 of Part II of the First Schedule to the Act that ss. 127 to 132 shall not be incorporated in the Order. If an authority desires to exclude s. 133, special application, with reasons, should be made to the Minister.

|| Unless the lands described in the Schedule to the Order include glebe land or other land belonging to an ecclesiastical benefice, this paragraph should be struck out.

THE SCHEDULE.

Number on Map.	Quantity, description and situation of the lands.	Owners or reputed owners.	Lessees or reputed lessees.	Occupiers (other than tenants for a month or less period than a month).

Given under the seal of the this day of in the year nineteen hundred and .

FORM II.

Form of Advertisement of the making of a Compulsory Purchase Order. Public Works Facilities Act, 1930.

Notice is hereby given that the* in pursuance of the powers vested in them by Section 2 of the Public Works Facilities Act, 1930, on the day of 193 , made a Compulsory Purchase Order which is about to be submitted to the Minister of Health for confirmation authorising them to purchase compulsorily for the purpose of† the lands described in the Schedule hereto.

Copies of the Order and of the map referred to therein have been deposited at and may be seen at all reasonable hours.

Schedule.

(Here insert description of lands comprised in the Order.)

Dated this day of , 193 .

Signature of Clerk of Local Authority.

FORM III.

Form of Notice to Owners, Lessees and Occupiers of the making of a Compulsory Purchase Order.

Public Works Facilities Act, 1930.

Take notice that the* in pursuance of the powers vested in them by Section 2 of the Public Works Facilities Act, 1930, on the day of , 193 , made a Compulsory Purchase Order which is about to be submitted to the Minister of Health for confirmation authorising them to purchase compulsorily for the purpose of† the lands described in the Schedule hereto.

Copies of the Order and of the map referred to therein have been deposited at and may be seen at all reasonable hours.

Any objection to the Order must be made in writing and addressed to the Minister of Health, Whitehall, London, S.W., before the‡ day of .

If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections are wthdrawn, or if the Minister is satisfied that every objection duly made relates exclusively to matters which can be dealt with by the

* Description of local authority.
† Insert purpose for which the land is to be acquired.
‡ Insert date 14 clear days from service of notice.

arbitrator by whom the compensation is to be assessed, the Minister may, if he thinks fit, confirm the Order with or without modification. In any other case the Minister is required before confirming the Order, to cause a public local inquiry to be held and to consider any objection not withdrawn and the report of the person who held the inquiry. The Minister may then confirm the Order either with or without modification.

Schedule.

(Here insert description of lands comprised in the Order.)

Dated this day of , 193 .

Signature of Clerk of Local Authority.

FORM IV.

Form of Advertisement of Confirmed Compulsory Purchase Order. Public Works Facilities Act, 1930.

* Order.

Notice is hereby given that the Minister of Health in pursuance of the powers vested n him by Section 2 of, and Part II of the First Schedule to, the Public Works Facilities Act, 1930, on the day of , 193 , confirmed [with modifications] a Compulsory Purchase Order submitted to him by the†

The Order provides for the purchase for the purpose of‡ of the lands described in the Schedule hereto.

Copies of the Order and of the map referred to therein have been deposited at , and may be seen at all reasonable hours.

The Order will become operative on the date of this advertisement, but if proceedings in the High Court are instituted within a period of 21 days from that date by an aggrieved person desirous of questioning the validity of the Order, the Court may, if satisfied that the Order is not within the powers of the Act or that the interests of the applicant have been substantially prejudiced by any requirement of the Act not having been complied with, quash the Order either generally or in so far as it affects any property of the applicant.

Schedule.

(Here insert description of lands comprised in the Order.)

Dated this day of , 193 .

Signature of Clerk of Local Authority.

SECOND SCHEDULE.

Manner of Service of Notices required to be served under paragraph 3 (*b*) *of Part II of the First Schedule to the Public Works Facilities Act,* 1930.

A notice required to be served under paragraph 3 (*b*) of Part II of the First Schedule to the Public Works Facilities Act, 1930, may be served either—

(*a*) by delivering it to the person on whom it is to be served ; or

(*b*) by leaving it at the usual or last-known place of abode of that person ; or

(*c*) by forwarding it by post in a prepaid registered letter addressed to that person at his usual or last-known place of abode, or in the case of an incorporated company or registered society, addressed to the secretary of the company or society at the registered or principal office of the company or society ; or

(*d*) if addressed to the " owner " or " occupier " of premises, by delivering it to some person on the premises, or if there is no person on the premises on whom it can be so served, then by affixing it to some conspicuous part of the premises.

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* Insert short title of Order.

† Description of local authority.

‡ Insert purpose for which the land is to be acquired.

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Any notice required to be served under paragraph 3 (*b*) aforesaid on the owner or occupier of any premises may be addressed to the "owner" or "occupier" of the premises (naming them) without further name or description.

Given under the Official Seal of the Minister of Health this Twentieth day of August in the year One thousand nine hundred and thirty.

(L.S.) W. A. ROSS,
Assistant Secretary, Ministry of Health.

S. R. & O., 1930, No. 1136.

ORDER DATED DECEMBER 5TH, 1930, MADE BY THE BOARD OF EDUCATION PRESCRIBING FORMS AND MANNER OF SERVICE UNDER THE FIRST SCHEDULE TO THE PUBLIC WORKS FACILITIES ACT, 1930.

The Board of Education, in exercise of the powers conferred on them by paragraphs 1 and 3 of Part II and paragraph 1 of Part III of the First Schedule to the Public Works Facilities Act, 1930, hereby prescribe that, for the purposes of the purchase of land compulsorily under Section 2 of that Act by any Local Education Authority, or by any Library Authority being the Local Education Authority for Higher Education,—

(1) the forms set out in the First Schedule hereto, or forms substantially to the like effect, shall be the forms to be used in the cases to which those forms are applicable; and

(2) the notices referred to in sub-paragraph (*b*) of paragraph 3 of Part II of the First Schedule to the said Act shall be served in the manner specified in the Second Schedule hereto.

The Public Works Facilities Act, 1930, is printed in a later volume.

FIRST SCHEDULE.

FORM I.

Form of Compulsory Purchase Order made by Local Authority under Section 2 of the Public Works Facilities Act, 1930.

Public Works Facilities Act, 1930.

The (*a*) hereby make the following Order:—

1. Subject to the provisions of this Order the above-named Council are hereby authorised to purchase compulsorily for the purpose of (*b*) the lands which are described in the Schedule hereto, and are coloured red on a map marked (*c*) and sealed with the common seal of the Council and deposited at the offices of the Council.

2. Subject to any necessary adaptations the provisions of:—

(*a*) the Lands Clauses Acts (except Section 92 [and Sections 127 to 132*] of the Lands Clauses Consolidation Act, 1845);

(*b*) the Acquisition of Land (Assessment of Compensation) Act, 1919; and

(*c*) Section 77 of the Railways Clauses Consolidation Act, 1845, and Sections 78 to 85 of that Act;

are hereby incorporated in this Order, and the provisions of those Acts shall apply accordingly.

(*a*) Description of the local authority.
(*b*) Insert purpose for which land is to be acquired.
(*c*) Insert short title of Order.

* The words in square brackets must be omitted unless the Board have given a direction under the proviso to paragraph 1 of Part II of the first Schedule to the Act that ss. 127 to 132 shall not be incorporated in the Order. If an authority desires to exclude s. 133, special application, with reasons, should be made to the Board.

3. In lieu of Section 92 of the Lands Clauses Consolidation Act, 1845, the following provisions shall have effect:—

No person shall be required to sell a part only of any house, building, or manufactory or of any land which forms part of a park or garden belonging to a house if he is willing, and able to sell the whole of the house, building, manufactory, park or garden, unless the arbitrator determines that in the case of a house, building, or manufactory such part as is proposed to be taken can be taken without material detriment to the house, building, or manufactory, or in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house and, if he so determines, he may award compensation in respect of the severance of the part so proposed to be taken, in addition to the value of that part, and thereupon the person interested shall be required to sell that part of the house, building, manufactory, park or garden.

4.* The sums agreed upon or awarded for the purchase of the lands described in the Schedule to this Order, if glebe land or other land belonging to an ecclesiastical benefice, or to be paid by way of compensation for damage to be sustained by the owner by reason of severance or injury affecting any such land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners, to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.

5. This Order may be cited as the (Compulsory Purchase) Order , 193 .

The Schedule.

Number on Map.	Quantity, description and situation of the lands.	Owners or reputed owners.	Lessees or reputed lessees.	Occupiers (other than tenants for a month or less period than a month.

Given under the seal of the this day of in the year nineteen hundred and thirty.....

FORM II.

Form of Advertisement of the making of a Compulsory Purchase Order.

Public Works Facilities Act, 1930.

Notice is hereby given that the (*a*) in pursuance of the powers vested in them by Section 2 of the Public Works Facilities Act, 1930, on the day of 193 , made a Compulsory Purchase Order which is about to be submitted to the Board of Education for confirmation authorising them to purchase compulsorily for the purpose of (*b*) the lands described in the Schedule hereto.

Copies of the Order and of the map referred to therein have been deposited at and may be seen at all reasonable hours.

* Unless the lands described in the Schedule to the Order include glebe land or other land belonging to an ecclesiastical benefice, this paragraph should be struck out.

(*a*) Description of local authority.

(*b*) Insert purpose for which the land is to be acquired.

Schedule.

(Here insert description of lands comprised in the Order.)

Dated this day of , 193 .

Signature of Clerk of Local Authority.

FORM III.

Form of Notice to Owners, Lessees and Occupiers of the making of a Compulsory Purchase Order.

Public Works Facilities Act, 1930.

Take notice that the (*a*) in pursuance of the powers vested in them by Section 2 of the Public Works Facilities Act, 1930, on the day of , 193 , made a Compulsory Purchase Order which is about to be submitted to the Board of Education for confirmation authorising them to purchase compulsorily for the purpose of (*b*) the lands described in the Schedule hereto.

Copies of the Order and of the map referred to therein have been deposited at , and may be seen at all reasonable hours.

Any objection to the Order must be made in writing and addressed to the Board o Education, Whitehall, London, S.W. before the (*c*) day of .

If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections are withdrawn, or if the Board are satisfied that every objection duly made relates exclusively to matters which can be dealt with by the arbitrator by whom the compensation is to be assessed, the Board may, if they think fit, confirm the Order with or without modification. In any other case the Board are required, before confirming the Order, to cause a public local inquiry to be held and to consider any objection not withdrawn and the report of the person who held the inquiry. The Board may then confirm the Order either with or without modification.

Schedule.

(Here insert description of lands comprised in the Order.)

Dated this day of , 193 .

Signature of Clerk of Local Authority.

FORM IV.

Form of Advertisement of Confirmed Compulsory Purchase Order.

Public Works Facilities Act, 1930.

(*d*) Order.

Notice is hereby given that the Board of Education in pursuance of the powers vested in them by Section 2 of, and Part II of the First Schedule to, the Public Works Facilities Act, 1930, on the day of 19 , confirmed [with modifications] a Compulsory Purchase Order submitted to them by the (*a*)

The Order provides for the purchase for the purpose of (*b*) of the lands described in the Schedule hereto.

Copies of the Order and of the map referred to therein have been deposited at and may be seen at all reasonable hours.

The Order will become operative on the date of this advertisement, but if proceedings in the High Court are instituted within a period of 21 days from that date by an aggrieved person desirous of questioning the validity of the Order, the Court may, if satisfied that the

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(*a*) Description of local authority.
(*b*) Insert purpose for which the land is to be acquired.
(*c*) Insert date 14 clear days from service of notice.
(*d*) Insert short title of Order.

Order is not within the powers of the Act or that the interests of the applicant have been substantially prejudiced by any requirement of the Act not having been complied with, quash the Order either generally or in so far as it affects any property of the applicant.

Schedule.

(Here insert description of lands comprised in the Order.)

Dated this day of , 193 .

Signature of Clerk of Local Authority.

SECOND SCHEDULE.

Manner of Service of Notices required to be served under paragraph 3 (*b*) of Part II of the First Schedule to the Public Works Facilities Act, 1930.

A notice required to be served under paragraph 3 (*b*) of Part II of the First Schedule to the Public Works Facilities Act, 1930, may be served either—

(*a*) by delivering it to the person on whom it is to be served; or

(*b*) by leaving it at the usual or last-known place of abode of that person; or

(*c*) by forwarding it by post in a prepaid registered letter addressed to that person at his usual or last-known place of abode, or in the case of an incorporated company or registered society, addressed to the secretary of the company or society at the registered or principal office of the company or society; or

(*d*) if addressed to the "owner" or "occupier" of premises, by delivering it to some person on the premises, or if there is no person in the premises on whom it can be so served, then by affixing it to some conspicuous part of the premises.

Any notice required to be served under paragraph 3 (*b*) aforesaid on the owner or occupier of any premises may be addressed to the "owner" or "occupier" of the premises (naming them) without further name or description.

Given under the Official Seal of the Board of Education this Fifth day of December, 1930.

(L.S.) E. H. PELHAM,

Deputy Secretary to the Board of Education.

S. R. & O., 1931, No. 157.

THE ACQUISITION OF LAND (ASSESSMENT OF COMPENSATION) FEES RULES, 1931. DATED MARCH 20TH, 1931.

In pursuance of subsection (6) of section three of the Acquisition of Land (Assessment of Compensation) Act, 1919, the Lords Commissioners of His Majesty's Treasury hereby make the following rules:—

1.—(1) These rules may be cited as the Acquisition of Land (Assessment of Compensation) Fees Rules, 1931.

(2) In these rules the expression "the Act" means the Acquisition of Land (Assessment of Compensation) Act, 1919.

The Acquisition of Land (Assessment of Compensation) Act, 1919, is printed in a later volume.

2. On every application for the selection of an arbitrator made in accordance with the rules made under the Act by the Reference Committee there shall be paid the fee of £3 0*s*. 0*d*., but in cases where an award is made by the official arbitrator £2 0*s*. 0*d*. of this application fee shall be treated as having been paid on account of the fee payable under Rule 3 or Rule 4.

Application fees under paragraph 2 of these Rules must be paid by means of impressed stamps.

All applications transmitted through the post must be in the prescribed form and lodged in duplicate.

Applications transmitted for stamping through the post must be accompanied by a Money Order or cheque drawn to the order of the Commissioners of Inland Revenue for the amount of the fee payable.

Applications in *England and Wales* should be sent for stamping to the Inland Revenue Stamp Office, Room 6, Royal Courts of Justice, Strand, London, W.C.2, and when stamped

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the document transmitted will be delivered to the Secretary to the Reference Committee for acknowledgment and attention unless in any case the sender otherwise directs.

Applications in *Scotland* should be sent, with the necessary remittance, to the Secretary to the Reference Committee (Parliament House, Edinburgh) who will arrange for the documents to be stamped.

3.—(1) On an award made by an official arbitrator under the Act (other than awards made in terms of rent or other annual payment) there shall be paid a fee calculated by reference to the amount awarded to the claimant in accordance with the following scale :—

Scale of Fees on Awards.

Amount awarded.	*Amount of fee.*
	£ s.
Not exceeding £200	5 5
Exceeding £200 but not exceeding £500	£5 5*s.* with an addition of £1 1*s.* in respect of every £50 or part of £50 by which the amount awarded exceeds £200.
Exceeding £500 but not exceeding £5,000	£11 11*s.* with an addition of £1 1*s.* in respect of every £100 or part of £100 by which the amount awarded exceeds £500.
Exceeding £5,000	£58 16*s.* with an addition of £1 1*s.* in respect of every £200 or part of £200 by which the amount awarded exceeds £5,000 but not exceeding in any case £262 10*s.*

(2) In addition to the fee payable under the scale aforesaid, there shall, where the hearing before the arbitrator in respect of any claim or matter referred to him occupies more than one day, be paid for each day or part of a day after the first day a further fee on the following scale :—

Amount awarded.	*Amount of fee.*
	£ s.
Not exceeding £500	5 5
Exceeding £500 and not exceeding £1,000	10 10
Exceeding £1,000 and not exceeding £5,000	15 15
Exceeding £5,000 and not exceeding £10,000	21 0
Exceeding £10,000 and not exceeding £15,000	31 10
Exceeding £15,000 and not exceeding £20,000	42 0
Exceeding £20,000	52 10

4. Where the award of an official arbitrator under the Act is an award in terms of rent or other annual payment, the following scales of fees shall be substituted for the scales set forth in Rule 3 (1) and Rule 3 (2) of these rules :—

(1)

Amount awarded.	*Amount of fee.*
	£ s.
Not exceeding £10 per annum . .	5 5
Exceeding £10 per annum but not exceeding £25 per annum.	£5 5*s.* with an addition of £1 1*s.* in respect of every £2 10*s.* or part of £2 10*s.* by which the rent, &c., awarded exceeds £10 per annum.
Exceeding £25 per annum but not exceeding £250 per annum.	£11 11*s.* with an addition of £1 1*s.* in respect of every £5 or part of £5 by which the rent, &c., awarded exceeds £25 per annum.
Exceeding £250 per annum . . .	£58 16*s.* with an addition of £1 1*s.* in respect of every £10 or part of £10 by which the rent, &c., awarded exceeds £250, but not exceeding in any case £262 10*s.*

(2) In addition to the fee payable under the scale aforesaid, there shall, where the hearing before the arbitrator in respect of any claim or matter referred to him occupies more than one day, be paid for each day or part of a day after the first day a further fee on the following scale:—

Amount awarded.	*Amount of fee.* £ s.
Not exceeding £25 per annum	5 5
Exceeding £25 per annum and not exceeding £50 per annum	10 10
Exceeding £50 per annum and not exceeding £250 per annum	15 15
Exceeding £250 per annum but not exceeding £500 per annum	21 0
Exceeding £500 per annum but not exceeding £750 per annum	31 10
Exceeding £750 per annum but not exceeding £1,000 per annum	42 0
Exceeding £1,000 per annum	52 10

Note.—The fees prescribed in the above scale are in addition to the stamp duty charged on awards by Section 9 of the Revenue Act, 1906 [16 Halsbury's Statutes 735].

5. For the purpose of the provisions under Rule 3 (2) and Rule 4 (2) any time spent by the arbitrator in viewing any land which is the subject matter of the proceedings before him shall be treated as part of the hearing. A day shall be taken to be a working period of five hours.

6. These Rules shall come into operation on the 1st day of April, 1931.

The Acquisition of Land (Assessment of Compensation) Fees Rules 1920 and the Acquisition of Land (Assessment of Compensation) Fees No. 2 Rules 1920 are hereby revoked except that they shall apply in the case of all valid applications for the selection of an arbitrator under the Act received by the Reference Committee prior to the 1st April, 1931.

The revoked Rules are S. R. & O., 1920, No. 285 and 690.

7. These Rules shall not apply to Northern Ireland.

Dated 20th March, 1931.

ERNEST THURTLE,
CHARLES EDWARDS,
Two of the Lords Commissioners of His Majesty's Treasury.

S. R. & O., 1932, No. 58.

THE PUBLIC WORKS FACILITIES (PROCEDURE, AIR MINISTRY) ORDER, 1932, DATED JANUARY 26TH, 1932, MADE BY THE SECRETARY OF STATE FOR AIR UNDER PARAGRAPHS 1 AND 3 OF PART II AND PARAGRAPH 1 OF PART III OF THE FIRST SCHEDULE TO THE PUBLIC WORKS FACILITIES ACT, 1930.

In the exercise of the powers conferred on me by paragraphs 1 and 3 of Part II and paragraph 1 of Part III of the First Schedule to the Public Works Facilities Act, 1930, I, the Most Honourable Charles Stewart Henry Marquess of Londonderry, K.G., President of the Air Council, one of His Majesty's Principal Secretaries of State, hereby prescribe as follows:—

The Public Works Facilities Act, 1930, is printed in a later volume.

1. The forms set out in the First Schedule to the Public Works Facilities (Procedure, Ministry of Health) Order, 1930 (*a*), or forms substantially to the same effect, shall be the forms to be used, in the cases to which those forms are applicable, in connection with compulsory purchase orders to be submitted to or confirmed by the Secretary of State for Air under the said Act, subject to the following modifications,—

(*a*) the words "the Secretary of State for Air" shall be substituted for the words

(*a*) S. R. & O., 1930, No. 1057, *ante*, p. 3135.

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" the Minister of Health " and " the Minister " throughout the said forms and the footnotes thereto; and

(*b*) the address of the Secretary of State for Air, namely,—

The Air Ministry,
Adastral House,
Kingsway,
London, W.C.2.

shall be substituted for the address of the Minister of Health in Form III.

2. Notices required to be served under paragraph 3 (*b*) of Part II of the First Schedule to the said Act in connection with a compulsory purchase order to be submitted to the Secretary of State for Air under the said Act shall be served in the manner specified in the Second Schedule to the Public Works Facilities (Procedure, Ministry of Health) Order, 1930.

3. This Order may be cited as the Public Works Facilities (Procedure, Air Ministry) Order, 1932, and shall come into operation on the date hereof.

LONDONDERRY,
President of the Air Council, One of His Majesty's Principal Secretaries of State.

Air Ministry.
26th January, 1932.

S. R. & O., 1933, No. 1021.

THE BOARD OF EDUCATION (COMPULSORY PURCHASE) REGULATIONS, 1933, DATED OCTOBER 30TH, 1933, MADE BY THE BOARD OF EDUCATION UNDER SECTION 111 OF THE EDUCATION ACT, 1921 AND SECTION 6 OF THE PUBLIC LIBRARIES ACT, 1919.

The Board of Education hereby make the following Regulations:—

1. These Regulations may be cited as the Board of Education (Compulsory Purchase) Regulations, 1933.

2. These Regulations shall come into operation on the 1st day of December, 1933, and as from that date the Board of Education (Compulsory Purchase) Regulations, 1925, (*a*) are hereby revoked:

Provided that, as respects any Order under Section 111 of the Education Act, 1921, which is made and dated before the date aforesaid, the said last-mentioned Regulations shall continue to have effect in lieu of these Regulations.

The revoked order is S. R. & O., 1925, No. 1236.

3. An Order made by a Local Education Authority under Section 111 of the Education Act, 1921 (hereinafter referred to as " the Compulsory Order ") shall be in the form set forth in the First Schedule hereto, or in a form to the like effect.

For section 111 of the Education Act, 1921, see 7 Halsbury's Statutes 190.

4. Before submitting the Compulsory Order to the Board of Education for confirmation, the Local Education Authority shall cause notice in the form set forth in the Second Schedule hereto, or in a form to the like effect, to be served, published and circulated as follows:—

(*a*) The notice shall be served on every owner, lessee, and occupier of any land to which the Compulsory Order relates.

(*b*) As soon as conveniently may be after the notice has been served on every owner, lessee, and occupier as aforesaid (or, in the case of service by post as a registered letter, after the time at which the letter would be delivered in the ordinary course of post), the notice shall be published by advertisement in one or more of the local newspapers circulating in the locality in which the land is proposed to be acquired.

(*c*) A copy of the notice shall be furnished to any person interested in any land to which the Compulsory Order relates upon his applying for the same.

5. The Local Education Authority shall cause the deposited map referred to in the Compulsory Order to be open to inspection at reasonable times in accordance with the terms of the notice under Article 4.

6. The period after the making of the Compulsory Order within which objections may be presented to the Board of Education by persons interested in the land shall extend to twenty-eight days after the date (or after the latest of the dates, if more than one) of the local newspaper or newspapers in which the notice is advertised under Article 4; but this period shall, if it would otherwise expire before the day specified for the purpose in the notice, be extended to that day inclusive.

7.—(1) The Local Education Authority shall as soon as practicable after the confirmation of the Compulsory Order cause a copy of the Order as confirmed to be served on every owner, lessee, and occupier of any land to which the Order relates.

(2) A copy of the Compulsory Order as confirmed shall be furnished by the Local Education Authority to any person interested in any land to which the Order relates upon his applying for the same, and a copy of any map to which reference is made in the Order as confirmed shall be furnished by the Authority to any such person upon his applying for such copy and paying the reasonable cost of preparing the same.

8. Any notice or other document which in pursuance of these Regulations is required to be served on an owner, lessee, or occupier may be served—

(*a*) by delivery of the same personally to the person required to be served, or, if such person is absent abroad or cannot be found, to his agent; or

(*b*) by leaving the same at the usual or last known place of abode of such person as aforesaid; or

(*c*) by post as a registered letter addressed to the usual or last known place of abode of such person; or

(*d*) in the case of a notice or document required to be served on a local authority or corporate body or company, by delivering the same to their clerk or secretary or leaving the same at his office with some person employed there, or by post as a registered letter addressed to such clerk or secretary at his office.

9. These Regulations shall apply with respect to any Order made by a Library Authority (being the Council of a County or County Borough) under Section 6 of the Public Libraries Act, 1919, and for that purpose references in the foregoing Articles and in the Schedules hereto to the Local Education Authority, the Education Act, 1921, and Section 111 of that Act shall be read respectively as references to the Library Authority, the Public Libraries Acts, 1892 to 1919, and Section 6 of the Public Libraries Act, 1919.

The Public Libraries Acts, 1892 to 1919, are printed in a later volume.

FIRST SCHEDULE.

FORM OF ORDER UNDER ARTICLE 3.

The Local Education Authority hereby make the following Order under Section 111 of the Education Act, 1921:—

1. The Local Education Authority, for the purpose of their powers and duties under the Education Act, 1921, and subject to the provisions of that Act, hereby put in force, as respects the land described in the Schedule hereto, the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

2. This Order shall have effect as if there were incorporated therewith, subject to the necessary adaptations,—

(*a*) the Lands Clauses Acts (except Section 127 of the Lands Clauses Consolidation Act, 1845) as modified by the Acquisition of Land (Assessment of Compensation) Act, 1919; and

(*b*) Sections 77 to 85 of the Railways Clauses Consolidation Act, 1845, as originally enacted, and not as amended for certain purposes by Section 15 of the Mines (Working Facilities and Support) Act, 1923.

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* *Provided that sums agreed or awarded for the purchase of glebe land or other land belonging to an ecclesiastical benefice, or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or other injury affecting such land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.*

3. This Order may be cited as the† Order, 19 .

The SCHEDULE above referred to.

Number on Deposited Map.	Quantity, Description and Situation of the Lands.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.

Given under the Seal of the this day of 19 .

(L.S.)

SECOND SCHEDULE.

FORM OF NOTICE UNDER ARTICLE 4.

The Local Education Authority hereby give notice that they have made an Order for the compulsory purchase of land, of which a copy is appended, and will submit the Order in due course to the Board of Education for confirmation.

Objections may be presented to the Board of Education by persons interested in the land not later than the day of 19 [*here specify the twenty-eighth day after that on which the notice is expected to have appeared in the local newspaper or newspapers*], and in the meantime the deposited map referred to in the Order may be inspected by or on behalf of any person affected by the Order at [*here specify a convenient place for inspection*].

Signature of Clerk or other authorised officer of the Local Education Authority.

COPY OF ORDER.

(*To be here set out in full.*)

Given under the Official Seal of the Board of Education this 30th day of October, 1933.

(L.S.) E. H. PELHAM,

Secretary to the Board of Education.

S. R. & O., 1934, No. 363.

THE LOCAL GOVERNMENT (COMPULSORY PURCHASE) REGULATIONS, 1934, DATED APRIL 11TH, 1934, MADE BY THE MINISTER OF HEALTH UNDER SECTIONS 160, 161, 168 AND 175 OF THE LOCAL GOVERNMENT ACT, 1933.

The Minister of Health in pursuance of the powers conferred on him by Sections 160, 161, 168 and 175 of the Local Government Act, 1933, (in these Regulations called " the Act "), and as regards the powers conferred by the last-mentioned

* Insert this proviso if any of the land is glebe land or other land belonging to an ecclesiastical benefice.

† Here insert a suitable short title.

Section, after consultation with the Commissioners of Works, hereby makes the following regulations :—

1. These Regulations may be cited as the Local Government (Compulsory Purchase) Regulations, 1934, and shall come into operation on the first day of June, 1934.

2. Any notice or other document required to be served on the owner, lessee or occupier of premises in pursuance of the provisions of Sections 160, 161 or 168 of the Act (*a*) shall be served either—

(*a*) by delivering it to the person on whom it is to be served, or

(*b*) by leaving it at the usual or last-known place of abode of that person, or

(*c*) by sending it in a pre-paid registered letter addressed to that person at his usual or last-known place of abode, or

(*d*) in the case of an incorporated company or body by delivering it to the secretary or clerk of the company or body at their registered or principal office or sending it in a pre-paid registered letter addressed to the secretary or clerk of the company or body at that office, or

(*e*) if the local authority are unable after reasonable inquiry to ascertain the name or address of the person on whom it should be served by addressing it to him by the description of "owner" or "lessee" or "occupier" of the premises (naming them) to which it relates and by delivering it to some person on the premises, or, if there is no person on the premises to whom it can be delivered, by affixing it or a copy of it to some conspicuous part of the premises.

3. The forms set out in the schedule hereto or forms substantially to the like effect shall be the forms to be used by the local authority under Sections 160, 161 and 168 of the Act (*a*) in the cases to which those forms are applicable.

4. The notice to be published in a parish under Section 168 (2) of the Act (*a*) of a proposed inquiry into a representation by a parish council under that Section shall be published by affixing a copy thereof on or near the principal door of each church or chapel in the parish.

5. The prescribed distance for the purposes of Section 175 of the Act (*b*), that is to say the distance from any of the royal palaces or parks within which the exercise of the powers of compulsory purchase by means of a Compulsory Purchase Order is subject to the provisions of that Section, shall, in the case of Windsor Castle, Windsor Great Park, and Windsor Home Park be two miles, and, in the case of any other Royal Palace or Park, be half a mile.

SCHEDULE.

FORM NO. 1.

Form of Notice to Owners, Lessees and Occupiers of an application for a Provisional Order for the compulsory purchase of land.

Local Government Act, 1933.

Take notice that the[1]
propose to request the Minister of Health to make a Provisional Order empowering them to purchase compulsorily the land described in the Schedule hereto of which you are the[2]

The said land is required for the purpose of[3]

A map indicating the land intended to be purchased has been deposited at
and may be seen at all reasonable hours.

Any objection to the proposed Order must be made in writing and addressed to the Minister of Health, Whitehall, London S.W., before the[4] day of

If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections are withdrawn, or if the Minister is satisfied that every objection duly made and not withdrawn relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is to be assessed, the Minister may,

(*a*) For sections 160, 161 and 168, *see ante*, pp. 978, 985 and 996.
(*b*) For section 175, *see ante*, p. 1003.

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upon being satisfied that the proper notices have been published and served, make a Provisional Order authorising the compulsory purchase of the land. In any other case the Minister is required, before making the Provisional Order, to cause a local inquiry to be held and to consider any objection not withdrawn and the report of the person who held the inquiry.

Schedule.

(Here insert description of land comprised in the proposed Order.)

Dated this day of , 19 .

Signature of Clerk of Local Authority.

[1] Insert description of local authority.
[2] Insert " owner," " lessee," or " occupier."
[3] Insert purpose for which the lands are required.
[4] Insert date 21 clear days from service of notice.

FORM No. 2.

Form of Compulsory Purchase Order made by Local Authority under Section 161 *of the Local Government Act*, 1933.

Local Government Act, 1933.

The[1] hereby make the following Order :—

1. Subject to the provisions of this Order the above-named Council are hereby authorised to purchase compulsorily for the purpose of[2] the land which is described in the Schedule hereto, and is coloured red on a map marked[3] and sealed with the common seal of the Council and deposited at the offices of the Council.

2. Subject to the modifications set out in paragraph 3 of this Order the provisions of :—

(*a*) the Lands Clauses Acts (except Section 92 and Sections 127 to 132[4] of the Lands Clauses Consolidation Act, 1845) (*a*) ; and

(*b*) Sections 77 to 85 of the Railways Clauses Consolidation Act, 1845 ; (*a*)

are hereby incorporated in this Order, and the provisions of those Acts shall apply accordingly.

3. (*a*) Section 85 of the Lands Clauses Consolidation Act, 1845, shall have effect as if the words " with two sufficient sureties to be approved of by two justices in case the parties differ " were omitted therefrom.

(*b*) In lieu of Section 92 of the Lands Clauses Consolidation Act, 1845, the following provisions shall have effect :—

No person shall be required to sell a part only of any house, building, or manufactory, or of any land which forms part of a park or garden belonging to a house, if he is willing and able to sell the whole of the house, building, manufactory, park or garden, unless the tribunal by whom compensation is to be assessed determine that, in the case of a house, building, or manufactory, such part as is proposed to be taken can be taken without material detriment to the house, building, or manufactory, or, in the case of a park or garden, that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house and, if the tribunal so determine, compensation shall be awarded in respect of the severance of the part so proposed to be taken, in addition to the value of that part, and thereupon the person interested shall be required to sell to the local authority that part of the house, building, manufactory, park or garden.

4. The sums agreed upon or awarded for the purchase of the lands described in the Schedule to this Order, if glebe land or other land belonging to an ecclesiastical benefice, or to be paid by way of compensation for damage to be sustained by the owner by reason of severance or injury affecting any such land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners, to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.[5]

5. This Order may be cited as the[6] (Compulsory Purchase) Order , 19 .

(*a*) *See* Vol. IV, *post.*

The Schedule.

Number on Map.	Quantity, description, and situation of the land.	Owners or reputed owners.	Lessees or reputed lessees.	Occupiers (other than tenants for a month or less period than a month).

Given under the seal of the this day of in the year nineteen hundred and

[1] Insert description of local authority.
[2] Insert purpose for which land is required.
[3] Insert short title of Order.
[4] If the Minister of Health has determined that Section 133 of the Lands Clauses Consolidation Act, 1845, shall not be incorporated insert " and Section 133."
[5] Unless the lands described in the Schedule include glebe land or other land belonging to an ecclesiastical benefice this paragraph should be struck out.
[6] Insert title of Order.

FORM NO. 3.

Form of Notice to Owners, Lessees and Occupiers of the making of a Compulsory Purchase Order.

Local Government Act, 1933.

Take notice that the[1] in pursuance of the powers vested in them by Section 161 of the Local Government Act, 1933, on the day of , 19 , made a Compulsory Purchase Order which is about to be submitted to the Minister of Health for confirmation authorising them to purchase compulsorily for the purpose of[2] the land described in the Schedule hereto.

Copies of the Order and of the map referred to therein have been deposited at and may be seen at all reasonable hours.

Any objection to the Order must be made in writing and addressed to the Minister of Health, Whitehall, London, S.W., before the[3] day of

If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections are withdrawn, or if the Minister is satisfied that every objection duly made relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is to be assessed, the Minister may, if he thinks fit, upon being satisfied that the proper notices have been published and served, confirm the Order with or without modification. In any other case the Minister is required, before confirming the Order, to cause a local inquiry to be held and to consider any objection not withdrawn and the report of the person who held the inquiry. The Minister may then confirm the Order either with or without modification.

Schedule.

(Here insert description of lands comprised in the Order.)

Dated this day of 19 .

Signature of Clerk of Local Authority.

[1] Insert description of local authority.
[2] Insert purpose for which land is to be acquired.
[3] Insert date 21 clear days from service of notice.

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FORM NO. 4.

Form of Advertisement of Confirmed Compulsory Purchase Order.

Local Government Act, 1933.

[1] Order.

Notice is hereby given that the Minister of Health in pursuance of the powers vested in him by Section 161 of the Local Government Act, 1933, on the day of , 19 , confirmed [with modifications] a Compulsory Purchase Order submitted to him by the[2]

The Order provides for the purchase for the purpose of[3] of the land described in the Schedule hereto.

Copies of the Order as confirmed and of the map referred to therein have been deposited at , and may be seen at all reasonable hours.

The Order will become operative on the date of this advertisement, but if proceedings in the High Court are instituted within a period of two months from that date by an aggrieved person desirous of questioning the validity of the Order, the Court, if satisfied that the Order is invalid and, where the invalidity of the Order arises from a failure to comply with any provision governing the procedure for the making or confirmation thereof, are further satisfied that the interests of the applicant have been substantially prejudiced by that failure, may quash the Order either generally or in so far as it affects any property of the applicant.

Schedule.

(Here insert description of lands comprised in the Order.)

Dated this day of , 19 .

Signature of Clerk of Local Authority.

[1] Insert short title of Order.
[2] Insert description of local authority.
[3] Insert purpose for which the land is to be acquired.

FORM NO. 5.

Form of Notice of a proposed inquiry by a County Council on a representation by a Parish Council that they are unable to acquire land by agreement.

Local Government Act, 1933.

To[1] {owner / lessee / occupier}

of[2]

Take notice that the Parish Council of have represented to the County Council of that they are unable to purchase by agreement and on reasonable terms suitable land for[3] , being a purpose for which they are authorised to acquire land, and that they have requested the County Council to make an Order for the compulsory purchase of the land described in the Schedule hereto for the said purpose.

A map indicating the land intended to be purchased has been deposited at and may be seen at all reasonable hours.

The County Council have appointed a person to hold a local inquiry in the above matter. The inquiry will be held at on the day of 19 , at a.m./p.m., and you have the right to attend the inquiry and to be heard thereat. It should be noted that the Local Government Act, 1933, provides that the person holding the inquiry shall not, unless the Minister of Health so directs, hear counsel or expert witnesses.

Schedule.

(Here insert description of lands proposed to be purchased.)

Dated this day of , 19 .

Signature of Clerk of County Council.

[1] Insert name of owner, lessee or occupier.
[2] Insert description of land proposed to be acquired.
[3] Insert purpose for which the land is proposed to be acquired.

FORM No. 6.

Form of Compulsory Purchase Order made by a County Council on behalf of a Parish Council under Section 168 *of the Local Government Act,* 1933.

Local Government Act, 1933.

Whereas the Parish Council of (hereinafter referred to as the "Parish Council") have made a representation to the County Council of (hereinafter called "the County Council") that they are unable to purchase by agreement and on reasonable terms suitable land for the purpose of[1].

And whereas the County Council being satisfied that the representation is correct and that the circumstances are such as to justify them in proceeding under Section 168 of the Local Government Act, 1933, have decided to proceed under the said Section;

And whereas the County Council have caused a local inquiry to be held in the matter and have otherwise complied with the relevant provisions of the said Act:

Now the County Council hereby make the following Order:—

1. Subject to the provisions of this Order the Parish Council are hereby authorised to purchase compulsorily for the purpose of[1] the land which is described in the Schedule hereto, and is coloured red on a map marked[2] and sealed with the common seal of the County Council and deposited at the offices of the County Council.

2. Subject to the modifications set out in paragraph 3 of this Order the provisions of:—

   (*a*) the Lands Clauses Acts (except Section 92 and Sections 127 to 132[3] of the Lands Clauses Consolidation Act, 1845); and

   (*b*) Sections 77 to 85 of the Railways Clauses Consolidation Act, 1845;

   are hereby incorporated in this Order, and the provisions of those Acts shall apply accordingly.

3.—(*a*) Section 85 of the Lands Clauses Consolidation Act, 1845, shall have effect as if the words "with two sufficient sureties to be approved of by two justices in case the parties differ" were omitted therefrom.

(*b*) In lieu of Section 92 of the Lands Clauses Consolidation Act, 1845, the following provisions shall have effect:—

   No person shall be required to sell a part only of any house, building, or manufactory, or of any land which forms part of a park or garden belonging to a house, if he is willing and able to sell the whole of the house, building, manufactory, park or garden, unless the tribunal by whom compensation is to be assessed determine that, in the case of a house, building, or manufactory, such part as is proposed to be taken can be taken without material detriment to the house, building, or manufactory, or, in the case of a park or garden, that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house and, if the tribunal so determine, compensation shall be awarded in respect of the severance of the part so proposed to be taken, in addition to the value of that part, and thereupon the person interested shall be required to sell to the Parish Council that part of the house, building, manufactory, park or garden.

4. The sums agreed upon or awarded for the purchase of the lands described in the Schedule to this Order, if glebe land or other land belonging to an ecclesiastical benefice, or to be paid by way of compensation for damage to be sustained by the owner by reason of severance or injury affecting any such land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners, to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.[4]

5. This Order may be cited as the[5] (Compulsory Purchase) Order , 19 .

The Schedule.

Number on Map.	Quantity, description and situation of the land.	Owners or reputed owners.	Lessees or reputed lessees.	Occupiers (other than tenants for a month or less period than a a month).

Given under the seal of the this day of in the year nineteen hundred and

[1] Insert purpose for which land is required.
[2] Insert short title of Order.
[3] If the Minister of Health has determined that Section 133 of the Lands Clauses Consolidation Act, 1845, shall not be incorporated insert "and Section 133."
[4] Unless the lands described in the Schedule include glebe land or other land belonging to an ecclesiastical benefice this paragraph should be struck out.
[5] Insert title of Order.

FORM NO. 7.

Form of Notice to Owners, Lessees and Occupiers of the making of a Compulsory Purchase Order by a County Council on behalf of a Parish Council.

Local Government Act, 1933.

Take notice that the[1] in pursuance of the powers vested in them by Section 168 of the Local Government Act, 1933, on the day of , 19 , made a Compulsory Purchase Order which is about to be submitted to the Minister of Health for confirmation authorising the Parish Council of[2] to purchase compulsorily for the purpose of[3] the land described in the Schedule hereto.

Copies of the Order and of the map referred to therein have been deposited at and may be seen at all reasonable hours.

Any objection to the Order must be made in writing and addressed to the Minister of Health, Whitehall, London, S.W., before the[4] day of

If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, or if the Minister is satisfied that every such objection not withdrawn relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is to be assessed, the Minister is required, on being satisfied that the proper notices have been published and served, to confirm the Order with or without modification. In any other case the Minister is required, before confirming the Order, to cause a local inquiry to be held and to consider any objections not withdrawn and the report of the person who held the inquiry.

Schedule.

(Here insert description of lands comprised in the Order.)

Dated this day of , 19 .

Signature of Clerk of County Council.

[1] Insert description of County Council.
[2] Insert title of Parish Council.
[3] Insert purpose for which land is to be acquired.
[4] Insert date 21 clear days from service of notice.

FORM No. 8.

Form of Advertisement of the Confirmation of a Compulsory Purchase Order made on behalf of a Parish Council.

Local Government Act, 1933.

[1] Order.

Notice is hereby given that the Minister of Health in pursuance of the powers vested in him by Section 168 of the Local Government Act, 1933, on the day of , 19 , confirmed [with modifications] a Compulsory Purchase Order submitted to him by the[2] on behalf of the Parish Council of[3]

The Order provides for the purchase for the purpose of[4] of the land described in the Schedule hereto.

Copies of the Order and of the map referred to therein have been deposited at , and may be seen at all reasonable hours.

The Order will become operative on the date of this advertisement, but if proceedings in the High Court are instituted within a period of two months from that date by an aggrieved person desirous of questioning the validity of the Order, the Court, if satisfied that the Order is invalid and, where the invalidity of the Order arises from a failure to comply with any provision governing the procedure for the making or confirmation thereof, are further satisfied that the interests of the applicant have been substantially prejudiced by that failure, may quash the Order either generally or in so far as it affects any property of the applicant.

Schedule.

(Here insert description of lands comprised in the Order.)

Dated this day of , 19 .

Signature of Clerk of County Council.

[1] Insert short title of Order.
[2] Insert description of County Council.
[3] Insert title of Parish Council.
[4] Insert purpose for which land is to be acquired.

Given under the Official Seal of the Minister of Health this Eleventh day of April nineteen hundred and thirty-four.

(L.S.) R. B. CROSS,

Assistant Secretary, Ministry of Health.

S. R. & O., 1934, No. 968.

THE PUBLIC WORKS FACILITIES (PROCEDURE, HOME DEPARTMENT) ORDER, 1934, DATED AUGUST 31ST, 1934, MADE BY THE SECRETARY OF STATE FOR THE HOME DEPARTMENT UNDER PARAGRAPHS 1 AND 3 OF PART II AND PARAGRAPH 1 OF PART III OF THE FIRST SCHEDULE TO THE PUBLIC WORKS FACILITIES ACT, 1930.

In the exercise of the powers conferred on me by paragraphs 1 and 3 of Part II and paragraph 1 of Part III of the First Schedule to the Public Works Facilities Act, 1930, I, the Right Honourable Sir John Gilmour, Baronet, one of His Majesty's Principal Secretaries of State, hereby prescribe as follows :—

The Public Works Facilities Act, 1930, is printed in a later volume.

1. The forms set out in the First Schedule to the Public Works Facilities (Procedure, Ministry of Health) Order, 1930 (*a*), or forms substantially to the same effect, shall be the forms to be used, in the cases to which those forms are applicable, in connection with compulsory purchase orders to be submitted to or confirmed by the

(*a*) S. R. & O., 1930, No. 1057, *ante*, p. 3135.

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Secretary of State for the Home Department under the said Act, subject to the following modifications,—

(*a*) the words "the Secretary of State for the Home Department" and "the Secretary of State" respectively shall be substituted for the words "the Minister of Health" and "the Minister" throughout the said forms and the footnotes thereto; and

(*b*) the address of the Secretary of State, namely,—

Home Office,
Whitehall,
London, S.W.1.

shall be substituted for the address of the Minister of Health in Form III.

2. Notices required to be served under paragraph 3 (*b*) of Part II of the First Schedule to the said Act in connection with a compulsory purchase order to be submitted to the Secretary of State for the Home Department under the said Act shall be served in the manner specified in the Second Schedule to the Public Works Facilities (Procedure, Ministry of Health) Order, 1930.

3. This Order may be cited as the Public Works Facilities (Procedure, Home Department) Order, 1934, and shall come into operation on the date hereof.

JOHN GILMOUR,
One of His Majesty's Principal Secretaries of State.

HOME OFFICE,
31*st August*, 1934.

S. R. & O., 1936, No. 195.

THE SMALL HOLDINGS AND ALLOTMENTS (COMPULSORY PURCHASE) REGULATIONS, 1936, DATED MARCH 7TH, 1936, MADE BY THE MINISTER OF AGRICULTURE AND FISHERIES UNDER THE SMALL HOLDINGS AND ALLOTMENTS ACTS, 1908 TO 1931, AND THE ALLOTMENTS ACTS, 1922 AND 1925.

The Minister of Agriculture and Fisheries in pursuance of the provisions of the Small Holdings and Allotments Acts, 1908 to 1931, and the Allotments Acts, 1922 and 1925, hereby makes the following Regulations:—

The Small Holdings and Allotments Acts, 1908 to 1931 and the Allotments Acts, 1922 and 1925, are printed in a later volume.

Orders for Compulsory Purchase.

1. A Compulsory Order for purchase made by a Council shall be in the form set forth in the Appendix to these Regulations or to the like effect; Provided that an Order when submitted to the Minister of Agriculture and Fisheries (in these Regulations referred to as "the Minister") for confirmation may be modified by the Minister after notice of the intended modification to the Council and to those persons interested in the land who, in the opinion of the Minister, would be affected thereby, and after consideration of any objection thereto presented to the Minister within the time prescribed by such notice.

2.—(1) When a Council propose to purchase land compulsorily the Council, not less than one calendar month before they submit the Compulsory Order to the Minister, shall publish the Order by means of a notice, containing such particulars as are prescribed by this Regulation, inserted as an advertisement in one or more newspapers circulating in the locality, and the Council shall furnish a copy of the Order (except any plan annexed to or referred to in the Order) free of charge to any person interested in the land who shall apply for the same. Not less than one calendar month before they submit the Order to the Minister, the Council shall also give notice of the Order, containing such particulars as are required by this Regulation, to the Minister and to each owner, lessee, and occupier of the land proposed to be purchased, or to such of them as shall be known to the Council.

(2) Every notice under this Regulation shall contain the following particulars:—

(*a*) the purpose for which the land is proposed to be purchased;

(*b*) the quantity, description, and situation of the land and the names of the reputed owners, lessees, and occupiers thereof; provided that in cases where the land is already occupied as allotments, a statement to that effect may be given in the notice, and it shall not be necessary to include in the notice the names of the individual occupiers;

(*c*) the place where copies of the Order (except any plan annexed to or referred to in the Order) may be obtained free of charge by any person interested in the land;

(*d*) the place where the plan (if any) annexed to or referred to in the Order may at all reasonable times, until the Order is submitted to the Minister, be inspected by or on behalf of any person interested in the land.

(3) Every notice shall also state that any objection must be presented to the Minister, and every notice sent to an owner, lessee or occupier shall state the period within which an objection by him may be so presented in accordance with these Regulations. A notice may also state that a copy of every objection shall be sent to the Clerk to the Council.

(4) If the Council is a County Council acting on behalf of a Parish Council or Parish Meeting the notice shall so state and give the name of the parish.

3. A copy of each newspaper in which the Order is published, together with two copies of the Order, shall be furnished to the Minister when the sealed Order is submitted to him for confirmation.

4. The period within which an objection to a Compulsory Order may, under Regulation 2 (3), be presented to the Minister by a person interested in the land to which the Order relates shall be the period of one calendar month from and after the date on which notice of the Order is sent to him, or if no notice is sent to him in that case from and after the date of the latest advertisement of a notice of the Order.

5. Notice of the confirmation of the Order shall be given by the Council as soon as practicable to each owner, lessee, and occupier of the land authorised to be purchased, and a copy of the Order and of any plan annexed to or referred to in the Order, shall be furnished by the Council to any person interested in the land on application by such person.

6.—(1) Every notice required to be given by the Council to an owner or other person interested in land proposed or authorised to be purchased, shall either be served personally on such person or sent by post to or left at his usual place of abode in the United Kingdom, if any such can after diligent inquiry be found, and in case any such person shall be absent from the United Kingdom or cannot be found after diligent inquiry, shall be sent by post to or left with any agent ordinarily receiving the rents of the land on behalf of such person, and a copy thereof shall also be sent by post to or left with the occupier of the land to which such notice relates, or, if there be no such occupier, shall be affixed upon some conspicuous part of such land.

(2) If an owner or other person interested be a corporation aggregate, such notice shall be sent by post to or left at the principal office of business of such corporation, or if no such office can after diligent inquiry be found, shall be sent by post to or served on some principal officer, if any, of such corporation.

7. Where a Council propose to purchase compulsorily the estate and interest of a lessee only, the Order shall so state, and these Regulations shall apply with the necessary modifications.

8. In these Regulations, unless the context otherwise requires—

"Owner" in relation to any land proposed or authorised to be purchased means the person who by himself or his agent is in actual possession, or receipt of the rents or profits, of the land (except a lessee) and that without regard to the real amount of interest of such person;

"Lessee" includes a tenant holding under an agreement for a lease;

"Compulsory Order" means an Order under the Small Holdings and Allotments Acts, 1908 to 1931, and the Allotments Acts, 1922 and 1925, which authorises land to be compulsorily purchased;

"Land" includes stints and other alienable common rights of grazing:

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9. These Regulations shall not apply to a compulsory purchase by the Minister under the powers contained in sections 10 and 13 of the Agricultural Land (Utilisation) Act, 1931.

For sections 10 and 13, *see* 24 Halsbury's Statutes 57, 59.

10. The Regulations as to compulsory purchase made by the Minister on the 26th day of September, nineteen hundred and twenty-two, are hereby revoked but not so as to affect any Order made before the date of these Regulations.

The revoked order is S. R. & O., 1922, No. 1056.

11. These Regulations may be cited as the Small Holdings and Allotments (Compulsory Purchase) Regulations, 1936.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this seventh day of March, nineteen hundred and thirty-six.

(L.S.) CHARLES J. H. THOMAS,
Secretary.

APPENDIX.

1. The[1] are hereby empowered for the purpose of providing[2] to put in force as respects the [several] land[s] described in the schedule hereto the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement, but subject to the terms of the Small Holdings and Allotments Acts, 1908 to 1931,[3] and this Order.

2. This Order shall take effect as if it incorporated, subject to the necessary adaptations, the Lands Clauses Acts and sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845, but subject to this modification, that any question of disputed compensation shall be determined under and in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, and the Small Holdings and Allotments Acts, 1908 to 1931.[3]

[*Here insert any provision for the continuance of an existing easement or the creation of a new easement over the land(s).*]

3. Nothing in this Order as made or confirmed shall entitle the Council, except with the consent of the Minister of Agriculture and Fisheries, to require any party to sell or convey part only of [any of] the [several] land[s] described in the schedule hereto if such party is willing and able to sell and convey the whole thereof.

4. (*Where the Order applies to glebe land or other land belonging to an ecclesiastical benefice insert the following paragraph.*) Any sum agreed upon or awarded for the purchase of the land[s], or payable by way of compensation for the damage to be sustained by the owner by reason of severance or other injury affecting the land[s] shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale under the Ecclesiastical Leasing Acts of land belonging to a benefice.

5. The powers conferred by this Order shall cease after the expiration of three calendar months from the date of confirmation by the Minister of Agriculture and Fisheries.

Made by the[1] the day of 19 . [Seal of the Council.]

or

Made on behalf of the[1] the day of 19 , by their Small Holdings and Allotments Sub-Committee.

[Signature of Clerk to the Council.]

SCHEDULE TO FORM OF ORDER FOR COMPULSORY PURCHASE.

[Description of land[s] proposed or authorised to be purchased.]

If severally described, number consecutively.

[1] Insert "County Council of ," or "County Council of , acting on behalf of the Parish Council" [*or* "Meeting"] or "Mayor, Aldermen and Burgesses of the Borough of ," or "District Council."

[2] Insert "small holdings," or "allotments," or "allotment gardens," as the case may be.

[3] Insert here "and the Allotments Acts, 1922 and 1925," if the order is made for the purpose of providing allotments or allotment gardens.

S. R. & O., 1936, No. 196.

THE SMALL HOLDINGS AND ALLOTMENTS (COMPULSORY HIRING) REGULATIONS, 1936, DATED MARCH 7TH, 1936, MADE BY THE MINISTER OF AGRICULTURE AND FISHERIES UNDER THE SMALL HOLDINGS AND ALLOTMENTS ACTS, 1908 TO 1931, AND THE ALLOTMENTS ACTS, 1922 AND 1925.

The Minister of Agriculture and Fisheries, in pursuance of the provisions of the Small Holdings and Allotments Acts, 1908 to 1931, and the Allotments Acts, 1922 and 1925, does hereby make the following Regulations :—

The Small Holdings and Allotments Acts, 1908 to 1931, and the Allotments Act, 1922 and 1925, are printed in a later volume.

PART I.

Orders for Compulsory Hiring.

1. A Compulsory Order for hiring made by a Council shall be in the Form set forth in the Appendix to these Regulations or to the like effect; Provided that an Order when submitted to the Minister for confirmation may be modified by the Minister after notice of the intended modification to the Council and to those persons interested in the land who, in the opinion of the Minister, would be affected thereby, and after consideration of any objection thereto presented to the Minister within the time prescribed by such notice.

2.—(1) When a Council propose to hire land compulsorily, the Council, not less than one calendar month before they submit the Order to the Minister, shall publish the Order by means of a notice containing such particulars as are prescribed by this Regulation, inserted as an advertisement in one or more newspapers circulating in the locality and the Council shall furnish a copy of the Order (except any plan annexed to or referred to in the Order) free of charge to any person interested in the land who shall apply for the same. Not less than one calendar month before they submit the Order to the Minister, the Council shall also give notice of the Order, containing such particulars as are required by this Regulation, to the Minister and to each owner, lessee, and occupier of the land proposed to be hired, or to such of them as shall be known to the Council.

(2) Every notice under this Regulation shall contain the following particulars :—

(*a*) the purpose for which the land is proposed to be hired;

(*b*) the quantity, description, and situation of the land and the names of the reputed owners, lessees, and occupiers thereof; provided that in cases where the land is already occupied as allotments a statement to that effect may be given in the notice and it shall not be necessary to include in the notice the names of the individual occupiers;

(*c*) the number of years (with a part of a year, if so desired), for which the land is proposed to be hired;

(*d*) the place where copies of the Order (except any plan annexed to or referred to in the Order) may be obtained free of charge by any person interested in the land;

(*e*) the place where the plan (if any) annexed to or referred to in the Order may at all reasonable times until the Order is submitted to the Minister be inspected by or on behalf of any person interested in the land.

(3) Every notice shall also state that any objection must be presented to the Minister, and every notice sent to an owner, lessee or occupier shall state the period within which an objection may be so presented in accordance with these Regulations. A notice may also state that a copy of every objection shall be sent to the Clerk to the Council.

(4) If the Council is a County Council acting on behalf of a Parish Council or Parish Meeting the notice shall so state and give the name of the parish.

3. A copy of each newspaper in which the Order is published, together with a copy of the Order shall be furnished to the Minister when the sealed Order is submitted to him for confirmation.

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4. The period within which an objection to a Compulsory Order may, under Regulation 2 (3), be presented to the Minister by a person interested in the land to which the Order relates shall be the period of one calendar month from and after the date on which notice of the Order is sent to him, or if no notice is sent to him, in that case from and after the date of the latest advertisement of a notice of the Order.

5.—(1) Notice of the confirmation of the Order shall be given by the Council as soon as practicable to each owner, lessee, and occupier of the land authorised to be hired, and a copy of the Order, and of any plan annexed to or referred to in the Order, shall be furnished by the Council to any person interested in the land on application by such person.

(2) Upon the application of any person interested in the land authorised to be hired, or in the interest of an existing tenant which will or may be extinguished by the compulsory hiring, the Order shall be so framed as to make such provision as is necessary for securing the interest of any party other than the owner or existing tenant in any compensation payable in respect of the compulsory hiring, and for that purpose there may be incorporated in the Order, with such adaptations as are required, any of the provisions of the Lands Clauses Consolidation Act, 1845 (*a*), which relate to compensation coming to parties having limited interests.

(*a*) *See* Vol. IV, *post*.

PART II.

Procedure for Enforcing Compulsory Hiring Order.

6.—(1) When the Council require to hire compulsorily any land authorised to be hired by a Compulsory Order, they shall give notice to that effect to the owner of such land, and to any existing tenant thereof, or to such of the said parties as shall, after diligent inquiry, be known to the Council, and by such notice shall demand from such parties the particulars of their estate and interest in such land, in so far as such particulars are required in order to ascertain the owner thereof and the interests of the existing tenants (if any); and every such notice shall state the particulars of the land required to be hired, and the term for which the Council are authorised to hire the same, and that the Council are willing to treat for the hiring thereof. The Council shall in every such notice state a date consistent with the terms of the Order on which they require that the tenancy of the Council shall commence.

(2) Where the owner is a tenant the Council shall also give notice to the person in receipt of the rent reserved under the lease under which the owner holds as tenant that they require to hire compulsorily the lands specified in such notice.

(3) The notices referred to in this Regulation must be served within three calendar months after the date of confirmation by the Minister.

7. On receipt of the particulars of the interest of an existing tenant, the Council shall within twenty-one days give notice to the tenant, stating whether the Council desire to extinguish the interest of such tenant or to hire the land subject to such interest, and if the Council fail to give such notice they shall be deemed to desire to extinguish the interest of the tenant. Any interest of an existing tenant which is extinguished under the powers conferred by a Compulsory Order shall be extinguished upon, and by reason of, the commencement of the tenancy of the Council.

8.—(1) An existing tenant whose interest in the land is extinguished upon, and by reason of, the commencement of the tenancy of the Council shall be entitled to recover from the Council compensation for the value of his interest in the land and for any just allowance which ought to be made to him by an incoming tenant, and for any loss or injury which the existing tenant may sustain.

(2) If any person claim compensation in respect of any unexpired term or interest under any lease of lands by the Order authorised to be hired, the Council may require such person to produce the lease in respect of which such claim is made, or sufficient evidence thereof, and if, after demand made in writing by the Council, such lease, or such evidence thereof, be not produced within twenty-one days, the party so claiming compensation shall be considered as a tenant holding only from year to year, and be entitled to compensation accordingly.

9. If the owner of land authorised by a Compulsory Order to be hired is unable, except under powers conferred by these Regulations, to lease the land for the term and on the conditions for and on which the Council are so authorised to hire the land, the rent to be paid by the Council shall be determined, as in default of agreement, under and in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919 (*a*), and the Small Holdings and Allotments Acts, 1908 to 1931 (*a*), and the Allotments Acts, 1922 and 1925 (*a*).

10. If an existing tenant is unable, except under powers conferred by these Regulations, to dispose of the interest created by the lease under which he holds and to give an absolute discharge for the compensation for such interest, the amount payable by the Council to the existing tenant or any person claiming through him in respect of such interest or in respect of improvements executed on the land or otherwise, and, where part only of the holding is hired, the rent to be paid for the residue of the holding during the remainder of the term for which the holding is held, shall be determined, as in default of agreement, in manner provided by the preceding Regulation.

11. If the Council cannot after diligent inquiry ascertain the owner or existing tenant, or if for twenty-one days after the giving of such notice to treat to the owner or existing tenant as is required by these Regulations, he fail to state the particulars demanded by the notice or fail to treat with the Council in respect of his interest, or if the owner or the existing tenant do not agree with the Council as to any matter which under paragraph (3) of Part II. of the First Schedule to the Act of 1908 is in default of such agreement to be determined as therein provided, the Council may require that the rent, compensation or other matter to be determined shall be determined in manner provided by the Acquisition of Land (Assessment of Compensation) Act, 1919, and the Small Holdings and Allotments Acts, 1908 to 1931, and the Allotments Acts, 1922 and 1925.

12. If the land authorised to be compulsorily hired is held by the owner subject to any reservation or exception or easement from which the Council require that the land when leased to the Council shall be exonerated during the existence of the lease, any person injuriously affected by the exoneration of the land from such reservation or exception or by the extinguishment of the easement effected by the lease to the Council shall be entitled to recover compensation for the injury from the Council, and the amount of the compensation shall in default of agreement between such person and the Council be determined under and in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, and the Small Holdings and Allotments Acts, 1908 to 1931, and the Allotments Acts, 1922 and 1925.

13. In determining the rent to be paid by the Council for land authorised to be compulsorily hired the interest of any existing tenant and the existence of any reservation or exception or easement affecting the land shall be taken into consideration, and the land shall be valued as subject to such interest, reservation, exception, or easement.

14.—(1) In determining the rent to be paid for land authorised to be compulsorily hired regard shall be had by the arbitrator not only to the value of the land to be hired, but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of such owner, or by reason of such other land being otherwise injuriously affected by the exercise of the powers conferred on the Council by the Compulsory Order, the Small Holdings and Allotments Acts, 1908 to 1931, or by the Allotments Acts, 1922 and 1925.

(2) Every existing tenant shall be entitled to receive from the Council compensation for the damage done to him in his tenancy by reason of the severance of the land to be hired from land which is held by such tenant and is not required to be hired.

15.—(1) As soon as the amount of the rent to be paid by the Council for the land proposed to be compulsorily hired, and the amount of any other compensation to be paid by the Council to any person entitled thereto in respect of the land or any interest

(*a*) These Acts are printed in a later volume.

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therein, or in respect of improvements executed on the land or otherwise, have been determined, so far as the same can be determined before the tenancy of the Council commences, the owner shall on the application of the Council execute a lease of the land in accordance with the Order, subject only to the interest of any existing tenant which the Council have given notice that they do not desire to extinguish, and to any reservation, exception, or easement subject to which the land is to be hired, and if the owner refuses or after notice in writing by the Council fails within one month, to execute the lease, or if the owner of the land cannot after diligent inquiry be ascertained by the Council, the Council shall execute the lease in duplicate, and shall forward one copy to the owner, if he can be found, and a lease so executed shall take effect as if it had been duly executed by the owner.

(2) A lease executed by the owner, or by the Council under this Regulation, shall be binding on and enure for the benefit of all persons interested in the land hired, and shall not cause any forfeiture of the land, or of any land held therewith or create any right of entry on any such land, or any right of action for breach of a covenant not to assign, or like covenant.

16. The lease to the Council shall, when executed in accordance with these Regulations, and subject as hereinafter provided, take effect as from the date specified by the Council in the notice to treat given by the Council to the owner of the land, and in such case the Council shall on the date so specified be entitled to enter on the land, subject to the interest of any existing tenant which is not to be extinguished by the hiring;

Provided that this Regulation is subject to the power of the Council under subsection (8) of section 39 of the Act of 1908 to withdraw such notice to treat.

17.—(1) Costs reasonably incurred by the owner in connection with the preparation and execution of the lease and any counterpart and costs reasonably incurred by the owner or an existing tenant in furnishing any particulars of his estate and interest required by notice under these Regulations, or otherwise required by the Council, shall be paid by the Council to the owner or tenant as the case may be.

(2) If the Council and the party entitled to any such costs do not agree as to the amount thereof, such costs shall be taxed by one of the Taxing Masters of the High Court, upon an Order of the Court to be obtained upon petition in a summary way by either of the parties; and the Council shall pay what the said Master shall certify to be due in respect of such costs to the party entitled thereto, or in default thereof the same may be recovered in the same way as any other costs payable under an Order of the Court, and the expense of taxing such costs shall be borne by the Council unless upon such taxation one-sixth part of the amount of such costs be disallowed, in which case the costs of such taxation shall be borne by the party whose costs shall be so taxed, and the amount thereof shall be ascertained by the said Master, and deducted by him accordingly in his certificate of such taxation.

18. If in any case the Council are authorised by a Compulsory Order and these Regulations to enter upon and hold any land authorised to be compulsorily hired, and the owner or occupier of any such lands or any other person refuses to give up the possession thereof, or hinders the Council from entering upon the same, a court of summary jurisdiction, on complaint made by the Council, may require the owner or occupier of such land or other person to deliver possession of the same to the Council or permit them to enter thereon; and any Order made under these provisions may be enforced as provided by section 34 of the Summary Jurisdiction Act, 1879 (*a*).

19. The arbitrator shall within one month after his appointment, or within such extended time as the Minister shall allow, make and sign a determination of all matters referred to him for determination which are in his opinion capable of being ascertained at the date of the determination, and shall within one month after the commencement of the tenancy of the Council, or within such extended time as the Minister shall allow, make and sign a determination of all matters referred to him for determination which are not determined by the previous determination.

20. Every determination made by an arbitrator shall be duly stamped by him and sent as soon as possible to the Council and a copy shall at the same time be sent to the owner and any existing tenant affected by the determination.

(*a*) 11 Halsbury's Statutes 342.

21.—(1) Any compensation, other than rent, payable by the Council in respect of the compulsory hiring, including any compensation payable in respect of the interest of an existing tenant which is extinguished by such hiring, shall be payable by the Council in manner provided by these Regulations on the execution of the lease, or if payable in respect of any matter not then determined, on the date when it is duly determined.

(2) Subject to any provision in the Compulsory Order and these Regulations, compensation so payable by the Council shall be paid on demand to the owner, or the existing tenant, as the case may be.

22. Subject to any provision in the Compulsory Order relating to mines and minerals, there shall, unless the owner and the Council otherwise agree, be excepted and reserved out of the lease all the mines and minerals, metals, ores, and other substrata, whether of coal, stone, clay, sand, or any other metalliferous or mineral substance or produce whatsoever, whether opened or unopened, worked or unworked, within or under the hired land (all which are hereinafter collectively referred to as "the said mines and minerals"); with full liberty and power for the persons entitled to the said mines and minerals at all times during the lease by underground workings only to win, work, and carry away the whole of the said mines and minerals, and also to carry away the produce of any other mines; nevertheless making reasonable compensation for any damage or subsidence which may be occasioned to any building on the land hired by reason of such working and carrying away of the said mines and minerals as aforesaid or the exercise of the powers to be reserved as aforesaid, such compensation to be settled in case of dispute by a single arbitrator in accordance with the Agricultural Holdings Act, 1923 (*a*).

23. Except as in these Regulations expressly provided, any person interested in the determination of any matter under these Regulations shall not be required to produce to the person making the valuation, or give him access to, any document of title.

PART III.

General.

24.—(1) Every notice required to be given by a Council to an owner, existing tenant, or other person interested in land proposed or authorised to be hired, shall either be served personally on such person or sent by post to or left at his usual place of abode in the United Kingdom, if any such can after diligent inquiry be found, and in case any such person shall be absent from the United Kingdom or cannot be found after diligent inquiry, shall be sent by post to or left with any agent ordinarily receiving the rents of the land on behalf of such person, and a copy thereof shall also be sent by post to or left with the occupier of the land to which such notice relates, or, if there be no such occupier, shall be affixed upon some conspicuous part of such land.

(2) If an owner, existing tenant, or other person interested be a Corporation aggregate such notice shall be sent by post to or left at the principal office of business of such Corporation, or if no such office can after diligent inquiry be found, shall be sent by post to or served on some principal officer, if any, of such corporation.

25.—(1) Section two of the Land Settlement (Facilities) Act, 1919 (*Power of entry on land*) shall apply in the case of an Order authorising the compulsory hiring of land, or of an agreement to hire land, subject to the following adaptations:—

(*a*) "Hire" or "hiring" shall, as the context requires, be substituted for "purchase";

(*b*) A notice under Regulation 6 of these Regulations shall be deemed to be a notice to treat.

(2) In the case of an Order for the compulsory hiring of land and entry by a Council on the land or any part thereof under sub-section (1) of the said section as adapted by this regulation, the compensation payable in respect of the hiring of the land shall include such compensation by way of rent or otherwise, together with interest

(*a*) 1 Halsbury's Statutes 80.

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on such part of the compensation as is not paid by way of rent at the rate of five per cent. per annum from the time of entry on the land until such compensation is paid, as would have been payable if the Council had at the date of entry hired the land of which possession is taken and extinguished the interest therein of any existing tenant.

26. Where under the Acquisition of Land (Assessment of Compensation) Act, 1919 (*a*), any matter to which these Regulations relate is determined by the Commissioners of Inland Revenue, any provision in these Regulations referring to an arbitrator shall subject to the necessary modifications apply to the Commissioners.

27. In these Regulations unless the context otherwise requires—

"Minister" means the Minister of Agriculture and Fisheries;

"Owner" in relation to any land proposed or authorised to be hired means the person who by himself or his agent is in actual possession, or receipt of the rents and profits of the land (except a tenant thereof under a lease for a term no greater than the term for which the land is proposed or authorised to be hired) and that without regard to the real amount of interest of such person;

"Existing tenant" in relation to any land proposed or authorised to be hired means a tenant thereof under a lease for a term no greater than the term for which the land is proposed or authorised to be hired;

"Lease" includes an agreement for a lease;

"Compulsory Order" means an Order under the Small Holdings and Allotments Acts, 1908 to 1931, and the Allotments Acts, 1922 and 1925, which authorise land to be compulsorily hired;

"Land" includes stints and other alienable common rights of grazing.

28. A Compulsory Order shall incorporate these Regulations, but shall not, unless therein otherwise expressly stated, incorporate any of the provisions of the Lands Clauses Acts (*b*) or of sections 77 to 85 of the Railway Clauses Act, 1845 (*c*), except so far as such provisions have been incorporated with adaptations in these Regulations.

29. These Regulations shall not apply to a compulsory hiring by the Minister under the powers contained in sections 10 and 13 of the Agricultural Land (Utilisation) Act, 1931 (*a*).

30. The Compulsory Order and these Regulations shall not extend and apply to

Any land belonging to His Majesty the King, his heirs and successors in right of the Crown, or in right of the Duchy of Lancaster; nor to

Any land belonging to the Duchy of Cornwall; nor to

Any land subject to rights of common.

31. The Small Holdings and Allotments (Compulsory Hiring) Regulations, 1922, are hereby revoked but not so as to affect the operation of any Order made before the date of these Regulations.

The revoked order in S. R. & O., 1922, No. 1057.

32. These Regulations may be cited as the Small Holdings and Allotments (Compulsory Hiring) Regulations, 1936.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this seventh day of March, nineteen hundred and thirty-six.

(L.S.) CHARLES J. H. THOMAS,
Secretary.

APPENDIX.

Form of Order for Compulsory Hiring.

1. The[1] are hereby empowered to put in force as respects the land described in the draft lease set forth in the schedule hereto the powers of compulsory hiring conferred by the Small Holdings and

(*a*) This Act is printed in a later volume.
(*b*) *See* Vol. IV, *post.*
(*c*) 14 Halsbury's Statutes 61.

Allotments Acts, 1908 to 1931,[2] subject to the provisions of those Acts and to the Small Holdings and Allotments (Compulsory Hiring) Regulations, 1936, and to the terms of this Order.

2. The tenancy of the Council shall commence either on the [*twenty-fifth day of March*] or the [*twenty-ninth day of September*].[3]

3. (*Where the land is glebe land or other land belonging to an ecclesiastical benefice insert the following paragraph.*) Any sum payable by way of compensation for the damage to be sustained by the owner by reason of severance or other injury affecting the land shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale under the Ecclesiastical Leasing Acts of land belonging to a benefice.

4. The powers conferred by this Order shall cease after the expiration of three calendar months from the date of confirmation by the Minister of Agriculture and Fisheries.

[1] Insert " County Council of ," or " County Council of acting on behalf of the Parish Council " [*or* " Meeting "] or " Mayor, Aldermen, and Burgesses of the Borough of ," or " District Council."

[2] Insert here " and the Allotments Acts, 1922 and 1925," if the Order is made for the purpose of providing allotments or allotment gardens.

[3] These dates shall be the half-yearly days customary in the district, but where the Order is made for the purpose of providing allotment gardens, the date of the commencement of the Council's tenancy shall not be a date between the 6th day of April and the 29th day of September.

Schedule to Form of Order for Compulsory Hiring

This Schedule shall contain a draft of the lease under which it is proposed that the land shall be authorised to be acquired by the Council, setting out all the proposed terms and conditions except the date of the commencement of the tenancy and the rent.

The lease shall contain covenants by the Council to cultivate the land in a proper manner and to pay to the landlord at the determination of the tenancy, on the Council quitting the land, compensation for any depreciation of the land by reason of any failure by the Council, or any person deriving title under them, to observe such covenants, or by reason of any user of the land by the Council or such person as aforesaid, and, unless otherwise agreed, a covenant by the Council to keep the buildings and premises demised in repair.

The lease shall not authorise the breaking up of pasture unless the Council are prepared to prove to the satisfaction of the Minister of Agriculture and Fisheries that it can be so broken up without depreciating the value of the land, or that the circumstances are such that small holdings [allotments] cannot otherwise be successfully cultivated.

If the Order relates to the provision of land for allotment gardens, the lease should so state, and the foregoing paragraph relating to the breaking up of pasture is not applicable.

If the land authorised to be acquired for allotment gardens is the property of a corporation or company acquired by them for the purposes of a railway, dock, canal, water or other public undertaking, the lease shall contain a condition enabling the corporation or company to resume possession of the land when required by them for the purpose (not being the use of land for agriculture) for which it was acquired by the corporation or company.

The lease shall also provide that, except with the consent of the landlord, the Council shall not fell or cut timber or trees, or take, sell, or carry away any minerals, gravel, sand, or clay, except so far as may be necessary or convenient for the purpose of erecting buildings on the land or otherwise adapting the land for small holdings [allotments] [allotment gardens], and except upon payment of compensation for minerals, gravel, sand, or clay so used.

S. R. & O., 1936, No. 389.

THE RESTRICTION OF RIBBON DEVELOPMENT (COMPULSORY PURCHASE) REGULATIONS, 1936, DATED MAY 1ST, 1936, MADE BY THE MINISTER OF TRANSPORT.

The Minister of Transport in pursuance of the powers conferred upon him by Section 13 of the Restriction of Ribbon Development Act, 1935 (*a*) (hereinafter referred to as " the Act ") and of any other powers enabling him in that behalf hereby makes the following Regulations and so far as concerns Regulation 4 hereof after consultation with the Commissioners of Works.

(*a*) *Ante*, p. 2026.

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1. These Regulations may be cited as the Restriction of Ribbon Development (Compulsory Purchase) Regulations, 1936, and shall come into operation on the first day of May, 1936.

2. The forms set out in the Schedule hereto or forms substantially to the like effect shall be the forms to be used by a highway authority under Sections 13 and 14 of the Act in the cases to which those forms are applicable.

3. Any notice or other document required to be served on the owner lessee or occupier of any land comprised in a compulsory purchase order shall be served in accordance with the provisions of Section 22 of the Act.

4. The prescribed distance for the purposes of Section 175 of the Local Government Act, 1933 (*a*), that is to say the distance from any of the Royal Palaces or Parks within which the exercise of the powers of compulsory purchase by means of a compulsory purchase order made under the Act is subject to the provisions of that Section shall in the case of Windsor Castle, Windsor Great Park and Windsor Home Park be two miles and in the case of any other Royal Palace or Park be half a mile.

5. The Interpretation Act, 1889, applies for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament.

SCHEDULE.

FORM NO. 1.

Form of compulsory purchase order made by a highway authority under Section 13 of the Act.

Restriction of Ribbon Development Act, 1935.

The ([Road] [Street]) Compulsory Purchase Order 19 .

The[1] in exercise of the powers vested in them under or by virtue of Section 13 of the Restriction of Ribbon Development Act, 1935 and of all other powers vested in them hereby make the following Order:—

1. The above-named Council are hereby authorised to purchase [[2]or acquire] compulsorily the lands which are described in the [[2]First] Schedule hereto, and are delineated and coloured[3] on a map marked[4] and sealed with the common seal of the Council and deposited at the offices of the Council [[5] and at].

2. (1) The purpose[s] for which the said lands are to be acquired [is] [are][3]

(2) The manner in which it is intended to use the said lands for the said purpose[s] is as follows:—

3. Subject to the modifications set out in paragraph 4 of this Order the provisions of—

(*a*) the Lands Clauses Acts (except Section 92 and Sections 127 to 132[6] of the Lands Clauses Consolidation Act, 1845),

(*b*) the Acquisition of Land (Assessment of Compensation) Act, 1919, and

(*c*) Sections 77 to 85 of the Railways Clauses Consolidation Act, 1845,

are hereby incorporated in this Order and the provisions of those Acts shall apply accordingly.

4.—(1) Section 85 of the Lands Clauses Consolidation Act, 1845 shall have effect as if the words " with two sufficient sureties to be approved of by two justices in case the parties differ " were omitted therefrom.

(2) In lieu of Section 92 of the Lands Clauses Consolidation Act, 1845, the following provisions shall have effect:—

No person shall be required to sell a part only of any house, building, or manufactory, or of any land which forms part of a park or garden belonging to a house, if he is willing and able to sell the whole of the house, building, manufactory, park or garden, unless the tribunal by whom compensation is to be assessed determine that, in the case of a house, building, or manufactory, such part as is proposed to be taken can be taken without material detriment to the house, building, or manufactory, or, in the case of a park or garden, that such part as aforesaid can be taken without

(*a*) *Ante*, p. 1003.

seriously affecting the amenity or convenience of the house and, if the tribunal so determine, compensation shall be awarded in respect of the severance of the part so proposed to be taken, in addition to the value of that part, and thereupon the person interested shall be required to sell to the highway authority that part of the house, building, manufactory, park or garden.

(3) In determining the amount of any compensation—

(*a*) the arbitrator shall have regard to the extent to which the remaining contiguous lands belonging to the same person may be benefited by the purpose for which the lands are authorised to be acquired, and in particular (without prejudice to the generality of the foregoing provisions of this sub-paragraph) shall, in the case of land authorised to be acquired for the widening of any road, set off against the value of the land to be acquired any increase in the value of other land belong to the same person which will accrue by reason of the creation of a frontage to the road as widened; and

(*b*) the arbitrator shall take into account and embody in his award any undertaking given by the highway authority as to the use to which the land, or any part thereof, will be put.

[7]5. The sums agreed upon or awarded for the purchase of the lands described in the [[8]First] Schedule to this Order, if glebe land or other land belonging to an ecclesiastical benefice, or to be paid by way of compensation for damage to be sustained by the owner by reason of severance or injury affecting any such land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners, to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.

[9]6. In so far as this Order relates to the acquisition of land forming part of[10] and described and numbered in the First Schedule hereto (hereinafter referred to as "the said common land"[11]) being [common land] [an open space] [an allotment] within the meaning of Section 174 of the Local Government Act, 1933, as applied by Section 13 of the Restriction of Ribbon Development Act, 1935, this Order shall not as regards the said common land become operative until such time as the land proposed to be given in exchange for the said common land under the said Section 174 and referred to in the next succeeding paragraph has been vested in the persons entitled to the said common land.

[9]7. From and after [[12] the date on which notice of the confirmation of this Order is published the land described in the Second Schedule hereto] [[12] (*a*) the date on which notice of the confirmation of this Order is published or (*b*) the date of the conveyance to the above-named Council of the land described in the Second Schedule hereto whichever shall last happen, such land,] which has been certified by the Minister of Transport in exercise of the power in that behalf conferred on him by subsection (2) of the said Section 174, after consultation with the Minister of Agriculture and Fisheries, as being equally advantageous to the persons, if any, entitled to commonable or other rights and to the public, shall by virtue of this Order vest in the persons in whom the said common land may then be vested subject to the same rights trusts and incidents as attach thereto and the said common land shall on being acquired by the Council, be discharged from all rights trusts and incidents to which it was previously subject.

8. Nothing in this Order shall authorise the above-named Council to acquire compulsorily—

(*a*) any land which is the site of an ancient monument or other object of archaeological interest; or

[13](*b*) [14][except for the purpose of the construction or improvement of a road] any land which is required to be retained as part of a park, garden, pleasure ground or home farm attached to and usually occupied with a mansion house or is otherwise required for the amenity or convenience of any dwelling house now existing, or which is subject to conditions restricting the planning, development or use thereof imposed by any agreement enforceable under Section 34 of the Town and Country Planning Act, 1932.

[15]9. This Order is provisional only and shall not have effect unless and until it is confirmed by Parliament.

10. This Order may be cited as "The [Road] [Street] Compulsory Purchase Order 19 ."

[16][SCHEDULES.]

[16][FIRST] [THE] SCHEDULE.

Numbers on Map.	Description and situation of the lands.	Owners or reputed owners.	Lessees or reputed lessees.	Occupiers (other than tenants for a month or less period than a month).

[16][SECOND SCHEDULE.]

[Here insert description of land including the area thereof (see paragraph 7).]

Given under the Seal of the this day of 19 .

Note.—This Order does not become operative until the date on which notice of its confirmation is published.

[1] Insert description of highway authority.
[2] To be included in cases where any common, open space or allotment is being acquired by way of exchange.
[3] Where land is to be acquired for more than one purpose the area required for each purpose should be shown by a distinctive colour on the map and the purpose stated in paragraph 2.
[4] Insert Title of Order.
[5] If the Council's offices are not within the locality in which the land is situated add name of a place within that locality.
[6] If the Minister of Transport has determined that Section 133 of the Lands Clauses Consolidation Act, 1845 shall not be incorporated, substitute " 133 " for " 132."
[7] Unless the lands to be acquired include glebe land or other land belonging to an ecclesiastical benefice this paragraph should be omitted.
[8] To be included in cases where any common, open space or allotment is being acquired by way of exchange.
[9] If no lands are being given by way of exchange for any common, open space or allotment paragraphs 6 and 7 should be omitted.
[10] Insert description of common, open space or allotment as the case may be.
[11] Or other appropriate description.
[12] Omit the phrase which is inappropriate.
[13] Paragraph 8(*b*) to be omitted in cases where land is being acquired only for the purposes of the construction or improvement of a road.
[14] Omit in cases where no land is being acquired for the purposes of the construction or improvement of a road.
[15] Paragraph 9 should only be included in the case of an Order authorising the acquisition of land forming part of a common, open space or allotment where no land is being given in exchange therefor.
[16] A Second Schedule is necessary when an Order includes paragraph 7.

FORM NO. 2.

Form of notice to owners, lessees and occupiers of the making of a compulsory purchase order relating to lands.

Restriction of Ribbon Development Act, 1935.

To [Owner] [Lessee] [Occupier] of

Take notice that the[1]

in pursuance of the powers vested in them by Section 13 of the Restriction of Ribbon

Development Act, 1935, on the day of 19 , made a Compulsory Purchase Order entitled " The[2] which is about to be submitted to the Minister of Transport for confirmation authorising them to acquire compulsorily for the purpose[s] of the lands described in the Schedule hereto.

Copies of the Order and of the map referred to therein have been deposited at the Offices of the Council [[3]and at] and may be seen at all reasonable hours.

Any objection to the Order must be made in writing and addressed to the Minister of Transport, 7, Whitehall Gardens, London, S.W.1, before the day of 19 .[4]

If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, or if the Minister is satisfied that every objection duly made relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is to be assessed, the Minister may, if he thinks fit, upon being satisfied that the proper notices have been published and served, confirm the Order with or without modification. In any other case the Minister is required, before confirming the Order, to cause a local inquiry to be held and to consider any objection not withdrawn and the report of the person who held the inquiry. The Minister may then confirm the Order either with or without modification.

SCHEDULE.

(Insert description of lands comprised in the Order.)

Dated

Signature of Clerk of Highway Authority.

[1] Insert description of highway authority.
[2] Insert Title of Order.
[3] If the Council's offices are not within the locality in which the land is situated add name of a place within that locality.
[4] Insert date 21 clear days from service of notice.

FORM No. 3.

Form of notice to be published and served on owners, lessees and occupiers of confirmed compulsory purchase order relating to lands.

Restriction of Ribbon Development Act, 1935.

The[1]

Notice is hereby given that the Minister of Transport in pursuance of the powers vested in him by Section 13 of the Restriction of Ribbon Development Act, 1935, on the day of 19 , confirmed [with] [without] modifications the[1] submitted to him by the Council.

The Order provides for the acquisition for the purpose[s] of of the lands described in the Schedule hereto.

Copies of the Order as confirmed and of the map referred to therein have been deposited at the offices of the Council [[2]and at] and may be inspected there at all reasonable hours.

The Order will become operative on the date on which this notice is published but if proceedings in the High Court are instituted within a period of two months from that date by an aggrieved person desirous of questioning the validity of the Order, the Court, if satisfied that the Order is invalid and, where the invalidity of the Order arises from a failure to comply with any provision governing the procedure for the making or confirmation thereof, are further satisfied that the interests of the applicant have been substantially prejudiced by that failure, may quash the Order either generally or in so far as it affects any property of the applicant.

SCHEDULE.

[Insert description of lands comprised in the Order.]

Dated

Signature of Clerk of Highway Authority.

[1] Insert Title of Order.
[2] If the Council's Offices are not within the locality in which the land is situated add name of a place within that locality.

LAND : ACQUISITION, ETC. OF

FORM NO. 4.

Form of Order for the compulsory acquisition of a right [and lands] by a highway authority under Sections 13 and 14 of the Restriction of Ribbon Development Act, 1935.

Restriction of Ribbon Development Act, 1935.

The Compulsory Purchase Order, 19 .

The[1] in exercise of the powers vested in them under and by virtue of Sections 13 and 14 of the Restriction of Ribbon Development Act, 1935, and of all other powers vested in them hereby make the following Order :—

1. The above-named Council are hereby authorised to acquire compulsorily a right [[2]upon under or over] the lands which are described in the First Schedule hereto and are delineated and coloured on a map marked[3] and sealed with the common seal of the Council and deposited at the offices of the Council [[4]and at].

2. (1) The purpose[s] for which the said right is to be acquired [is] [are][5] by the execution of the works specified in the Second Schedule hereto.

(2) The manner in which it is intended to use the said right for the said purpose[s] is as follows :—

[6]3. The above-named Council are hereby further authorised to purchase compulsorily the lands which are described in the Third Schedule hereto, and are delineated and coloured[7] on [[8]the said map] [[8]a map marked[9]] and sealed with the common seal of the Council and deposited at the offices of the Council [[1]and at].

[6]4. (1) The purpose[s] for which the said lands are to be acquired [is] [are][7]

(2) The manner in which it is intended to use the said lands for the said purpose[s] is as follows :—

5. Subject to the modifications set out in paragraph 6 of this Order the provisions of—

(*a*) the Lands Clauses Acts (except Section 92 and Sections 127 to 132[10] of the Lands Clauses Consolidation Act, 1845),

(*b*) The Acquisition of Land (Assessment of Compensation) Act, 1919, and

(*c*) Sections 77 to 85 of the Railways Clauses Consolidation Act, 1845,

are hereby incorporated in this Order and the provisions of those Acts shall apply accordingly.

6. (1) Section 85 of the Lands Clauses Consolidation Act, 1845 shall have effect as if the words " with two sufficient sureties to be approved of by two justices in case the parties differ " were omitted therefrom.

[11](2) In lieu of Section 92 of the Lands Clauses Consolidation Act, 1845, the following provisions shall have effect :—

No person shall be required to sell a part only of any house, building, or manufactory, or of any land which forms part of a park or garden belonging to a house, if he is willing and able to sell the whole of the house, building, manufactory, park or garden, unless the tribunal by whom compensation is to be assessed determine that, in the case of a house, building, or manufactory, such part as is proposed to be taken can be taken without material detriment to the house, building or manufactory, or, in the case of a park or garden, that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house and, if the tribunal so determine, compensation shall be awarded in respect of the severance of the part so proposed to be taken, in addition to the value of that part, and thereupon the person interested shall be required to sell to the highway authority that part of the house, building, manufactory, park or garden.

(3) In determining the amount of any compensation—

(*a*) the arbitrator shall have regard to the extent to which the remaining contiguous lands belonging to the same person may be benefited by the purpose for which the lands are authorised to be acquired, and in particular (without prejudice to the generality of the foregoing provisions of this sub-paragraph) shall, in the case of land authorised to be acquired for the widening of any road, set off against the value of the land to be acquired any increase in the value of other land belonging to the same person which will accrue by reason of the creation of a frontage to the road as widened ; and

(*b*) the arbitrator shall take into account and embody in his award any undertaking given by the highway authority as to the use to which the land, or any part thereof, will be put.

[11] [12]7. The sums agreed upon or awarded for the purchase of the lands described in the

Third Schedule hereto, if glebe land or other land belonging to an ecclesiastical benefice, or to be paid by way of compensation for damage to be sustained by the owner by reason of severance or injury affecting any such land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners, to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.

8. The authorisation hereby granted is subject to the following conditions:—[13]

[14]9. The works specified in the Second Schedule hereto shall be constructed and maintained at the expense of the Council except so far as may be otherwise agreed.

[15]10. Nothing in this Order shall authorise the above-named Council to acquire compulsorily—

(*a*) any land which is the site of an ancient monument or other object of archæological interest; or

[16](*b*) [17][except for the purposes of the construction or improvement of a road] any land which is required to be retained as part of a park, garden, pleasure ground or home farm attached to and usually occupied with a mansion house or is otherwise required for the amenity or convenience of any dwelling house now existing, or which is subject to conditions restricting the planning, development or use thereof imposed by any agreement enforceable under Section 34 of the Town and Country Planning Act, 1932.

11. This Order may be cited as "The Compulsory Purchase Order, 19 ."

SCHEDULES.

FIRST SCHEDULE.

Description of lands upon under or over which the acquisition of a right is authorised.

Numbers on Map.	Description and situation of the lands.	Owners or reputed owners.	Lessees or reputed lessees.	Occupiers (other than tenants for a month or less period than a month).

SECOND SCHEDULE.

Works for which the acquisition of a right is authorised.

[18]THIRD SCHEDULE.

Description of lands which are to be purchased.

Numbers on map.	Description and situation of the lands.	Owners or reputed owners.	Owners or reputed lessees.	Occupiers (other than tenants for a month or less period than a month).

Given under the seal of the this day of . 19 .

Note.—This Order does not become operative until the date on which notice its confirmation is published.

[1] Insert description of highway authority.
[2] Adapt to meet the circumstances.
[3] Insert Title of Order.
[4] If the Council's Offices are not within the locality in which the land is situated add name of a place within that locality.
[5] The description of the purposes should accord with Section 14.
[6] Paragraphs 3 and 4 to be omitted if no land is to be purchased compulsorily.
[7] Where land is to be acquired for more than one purpose the area required for each purpose should be shown by a distinctive colour on the map and the purpose stated in paragraph 4.
[8] Omit the phrase which is inappropriate.
[9] Insert Title of Order and some other distinguishing mark.
[10] If the Minister of Transport has determined that Section 133 of the Lands Clauses Consolidation Act, 1845 shall not be incorporated, substitute " 133 " for " 132."
[11] Paragraphs 6 (2) and 7 to be omitted if no land is to be purchased compulsorily.
[12] Unless the lands to be acquired include glebe land or other land belonging to an ecclesiastical benefice this paragraph should be omitted.
[13] Conditions should be inserted in accordance with subsections (1), (2) and (4) of Section 14 of the Act as may be required.
[14] Paragraph 9 to be omitted, where a bridge is to be substituted for a level crossing.
[15] Paragraph 10 and the Third Schedule to be omitted if no land is to be purchased compulsorily.
[16] Paragraph 10 (*b*) to be omitted in cases where land is being acquired only for the purposes of the construction or improvement of a road.
[17] Omit in cases where no land is being acquired for the purposes of the construction or improvement of a road.

FORM NO. 5.

Form of notice to owners, lessees and occupiers of the making of a compulsory purchase order relating to the acquisition of a right upon under or over the land.

Restriction of Ribbon Development Act, 1935.

Take notice that the[1]
in pursuance of the powers vested in them by Sections 13 and 14 of the Restriction of Ribbon Development Act, 1935, on the day of 19 , made a Compulsory Purchase Order entitled " The[2] which is about to be submitted to the Minister of Transport for confirmation authorising them to acquire compulsorily—

(*a*) a right [[3] upon under or over] the lands described in the [4][First] Schedule hereto for the purpose[s] of

[[4](*b*) the lands described in the Second Schedule hereto for the purpose[s] of].

Copies of the Order and of the map referred to therein have been deposited at the offices of the Council [[5] and at] and may be seen at all reasonable hours.

Any objection to the Order must be made in writing and addressed to the Minister of Transport, 7, Whitehall Gardens, S.W. 1, before the day of 19 .[6]

If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, or if the Minister is satisfied that every objection duly made relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is to be assessed, the Minister may, if he thinks fit, upon being satisfied that the proper notices have been published and served, confirm the Order with or without modification. In any other case the Minister is required, before confirming the Order, to cause a local inquiry to be held and to consider any objection not withdrawn and the report of the person who held the inquiry. The Minister may then confirm the Order either with or without modification.

[4][FIRST SCHEDULE.]

(Insert description of lands upon under or over which a right is to be acquired.)

[4][SECOND SCHEDULE.]

(Insert description of lands to be acquired.)

Dated

Signature of Clerk of Highway Authority.

[1] Insert description of highway authority.
[2] Insert Title of Order.
[3] Adapt to meet the circumstances.
[4] Omit if no lands are being acquired.
[5] If the Council's offices are not within the locality in which the land is situated add name of a place within that locality.
[6] Insert date 21 clear days from service of notice.

FORM NO. 6.

Form of notice to be published and served on owners, lessees and occupiers of confirmed compulsory purchase order relating to the acquisition of a right upon under or over any land.

Restriction of Ribbon Development Act, 1935.

Notice is hereby given that the Minister of Transport in pursuance of the powers vested in him by Sections 13 and 14 of the Restriction of Ribbon Development Act, 1935, on the day of 19 , confirmed [with] [without] modifications the[1] submitted to him by the Council.

The Order provides for the acquisition of (*a*) a right [[2]upon under or over] the lands described in the [3][First] Schedule hereto for the purpose[s] of [[3](*b*) the lands described in the Second Schedule hereto for the purpose[s] of].

Copies of the Order as confirmed and of the map referred to therein have been deposited at the offices of the Council [[4]and at] and may be inspected there at all reasonable hours.

The Order will become operative on the date on which this notice is published but if proceedings in the High Court are instituted within a period of two months from that date by an aggrieved person desirous of questioning the validity of the Order, the Court, if satisfied that the Order is invalid and, where the invalidity of the Order arises from a failure to comply with any provisions governing the procedure for the making or confirmation thereof, are further satisfied that the interests of the applicant have been substantially prejudiced by that failure, may quash the Order either generally or in so far as it affects any property of the applicant.

[3][FIRST] SCHEDULE.

(Insert description of lands upon under or over which a right is to be acquired.)

[3][SECOND SCHEDULE.]

(Insert description of lands to be acquired.)

Dated

Signature of Clerk of Authority.

Given under the Seal of the Minister of Transport this first day of May 1936.

(L.S.) 8592
W.D.D.

A. MATHESON,
Assistant Secretary.

[1] Insert Title of Order.
[2] Adapt to meet the circumstances.
[3] Omit if no lands are being acquired.
[4] If the Council's offices are not within the locality in which the land is situated add name of a place within that locality.

S. R. & O., 1938, No. 207.

THE AIR NAVIGATION (COMPULSORY ACQUISITION OF LAND) REGULATIONS, 1936, DATED OCTOBER 19TH, 1936, MADE BY THE SECRETARY OF STATE FOR AIR UNDER PART IV OF THE FIRST SCHEDULE TO THE AIR NAVIGATION ACT, 1936.

In exercise of the powers conferred upon him by Part IV of the First Schedule to the Air Navigation Act, 1936 (*a*) (hereinafter referred to as "the Act") the Secretary of State for Air hereby makes the following Regulations:—

1. A compulsory purchase order made under Section 9 of the Act shall be in the

(*a*) 29 Halsbury's Statutes 843.

LAND: ACQUISITION, ETC. OF

form set out in Part I of the Schedule to these Regulations, or in a form substantially to the like effect.

2. The notice which is required under the provisions of paragraph 3 of Part I of the First Schedule to the Act to be published in a local newspaper in regard to the making of a compulsory purchase order shall be in the form set out in Part II of the Schedule to these Regulations, or in a form substantially to the like effect.

3. The notice which is required under the said paragraph to be served on every owner, lessee or occupier, shall be in the form set out in Part III of the Schedule to these Regulations, or in a form substantially to the like effect.

4. The notice required to be given under paragraph 1 of Part III of the First Schedule to the Act that a compulsory purchase order has been confirmed by the Secretary of State shall be in the form set out in Part IV of the Schedule to these Regulations, or in a form substantially to the like effect.

5. These Regulations may be cited as the Air Navigation (Compulsory Acquisition of Land) Regulations, 1936.

DONALD BANKS,
Secretary of the Air Ministry.

AIR MINISTRY,
19*th October*, 1936.

SCHEDULE.

PART I.

FORM OF COMPULSORY PURCHASE ORDER MADE BY A LOCAL AUTHORITY OR BY TWO OR MORE LOCAL AUTHORITIES UNDER SECTION 9 OF THE AIR NAVIGATION ACT, 1936.

Air Navigation Acts, 1920 *and* 1936.

The * (in this Order referred to as "the {Authorities" / Authority"}) hereby make the following Order:—

1. Subject to the provisions of this Order the {Authorities / Authority} are hereby authorised to purchase compulsorily for the purpose of † the lands described in the Schedule hereto, which lands are coloured on a Map marked and sealed with the seal of the {Authorities / Authority} and deposited at the offices of the {Authorities. / Authority.}

2. The following enactments, namely

(i) the Lands Clauses Acts (except Section 92 and Sections 127 to 132 of the Lands Clauses Consolidation Act, 1845) as modified, varied or amended by Part I of the First Schedule to the Air Navigation Act, 1936;

(ii) the Acquisition of Land (Assessment of Compensation) Act, 1919, as modified, varied or amended as aforesaid, and

(iii) Sections 77 to 85 of the Railways Clauses Consolidation Act, 1845, are, subject to the necessary adaptations, hereby incorporated with this Order, and the provisions of those Acts shall apply accordingly.

3. This Order may be cited as the (Compulsory Purchase) Order , 19 .

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* Insert description of the Local Authority or Local Authorities.
† Insert purpose for which the lands are to be acquired.

The Schedule above referred to.

Number on Map.	Quantity, description and situation of the lands.	Owners or reputed owners.	Lessees or reputed lessees.	Occupiers (other than tenants for a period not exceeding one month).

* Given under the seal of the this day of , 19 .

PART II.

FORM OF ADVERTISEMENT OF THE MAKING OF A COMPULSORY PURCHASE ORDER.

Air Navigation Acts, 1920 *and* 1936.

(Title of Order.)

Notice is hereby given that the † in pursuance of the powers vested in them by the Air Navigation Acts, 1920 and 1936, on the day of , 19 , made an Order, which will be submitted to the Secretary of State for Air for confirmation, authorising them to purchase compulsorily for the purpose of ‡ the lands described in the Schedule hereto.

Copies of the Order and of the map referred to therein have been deposited at , where they may be seen, without payment of fee, between the hours of and

SCHEDULE.

(Here insert description of the lands comprised in the Order.)

Dated this day of 19 .

Signature(s) of Clerk(s) of the Local {Authorities. / Authority.

PART III.

FORM OF NOTICE TO OWNERS, LESSEES AND OCCUPIERS OF THE INTENDED SUBMISSION OF A COMPULSORY PURCHASE ORDER TO THE SECRETARY OF STATE FOR AIR FOR CONFIRMATION.

Air Navigation Acts, 1920 *and* 1936.

(Title of Order)

To (name and address) {Owner / Lessee / Occupier

of (description of property).

Take notice that the † in pursuance of the powers vested in them by the Air Navigation Acts, 1920 and 1936, on the day of , 19 , made an Order, which is about to be submitted to the Secretary of State for Air for confirmation, authorising them to purchase compulsorily

* Where more than one authority is concerned, the seal of each should be affixed, and the above formula repeated.

† Insert description of Local Authority or Local Authorities.

‡ Insert purpose for which the lands are to be required.

LAND: ACQUISITION, ETC. OF

for the purpose of * the lands described in the Schedule hereto.

A copy of the said Order and of the map referred to therein has been deposited at where they may be seen, without payment of fee, between the hours of and

Any objection to this Order must be addressed to the Secretary, Air Ministry, Adastral House, Kingsway, London, W.C.2, before† . It must be in writing, and the grounds on which it is made must be stated.

If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, or if the Secretary of State is satisfied that every objection duly made relates exclusively to matter which can be dealt with by the arbitrator by whom the compensation is to be assessed, the Secretary of State may, if he thinks fit, confirm the Order with or without modification. In any other case, the Secretary of State is required, before confirming the Order, to cause a local inquiry to be held, and to consider any objection not withdrawn and the report of the person who held the inquiry. The Secretary of State may then confirm the Order with or without modification.

SCHEDULE.

(Here insert description of the lands comprised in the Order.)

Dated this day of 19 .

Signature(s) of Clerk(s) of the Local {Authorities. / Authority.}

PART IV.

FORM OF NOTICE THAT A COMPULSORY PURCHASE ORDER HAS BEEN CONFIRMED BY THE SECRETARY OF STATE FOR AIR.

Air Navigation Acts, 1920 *and* 1936.

(Title of Order)

Notice is hereby given that the Secretary of State for Air, in pursuance of the powers vested in him by the Air Navigation Act, 1936, on the day of , 19 , confirmed [with modifications]§ an Order submitted to him by the‡ (in this notice referred to as "the {Authorities"/Authority"}) authorising the {Authorities/Authority} to purchase compulsorily for the purpose of* the lands described in the Schedule hereto.

A copy of the Order, as confirmed, and of the map referred to therein has been deposited at where they may be seen, without payment of fee, between the hours of and

The Order will become operative at the expiration of six weeks from the date of publication of this notice, but if proceedings in the High Court are instituted within that period by a person desirous of questioning the validity of the Order, or of any provision contained therein, the Court may, if satisfied that the Order or any provision contained therein is not within the powers of the Air Navigation Act, 1936, or that the interests of the applicant have been substantially prejudiced by any requirement of that Act or of any regulation made thereunder not having been complied with, quash the Order or any provision contained therein, either generally or in so far as it affects any property of the applicant.

SCHEDULE.

(Here insert description of the lands comprised in the confirmed Order.)

Dated this day of , 19 .

Signature(s) of Clerk(s) of the Local {Authorities. / Authority.}

* Insert purpose for which the lands are to be acquired.
† Insert date 14 clear days from the service of the notice.
‡ Description of the Local Authority or Local Authorities.
§ The words in brackets to be omitted if no modifications were made.

LAND CHARGES.

MEMORANDUM 181/L.C.

MINISTRY OF HEALTH.

LOCAL LAND CHARGES.

A copy is enclosed of the Local Land Charges Rules, 1934, which have been made by the Lord Chancellor under the Land Charges Act, 1925, as amended by the Law of Property (Amendment) Act, 1926, and will come into operation on the 7th May, 1934.

The new Rules, which re-enact the Local Land Charges Rules, 1927, with amendments necessitated by the Town and Country Planning Act, 1932, and incorporate the Local Land Charges (Ancient Monuments) Rules, 1931, will not materially affect the general form of the register. The attention of local authorities and local registrars is drawn to the following points:—

Rule 8. Part III of the register where a scheme is not in operation must contain, in addition to the documents and particulars required to be entered under the revoked Rules of 1927, a copy of any order or declaration under Section 17 of the Town and Country Planning Act, and notice of the place at which inspection may be made of particulars of any decisions of the interim development authority or of the Minister of Health on appeal given after the 7th May, 1934.

Rule 9. Part III of the register where a scheme is in operation must contain in addition to the scheme (including a varying or supplementary scheme—see definition of "scheme" in Rule 2) a certified copy of any supplementary order or general development order (see paragraph (4) of Rule 13) in operation and of any order or declaration under Section 17 of the Town and Country Planning Act relating to the land in the area of the scheme.

Rule 11. (1) The period within which a charge must be entered in the register in order that the registration shall, by reason of the priority notice, take effect at the date when the charge arose, is:

(a) in the case of a scheme or supplementary order fourteen days from the date on which the scheme or order comes into operation;

(b) in the case of any other planning charges arising on the approval of the Minister being given, *e.g.*, a resolution to prepare or adopt a scheme, or an order under Section 17 of the Town and Country Planning Act, within fourteen days of the date of the Minister's authority or approval.

(2) Where a resolution to prepare or adopt a scheme requires the approval of the Minister of Health, the resolution is not a charge until it takes effect, namely, on its approval by the Minister. It is, however, open to a local authority on passing a resolution to enter a priority notice of the contemplated charge or, if the resolution extends to land outside their area, to give a priority notice to the local registrar of the district in which the land is situate.

Rule 15. Where a plan is necessary to define the land in respect of which search is to be made the plan must be furnished in duplicate if the applicant for search requires a copy of the plan to be returned with the certificate of search.

First Schedule. The form of requisition for official search has been amended so that search may be required for subsisting entries up to and including a date specified by the applicant. It is thought that the change now made will encourage early application and thus assist registrars in arranging their work. It is, of course, important that the local registrar should issue the certificate on the date mentioned.

LAND CHARGES

Second Schedule. An alteration has been made in the Fee Order so as to limit the additional charge in respect of parcels of land above one where personal search is made, or where requisition for official search is made in respect of contiguous parcels of land for the purpose of the same transaction, to a maximum of fourteen shillings and twenty-one shillings respectively.

Representations have been made that in some cases the total fee which was chargeable under the Fee Order in respect of a large number of contiguous parcels of land was unduly high in proportion to the labour entailed by the official search. It is understood that local registrars have not in these circumstances always charged the full amount allowed by the Order. It is important that the practice in the matter should be uniform and, accordingly, an appropriate maximum fee has been imposed.

MINISTRY OF HEALTH,
April, 1934.

NOTE.—The following documents may be purchased directly from His Majesty's Stationery Office at the addresses shown below, or through any bookseller:—

		Price s.	d.
Local Land Charges Rules (S. R. & O. No. $\frac{285}{L.4}$)			4
Memorandum No. 181/L.C. relating to above			1
Form of requisition for an official search and official certificate of search—	single copy		1
	per 25	1	6
	per 100	3	6
Form of schedule to official certificate of search	single copy		1
	per 25	1	6
	per 100	3	6

S. R. & O., 1934, No. $\frac{285}{L.4}$.

THE LOCAL LAND CHARGES RULES, 1934. DATED MARCH 22ND, 1934.

I, John Viscount Sankey, Lord High Chancellor of Great Britain, by virtue and in pursuance of the Land Charges Act, 1925 (*a*), and all other powers enabling me in this behalf, do hereby make the following Rules for giving effect to Part VI of the said Act, as amended by the Law of Property (Amendment) Act, 1926 (*a*).

1. These Rules may be cited as the Local Land Charges Rules, 1934, and shall come into operation on the 7th day of May, 1934.

2.—(1) In these Rules except as otherwise expressly provided—

"The Minister" means the Minister of Health;

"The Land Charges Act" means the Land Charges Act, 1925 (*b*);

"The Law of Property (Amendment) Act" means the Law of Property (Amendment) Act, 1926;

"The Town Planning Act" means the Town Planning Act, 1925 (*b*);

"The Town and Country Planning Act" means the Town and Country Planning Act, 1932 (*c*);

(*a*) Printed in a later volume of this work.
(*b*) 13 Halsbury's Statutes 1079.
(*c*) *Ante*, p. 1879.

" The County of London " means the County of London exclusive of the City of London ;

" Scheme " has the same meaning as in the Town and Country Planning Act, and also includes schemes approved by the Minister under any Acts repealed by that Act ;

" Planning charges " means local land charges other than charges securing the payment of money, which are schemes or authorities or resolutions to prepare or adopt schemes, or supplementary orders or orders under section 17 of the Town and Country Planning Act ;

" Parcel of land " means a piece of land or a building or a part of a building in separate occupation or separately rated at the time of the requisition for search.

For the purpose of this definition any land or building or part of a building which is neither in occupation nor rated shall be deemed to be occupied by the person who is the owner thereof within the meaning of the [Public Health Act, 1936 (*a*)].

(2) The Interpretation Act, 1889, applies to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

3. The Local Land Charges Rules, 1927, and the Local Land Charges (Ancient Monuments) Rules, 1931, are hereby revoked as from the date on which these Rules come into operation, without prejudice, however, to anything done thereunder or to any right, obligation, or liability acquired, accrued or incurred under those Rules.

The revoked rules are S. R. & O., 1927, No. 869, and 1931, No. 583.

4.—[(*b*) (1) For the purpose of registering a local land charge the proper officer to act as local registrar shall be the clerk, or the person for the time being authorised to act as clerk, of the local authority in whose favour the charge is created or by whom it is enforceable :

Provided that :—

(i) in the case of the following charges the proper officer shall be the clerk, or the person for the time being authorised to act as clerk, of the borough or district council in whose borough or district the land affected by the charge is situate :—

(*a*) planning charges other than those arising or created within the County of London or the City of London ;

(*b*) local land charges, other than any planning charges, imposed by the Council of a county, borough (including a metropolitan borough), urban or rural district, or by the Common Council of the City of London which affect land outside the county, borough, district or the City of London, as the case may be ; and

(*c*) local land charges, other than planning charges, imposed by any registering authority other than an authority mentioned in paragraph (*b*) ;

(ii) in the case of planning charges arising or created within the County of London, the proper officer shall be the clerk, or the person for the time being authorised to act as clerk, of the London County Council ;]

[(iii) in the case of planning charges arising or created within the City of London, the proper officer shall be the town clerk, or the person for the time being authorised to act as town clerk, of the City of London.]

(*a*) Words in square brackets substituted by the Local Land Charges (Amendment) Rules, 1938, S. R. & O., 1938, No. 499/L.8. See s. 343 of the P. H. A., 1936, *ante*, p. 702.

(*b*) Paragraph (1) was revoked and a new paragraph inserted by the Local Land Charges (Amendment) Rules, 1938, S. R. & O., 1938, No. 499/L.8. Paragraph (1) was further amended by the substitution of a new proviso (iii) by the Local Land Charges (Amendment No. 2) Rules, 1938, S. R. & O., 1938, No. 562/L.12. The paragraph is printed as so amended.

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(2) Where any instrument is required in pursuance of section 11 of the Ancient Monuments Act, 1931 (*a*), to be registered as a local land charge, the proper officer of any of the local authorities mentioned in the said section to act as local registrar shall be the clerk, or the person for the time being authorised to act as clerk, to the local authority.

(3) For the purposes of this Rule, a reference to a local land charge shall include a priority notice in respect of that charge.

5. The register of local land charges shall have an index, which shall be in the form of a map, unless the Minister approves some other form, for enabling a person to trace any entry in the register, and shall be divided into the following parts :—

(*a*) Part I, being a part relating to general charges arising under sub-section (4) of section 15 of the Land Charges Act ;

(*b*) Part II, being a part relating to specific charges, other than prohibitions of or restrictions on the user or mode of user of land or buildings ;

(*c*) Part III, being a part relating to prohibitions of or restrictions on the user or mode of user of land or buildings which are planning charges ;

(*d*) Part IV, being a part relating to prohibitions of or restrictions on the user or mode of user of land or buildings which are not planning charges, and to instruments registered in pursuance of section 11 of the Ancient Monuments Act, 1931.

6. Every entry in Part I of the register shall contain :—

(1) A reference to the statute and, where in the opinion of the local registrar expedient, to the section, order, scheme (including a scheme other than as defined in these Rules), instrument, or resolution, under which the charge is proposed to be acquired ;

(2) A sufficient description, by reference to a plan or otherwise, of the land which which will be affected by such charge ;

(3) The date of registration of the general charge.

7. Every entry in Part II of the register shall contain :—

(1) A reference to the statute and, where in the opinion of the local registrar expedient, to the section, order, scheme (including a scheme other than as defined in these Rules), instrument, or resolution under which the charge is acquired ;

(2) A sufficient description, by reference to a plan or otherwise, of the land which is affected by the charge ;

(3) The date of the charge ;

(4) The date of registration of the charge ;

(5) The amount of the charge or, where interest is payable, the amount of the original charge and the rate of interest thereon.

8. Where a resolution to prepare or adopt a scheme has been passed by a local authority and, where necessary, approved by the Minister in pursuance of section 2 of the Town Planning Act, or section 6 of the Town and Country Planning Act, or where authority to prepare or adopt a scheme has been given by the Minister or Local Government Board under any Act repealed by the Town and Country Planning Act, but the scheme is not in operation, the entry in Part III of the register shall contain :—

(1) in the case of the resolution or authority to prepare or adopt the scheme—

(*a*) a certified copy of the resolution or authority and of the Minister's approval, if any ;

(*b*) a copy of any special or general order in force at the time that the entry was made, which may have been made under Section 10 of the Town and Country Planning Act, or under Section 4 of the Town Planning Act, affecting land included in the resolution or authority.

(*a*) Printed in a later volume of this work.

(2) in the case of any order which may have been made under Section 17 of the Town and Country Planning Act affecting land included in the resolution or authority—

(*a*) a certified copy of the Order ;

(*b*) a certified copy of any declaration which may have been made under the Section.

(3) in either of the cases specified in paragraphs (1) and (2)—

(*a*) Notice of the place at which inspection may be made of any preliminary statement or any proposed provisions of the scheme, or of particulars of any decisions of the interim development authority, or of the Minister on appeal, affecting land within the district of the authority in whose register the entry is made, and given after the date upon which these Rules come into operation, under any special or general order made as aforesaid, and any map or plan referred to in the resolution approval or authority, or illustrating any preliminary statement or proposed provisions or decisions or any order under section 17 of the Town and Country Planning Act, or a certified copy of any relevant portion of such map or plan ;

(*b*) The date of registration of the charge.

9. Where a scheme is in operation, the entry in Part III of the Register shall contain :—

(1) in the case of the scheme, a certified copy of the scheme ;

(2) in the case of a Supplementary Order made under the scheme relating to land within the district of the authority in whose register the entry is made, a certified copy of the Order ;

(3) in the case of an order made under Section 17 of the Town and Country Planning Act relating to land in the area of the scheme and within the district of the authority in whose Register the entry is made, a certified copy of the order and of any declaration made by the Minister under the section.

(4) in any of the cases specified in paragraphs (1) to (3)—

(*a*) notice of the place at which inspection may be made of any map or plan referred to in the scheme or supplementary order or order under section 17 of the Town and Country Planning Act, or a certified copy of such portion of the map or plan as relates to the district of the authority in whose register the entry is made, and any requirements as to building lines or otherwise, consents, approvals or agreements made, given, or entered into under or by virtue of the scheme or the aforesaid orders ;

(*b*) the date of registration of the charge.

10. Every entry in Part IV of the Register shall contain :—

(1) a reference to the order, scheme (other than a scheme as defined in these Rules), instrument, resolution, covenant, agreement or other document, and also to the statute under or by virtue of or in connection with which the prohibition or restriction is created and enforceable sufficient to show the effect of the prohibition or restriction ;

(2) notice of the place at which inspection may be made of any document, other than a public general statute, referred to in the preceding paragraph, or a certified copy of such document ;

(3) a sufficient description, by reference to a plan or otherwise, of the land affected by the prohibition or restriction ;

(4) the date of registration of the charge.

LAND HARGES

11.—(1) Section 4 of the Law of Property (Amendment) Act in its application to local land charges shall be subject to the following adaptations:—

(*a*) In paragraph (*b*) of subsection (1) of the said section there shall be substituted for the period of fourteen days after the priority notice has been given the following periods, namely:—

(i) in the case of a scheme or supplementary order, the period of fourteen days after the date on which the scheme or order comes into operation;

(ii) in the case of other planning charges which arise on the approval of the Minister being given, the period of fourteen days after the approval of the Minister has been given; and

(iii) in the case of a claim for increase in value made under subsection (3) of section 10 of the Town Planning Act or section 22 of the Town and Country Planning Act, the period of fourteen days after the date of any agreement or award by virtue of which a sum becomes due to the local authority in respect of such increase.

(*b*) Where the contemplated local land charge is required to be entered in the register of the local authority in whose favour it is created or by which it is enforceable the entry in the register of the particulars [set out in paragraph (2) of this Rule (*a*)] shall for the purpose of the said section and of any rules made thereunder be deemed to be the giving of a priority notice.

(*c*) Where a resolution to prepare or adopt a scheme has taken effect, the entry in the register of the resolution shall for the purpose of the said section and of any rules made thereunder be deemed to be the giving of a priority notice in respect of that scheme.

(2) A priority notice of a local land charge shall contain the following particulars:—

(*a*) a statement of the nature of the contemplated charge;

(*b*) a description, by reference to a plan or otherwise, sufficient to enable the land to which it relates to be identified;

(3) The register shall contain a reference to the date of the entry therein of the priority notice.

(4) For the purposes of paragraph (*b*) of subsection (1) of section 4 of the Law of Property (Amendment) Act, every application in respect of which a priority notice has been given shall bear on the face thereof a statement as follows:—

"Priority Notice in respect hereof on (date)."

(5) The date of registration of the charge to be noted in the register shall be the actual day of registration notwithstanding that the registration is duly made pursuant to a priority notice given in respect thereof.

12.—(1) Applications for registration and priority notices delivered by post or under cover during the hours in which the office of the local registrar is open for registration shall be treated as having been made or given immediately before the closing of the office for that day.

(2) Applications for registration and priority notices delivered (whether by post or otherwise) between the hours of closing and of the next opening the office for registration shall be treated as having been made or given immediately after such opening.

13.—(1) Where a general charge has been registered, the registration may be cancelled at any time after the charge is ascertained and allotted and shall in any case be cancelled within fifteen months of the date on which such charge is ascertained and allotted.

(2) Where any other local land charge has been discharged or become unenforceable, the registration shall thereupon be cancelled.

(3) Where any portion of a local land charge entered in Part II of the register has been discharged by the payment of an instalment or otherwise, the amount paid off,

(*a*) The words in square brackets were substituted by the Local Land Charges (Amendment) Rules, 1938, S. R. & O., 1938, No. 499/L.8.

the date of payment and the balance of the original charge outstanding shall be entered in the register against the charge.

(4) The local registrar shall make any other incidental modification of an entry in the register which may from time to time be necessary, including the addition to the entry of any general development order made in connection with a scheme, and notice of the place at which inspection may be made of any map or plan referred to in such order.

(5) Where the local authority in whose favour the charge has been created or by whom it is enforceable is not the same as the authority whose clerk is the local registrar for the purposes of registering the charge, the local authority first mentioned shall furnish the local registrar with such information as may be necessary to enable him to make any incidental modification of an entry in pursuance of this Rule.

14. Where a charge has been registered in any existing register, or other record of the local authority which contains the particulars required by these Rules and is open to inspection, it shall be a sufficient compliance with these Rules if a reference to the register, or other record so kept, sufficient to enable the relevant entry therein to be traced, is recorded against the land affected by the charge in the register kept under these Rules.

15.—(1) The provisions of sub-section (1), (2), (3), (7), (8) and (9) of section 17 of the Land Charges Act (which relate to official certificates of search and to the effect of such certificates) shall apply to the registrars and registries of local land charges.

(2) Every requisition for search made under the said provisions as applied by this Rule shall be in writing signed by the person making the same or by the solicitor acting for the person requiring the search to be made, and shall define the land in respect of which the search is to be made by means of a plan drawn to scale and (except where the applicant does not require a plan to be returned) furnished in duplicate, or by any other means sufficient to enable the land to be identified.

(3) An official certificate of the result of search shall extend to registrations (including priority notices) effected during the day of the date of the certificate and shall be issued only after the registry is closed for registration on that date.

(4) Requisitions for search and official certificates of search shall be in the form set out in the First Schedule hereto, or in such other form as the Minister may from time to time determine.

(5) A separate requisition for search shall be made in respect of each parcel of land in respect of which search is requested except where a certificate is required in respect of two or more contiguous parcels of land for the purpose of the same transaction.

(6) Any person desiring to make a personal search in the register shall, if so required by the local registrar, furnish his name and address and indicate by reference to a plan or otherwise the parcel or parcels of land in respect of which he proposes to search.

16.—(1) All forms of requisitions for search and official certificates of search shall be sold under arrangements to be made by H.M. Stationery Office, or otherwise as the Minister may from time to time approve.

(2) No forms other than those so supplied shall be accepted for the purpose.

17. The fees payable for the registration, modification, or cancellation of entries and for searches and official certificates of search shall be those specified in the Order set out in the Second Schedule hereto.

LAND
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FIRST SCHEDULE.

REQUISITION FOR AN OFFICIAL SEARCH.[1]

Form L.L.C.1. Official Number

Name of Local Authority

A search in *Part* *of* the Register of Local Land Charges of the above-named Authority is required for subsisting entries against the land defined in the enclosed plan furnished in duplicate,[2] *described below*,

up to and including the day of , 19 .

Description of land sufficient to enable it to be identified.

Signature of Applicant
(or of his Solicitor)

Address

Date

OFFICIAL CERTIFICATE OF SEARCH.

The search in *Part* *of* the Register of Local Land Charges of the above-named Authority against the land specified in *the plan accompanying* the above requisition reveals up to and including the day named hereunder { no subsisting entries. / [the subsisting entries referred to in the Schedule (*a*)] attached hereto.

Signature of Local Registrar

Date

[1] The duplicate of this form must also be filled up.
[2] Only one plan need be furnished if the applicant does not require a plan to be returned.

(*a*) The words in square brackets substituted by the Local Land Charges (Amendment) Rules, 1938, S. R. & O., 1938, M. 499/L.8.

Form L.L.C.1 (A).

SCHEDULE TO OFFICIAL CERTIFICATE OF SEARCH.

Official Number

Name of Local Authority

Signature of Local Registrar

PART I.—REGISTER OF GENERAL FINANCIAL CHARGES.

Nature of charge, and reference to statute and (where in the opinion of the local registrar expedient) section, order, scheme, instrument or resolution under which proposed to be acquired. 1.	Where charge registered on behalf of another local authority, name of that authority. 2.	Date of registration. 3.

PART II.—REGISTER OF SPECIFIC FINANCIAL CHARGES AND PRIORITY NOTICES RELATING THERETO.

Nature of charge, and reference to statute, and (where in the opinion of the local registrar expedient) section, order, scheme, instrument or resolution under which acquired, or, in the case of a priority notice, nature of contemplated charge. 1.	Where charge or priority notice registered on behalf of another local authority, name of that authority. 2.	Date of charge. 3.	Date of registration of charge or priority notice. 4.	Amount of charge, or, where interest is payable, the amount of the original charge and the rate of interest thereon. 5.	Date of last payment. 6	Balance of original charge outstanding at date of last payment. 7

AND
RGES

PART III.—REGISTER OF PLANNING CHARGES.

(*a*) Schemes in course of preparation and Priority Notices relating thereto.

Particulars of any entry in the register of any resolution or authority to prepare or adopt a scheme affecting the land in respect of which the search is made, and of approval of the Minister of Health, if any, or in the case of a priority notice, nature of the contemplated charge. 1.	Particulars of any entry in the register of any special or general order for the time being in force, made under section 10 of the Town and Country Planning Act, 1932, or under section 4 of the Town Planning Act, 1925, or of any order or declaration under section 17 of the Town and Country Planning Act, 1932, affecting the land in respect of which the search is made. 2.	Place at which inspection may be made of any preliminary statement or any proposed provisions of the scheme, or of particulars of any decisions of the interim development authority, or of the Minister on appeal, affecting land within the district of the authority in whose register search is requested, and given after the 7th May, 1934, under any special or general order mentioned in column 2, and any map or plan referred to in the resolution, approval or authority, or illustrating any preliminary statement or proposed provisions or decisions or any order under section 17 of the Town and Country Planning Act, 1932, or a certified copy of any relevant portion of such map or plan. 3.	Date of registration of charge or priority notice. 4.

(*b*) Schemes in operation and Priority Notices relating thereto.

Particulars of any entry in the register of any scheme affecting the land in respect of which the search is made. 1.	Particulars of any supplementary order or general development order in operation affecting the land in respect of which the search is made. 2.	Particulars of any order or declaration made under section 17 of the Town and Country Planning Act 1932, affecting the land in respect of which the search is made. 3.	Place at which inspection may be made of any map or plan referred to in the scheme, supplementary order or general development order or order under section 17 of the Town and Country Planning Act, 1932 (or a certified copy of the portion of the map or plan relating to the district of the authority in whose register search is requested) and any requirements as to building lines or otherwise, consents, approvals or agreements made, given, or entered into under or by virtue of the scheme or the aforesaid orders. 4.	Date of registration of charge or priority notice. 5.

PART IV.—REGISTER OF OTHER PROHIBITIONS OR RESTRICTIONS AND PRIORITY NOTICES RELATING THERETO.

Nature of prohibition or restriction and reference to order, scheme, instrument, resolution, covenant, agreement, or other document, and also to the statute under or by virtue of or in connection with which the prohibition or restriction is created or enforceable, sufficient to show the effect of the prohibition or restriction, or in the case of a priority notice, nature of the contemplated charge. 1.	Where prohibition or restriction or priority notice registered on behalf of another local authority, name of that authority. 2.	Place at which inspection may be made of any document other than a public general statute referred to in column 1, or a certified copy of such document. 3.	Date of registration of charge or priority notice. 4.

SECOND SCHEDULE.

LAND CHARGES ACT, 1925.

as amended by the Law of Property (Amendment) Act, 1926.

LOCAL LAND CHARGES.

Fee Order.

Fees shall be paid under the Act :—

	s.	d.
1. Registration of a local land charge or priority notice, on the application by a local authority to the registrar of another, or by the Commissioners of Works :—		
(i) in Part I or Part III of the Register (where the charge is not a supplementary order or order under Section 17 of the Town and Country Planning Act), per entry	20	0
(ii) in Part II or Part IV of the Register, or, in respect of a charge being an order under Section 17 of the Town and Country Planning Act, in Part III thereof, per entry . . .	1	6
2. Modification or cancellation of an entry on the application by a local authority to the registrar of another, or by the Commissioners of Works . . . . . For the purposes of this paragraph, the entry of a local land charge pursuant to a priority notice, shall be deemed to be a modification of entry.	1	6
3. Entry of reduction of a charge, where application is made by one local authority to the local registrar of another	1	0
4. Personal search in the whole or any part of the register and in addition, but subject to a maximum additional charge of fourteen shillings, in respect of each parcel of land above one, where the search extends to several parcels of land	1	0
5. Official Search (including issue of certificate) in any one part of the register	2	0
in the whole of the register	5	0
and in addition, but subject to a maximum additional charge of twenty-one shillings, in respect of each parcel of land above one, where several parcels are, in accordance with the provisions of paragraph (5) of Rule 15, included in the same requisition, whether the requisition is for search in the whole or part of the register	1	6
6. Office Copy of any entry in the register (not including a copy or extract of any plan or document filed in the registry)	2	6
7. Office Copy of any plan or other document filed in the registry, such reasonable fee as may be fixed by the local registrar according to the time and labour involved		

Unless the context otherwise requires, entry for the purposes of this Order includes all entries made or required to be made in the register in respect of the relevant charge.

"Parcel of land" for the purposes of this Order means parcel of land as defined in Rule 2.

All fees shall be prepaid.

Dated the 22nd day of March, 1934.

SANKEY, C.

We, the undersigned, two of the Commissioners of His Majesty's Treasury, do hereby concur in Rule 17 of the above Rules and in the Fee Order contained in the Second Schedule thereto.

AUSTIN HUDSON.

WALTER J. WOMERSLEY.

LIBRARIES, MUSEUMS, AND GYMNASIUMS.

See also LAND, ACQUISITION, ETC., OF, *ante.*

THE MINISTRY OF HEALTH (PUBLIC LIBRARIES, MUSEUMS AND GYMNASIUMS, TRANSFER OF POWERS) ORDER, 1920.

At the Court at Buckingham Palace. the 17th day of May, 1920.

* * * * * *

On and after the 17th day of May, 1920, the powers and duties of the Minister of Health specified in the schedule hereto shall be transferred to the Board of Education.

On and after the 17th day of May, 1920, the notices required by sub-section (4) of section 3 of the Museums and Gymnasiums Act, 1891, and section 8 of the Public Libraries Act, 1901, shall be given to the Board of Education in addition to the Minister of Health (*a*).

SCHEDULE.

Statute conferring power or duty	Power or duty transferred to the Board of Education.
Public Health Act, 1875, section 184, as applied by section 7 (2) of the Museums and Gymnasiums Act, 1891.	To confirm, allow or disallow byelaws made by an urban authority for regulating the conduct of persons admitted to museums and gymnasiums.
Public Health Act, 1875, section 184, as applied by section 3 (2) of the Public Libraries Act, 1901.	To confirm, allow or disallow byelaws made by a library authority for certain purposes relating to libraries, museums, art schools and galleries.
Museums and Gymnasiums Act, 1891—	
Section 12 (1) .	To consent to the sale by an urban authority of a museum or gymnasium which is unnecessary or too expensive.
Section 12 (2) .	To approve the application of moneys arising from such sale, after repayment of any loan, so far as such moneys are applied for the purpose of a museum or gymnasium or for library or educational purposes, but not otherwise.
Public Libraries Act, 1892—	
Section 12 (3) .	To sanction the sale or exchange of land vested in a library authority and to approve the application of the moneys arising from the sale or received by way of equality of exchange, so far as such moneys are applied for library or educational purposes, but not otherwise.

LOANS.

REGULATIONS MADE BY THE PUBLIC WORKS LOAN COMMISSIONERS UNDER THE PUBLIC WORKS LOANS ACT, 1875.

1. All words used in these regulations shall have the same meaning as is assigned to them by the "Public Works Loans Act, 1875," (*b*) which Act is hereinafter referred to as "the Act."

(*a*) For the Museums and Gymnasiums Act, 1891, and the Public Libraries Act, 1892 and 1901, see Vol. IV, *post.*

(*b*) See Vol. IV, *post.*

2. The Loan Commissioners shall elect a chairman and deputy chairman; and three Commissioners shall form a quorum.

3. If at any meeting the chairman is not present, the deputy chairman shall be the chairman of the meeting, and if neither the chairman nor deputy chairman be present, then the Commissioners present shall choose one of their number to be the chairman of such meeting.

4. Meetings of the Commissioners shall be held as often as the business to be transacted may be found to require, and shall be convened by notice from the secretary.

5. All questions arising at any meeting shall be decided by a majority of votes, and in case of an equality of votes the chairman shall have a second or casting vote.

6. A book, to be called the minute book, shall be kept, in which applications for loans and minutes of the proceedings and resolutions of the Commissioners shall be recorded and such other books shall be kept as the Commissioners may think necessary.

* * * * * *

[Regulations 7 and 8 are respectively repealed by the Regulations dated 16th August, 1907, and 16th September, 1912, *post*, p. 3188.]

9. Upon delivery to the borrower or his nominee of the certificate referred to in the last preceding regulation, such borrower or nominee shall pay at the office of the Loan Commissioners the amount of the fees referred to in Regulation No. 7 as payable on any loan or instalment of a loan for which such certificate shall have been issued, together with the amount of stamp duty thereon, and the further amount, if any, of disbursements in respect thereof; and the receipt for any such amounts shall be signed by the officer in charge of the accounts, or in his absence by such persons as may be nominated by the secretary.

10. All moneys payable towards the discharge of advances made by the Loan Commissioners and in payment of interest thereon, shall be paid by the borrower or his agent into the Bank of England to the credit of "The Public Works Loans Account," being the account directed by the Treasury under section 43, and such payments shall be made under authority to be obtained at the office of the Loan Commissioners empowering the Bank of England to receive the sum therein mentioned, and the receipt of the Bank of England for such payment shall be obtained at the office of the Loan Commissioners on the succeeding day.

11. Any receipt required to be given by or on behalf of the Loan Commissioners (other than for money paid into the Bank of England under Regulation No. 10, and for sums payable under Regulation No. 9), and any receipt and further discharge, if any, to be given when all money due under a mortgage has been fully paid, shall so be given by the secretary.

12. Any notice required by section 23 of the Act to be published shall be published once in a local paper circulating in the district where the rate is intended to be levied.

13. All documents of the Loan Commissioners not required to be signed by them shall, if purporting to be signed by the secretary, be deemed, until the contrary is proved, to be made or issued by the Loan Commissioners; and all directions given or acts done by the secretary shall be deemed, until the contrary is proved, to be given or done by the Loan Commissioners; and all documents may be proved by the production of a copy or extract purporting to be signed by the secretary to be true.

For the purposes of this regulation no proof shall be required of the handwriting or official position of the person purporting to be the secretary.

14. The Loan Commissioners, regard being had to section 36 of the Act, shall, whenever they advance a loan on the security of a rate, inform the Local Government Board of such advance having been made, and of the purposes thereof.

15. The Loan Commissioners shall cause to be prepared an annual statement to the 31st of March in each year of the amounts issued to them, for the purpose of making advances by way of loan under various Acts, the amounts advanced by them, the amounts paid into the Exchequer in repayment of such advances and for interest thereon, and the balances outstanding, and such statement shall be included in the annual report referred to in section 5, sub-section (3).

16. To enable intending borrowers to make the statement referred to in section 13 of the Act, the Loan Commissioners shall cause a form of statement to be prepared and issued to such intending borrowers on their written notification of intention to borrow, which form, duly filled up, must be returned to the Loan Commissioners on or before the 31st December in each year.

The Loan Commissioners may, provided such notification be received at their office on or before the said 31st December, extend the period for return of such form of statement to any day not later than the 14th January in each year.

17. The assistant secretary of the Loan Commissioners shall, under their directions, be competent to perform any act authorised by the above regulations to be performed by the secretary.

W. W. WILLINK,
Secretary.

Public Works Loans Board,
1*st April*, 1876.

The Lords Commissioners of Her Majesty's Treasury approve these regulations, in conformity with the 41st section of the Act, 38 & 39 Vict. c. 89.

13*th April*, 1876. R. R. W. LINGEN.

FURTHER REGULATIONS MADE BY THE PUBLIC WORKS LOAN COMMISSIONERS UNDER THE PUBLIC WORKS LOANS ACT, 1875.

* * * * * *

[Regulation No. 1 was repealed by the Regulations dated 16th September, 1912, *post*, p. 3454.]

2. For the purpose of making payments to the Commissioners for the Reduction of the National Debt on account of principal or interest in respect of moneys advanced by them to the Loan Commissioners under the Public Works Loans Act, 1879 (*a*), the Bank of England shall transfer, in accordance with section 7 of the said Act, from the Public Works Loans Account to the credit of the National Debt Commissioners at the Bank of England such sums as may from time to time be directed by the Loan Commissioners, and every such direction shall be signed by their secretary or assistant secretary.

W. W. WILLINK,
Secretary.

Public Works Loans Board,
18*th December*, 1879.

The Lords Commissioners of Her Majesty's Treasury approve of these regulations in conformity with the 41st section of the Act, 38 & 39 Vict. c. 89.

R. R. W. LINGEN.

Treasury Chambers,
2*nd January*, 1880.

S. R. & O., 1912, No. 1387.

FURTHER REGULATIONS, DATED SEPTEMBER 16TH, 1912, MADE BY THE PUBLIC WORKS LOAN COMMISSIONERS, FOR CARRYING INTO EFFECT THE PUBLIC WORKS LOANS ACT, 1875.

(*b*) (1.) In place of the 8th of the regulations made on the 1st April, 1876, and the 1st of the regulations made on the 2nd January, 1880, under the Public Works Loans Act, 1875, the following regulations shall be in force, viz.:—When the Loan Commissioners shall have determined upon any amount of money to be advanced by way of loan pursuant to section 9 of the Public Works Loans Act, 1875, the said Commissioners or any two or more of them, shall forthwith certify such amount to the Commissioners for the Reduction of the National Debt for the time being, and at the foot of every such certificate the secretary shall state the name or names of the person or persons by whom such certificate is to be presented to the said Commissioners for the Reduction of the National Debt, and upon every such certificate being lodged at the office of the last-mentioned Commissioners for such number of days as may from time to time be agreed upon between the same Commissioners and the Loan Commissioners, the Comptroller-General, or other proper officer of the said Commissioners, shall sign an order appended to such certificate for the payment of the sum mentioned therein to the person or persons named at the foot of the certificate, or to one of such persons, which order shall be addressed to the cashiers of the Governor and Company of the Bank of England; and the signatures of such person or persons, jointly or severally, shall be a sufficient discharge to the said Commissioners for the Reduction of the National Debt and to the said Governor and Company respectively, provided the total amount directed to be paid by such certificate or certificates respectively shall not at any time exceed the amount for the time being standing to the credit of the account referred to in section 16 of the Act.

(*a*) See Vol. IV, *post*.
(*b*) Rescinded by S. R. & O., 1927, No. 1, *post*, p. 3190.

(2.) The above regulation shall come into force on the 16th day of September, 1912, and as from such date the said 8th and 1st regulations shall be rescinded.

R. PHILPOT,
Secretary.

Public Works Loan Board,
16*th September*, 1912.

The Lords Commissioners of His Majesty's Treasury approve these regulations in conformity with the 41st section of the Act, 38 & 39 Vict. c. 89.

T. L. HEATH,
Assistant Secretary.

Treasury Chambers,
16*th September*, 1912.

S. R. & O., 1926, No. 1065.

FURTHER REGULATIONS, DATED 30TH AUGUST, 1926, MADE BY THE PUBLIC WORKS LOAN COMMISSIONERS AND APPROVED BY THE TREASURY PURSUANT TO SECTION 11 OF THE PUBLIC WORKS LOANS ACT, 1875 (38 & 39 VICT. c. 89).

1. The fees or sums to be paid by the applicants pursuant to section 41 of the Public Works Loans Act, 1875, in respect of loans on rates shall not exceed the following sums, viz. :—

For the 1st	£1,000 :	20*s.*	for every	£100 :	of such loan.	
,, 2nd	,,	15*s.*	,,	,,	,,	,,
,, 3rd and 4th	,,	10*s.*	,,	,,	,,	,,
,, 5th to the 25th	,,	5*s.*	,,	,,	,,	,,
,, 26th to the 100th	,,	2*s.* 6*d.*	,,	,,	,,	,,

and for every subsequent £100 : 1*s.*

Where a loan is advanced by instalments secured by one deed, there shall be paid in respect of each advance after the first, an additional fee of £1, if the amount of the advance does not exceed £100, and an additional fee of £2, if the amount of the advance exceeds £100.

For the purpose of this Regulation the total amount to be advanced under one security deed shall be considered as a loan; and fractional parts of £100 shall be considered as £100.

In addition to the above fees, the applicants shall pay the stamp duty, Counsel's fees and other disbursements incurred by the Loan Commissioners in respect of the several applications.

In respect of all business not being a loan on rates, the fees or sums payable shall be fixed by the Commissioners, regard being had to each particular case.

2. The above Regulation shall come into force for loans granted on or after the 1st day of September, 1926, and as from such date the Regulations made by the Public Works Loan Commissioners on the 16th day of August, 1907, shall be rescinded.

H. G. H. BARNES,
Secretary.

PUBLIC WORKS LOAN BOARD,
30*th August*, 1926.

The Lords Commissioners of His Majesty's Treasury approve these Regulations in conformity with the 41st section of the Act, 38 & 39 Vict. c. 89.

R. S. MEIKLEJOHN.

TREASURY CHAMBERS,
30*th August*, 1926.

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PAYMENTS TO OFFICERS AND WORKMEN OUT OF LOAN MONEYS.

In sanctioning loans to local authorities the Minister of Health normally stipulates as follows :—

"No part of the salary or wages of the council's permanent staff (including employees) ordinarily charged to revenue account should be defrayed out of moneys borrowed under this sanction. There would, however, be no objection to the payment out of the loan of reasonable remuneration for additional work performed outside normal hours or, where it is necessary temporarily to employ substitutes to take the place of permanent staff during the time that the staff is engaged on the work for which the loan is sanctioned, a sum equal to the reasonable remuneration paid to the substitutes.

"With regard to payments (if any) due to yourself (the clerk) for legal work in connection with the object of the loan and not within the scope of your duties, the bills as taxed may properly be paid out of the loan."

Where the loan includes the purchase of land as well as the execution of works, the following sentence is added :—

"Charges within the scale prescribed in Part I. of the Schedule I. to the General Order under the Solicitors' Remuneration Act, 1881, need not be submitted for taxation."

S. R. & O., 1927, No. 1.

FURTHER REGULATIONS, DATED JANUARY 1ST, 1927, MADE BY THE PUBLIC WORKS LOAN COMMISSIONERS, AND APPROVED BY THE TREASURY PURSUANT TO SECTION 41 OF THE PUBLIC WORKS LOANS ACT, 1875.

1. In place of the 1st of the regulations made on the 16th September, 1912 (*a*) under the Public Works Loans Act, 1875 (*b*) the following regulations shall be in force viz. :—

When the Loan Commissioners shall have determined upon any amount of money to be advanced by way of loan pursuant to Section 9 of the Public Works Loans Act, 1875, the said Commissioners, or any one or more of them, shall forthwith certify such amount to the Commissioners for the Reduction of the National Debt for the time being, and at the foot of every such certificate the Secretary shall state the name or names of the person or persons by whom such certificate is to be presented to the said Commissioners for the Reduction of the National Debt, and upon every such certificate being lodged at the office of the last-mentioned Commissioners for such number of days as may from time to time be agreed upon between the same Commissioners and the Loan Commissioners, the Comptroller-General, or other proper officer of the said Commissioners, shall sign an order appended to such certificate for the payment of the sum mentioned therein to the person or persons named at the foot of the certificate, or to one of such persons, which order shall be addressed to the cashiers of the Governor and Company of the Bank of England ; and the signatures of such person or persons, jointly or severally, shall be a sufficient discharge to the said Commissioners for the Reduction of the National Debt, and to the said Governor and Company respectively, provided the total amount directed to be paid by such certificate or certificates respectively shall not at any time exceed the amount for the time being standing to the credit of the account referred to in Section 16 of the Act.

(*a*) S. R. & O., 1912, No. 1387, *ante*, p. 3188.
(*b*) See Vol. IV, *post*.

2. The above regulation shall come into force on the 1st day of January, 1927 and as from such date the said 1st regulation shall be rescinded.

H. G. H. BARNES,
Secretary.

Public Works Loan Board,
1st January, 1927.

The Lords Commissioners of His Majesty's Treasury approve these Regulations in conformity with the 41st section of the Act 38 and 39 Vict. c. 89.

O. V. NIEMEYER,
Controller of Finance.

Treasury Chambers,
1st January, 1927.

S. R. & O., 1934, No. 274.

THE MINISTRY OF HEALTH (RATE OF INTEREST ON PRIVATE IMPROVEMENT EXPENSES) ORDER, 1934, DATED MARCH 20TH, 1934, MADE BY THE MINISTER OF HEALTH UNDER SECTION 77 OF THE PUBLIC HEALTH ACT, 1925.

Whereas by Section 77 of the Public Health Act, 1925 (*a*) (in this Order referred to as "the Act of 1925") it is provided that the rate of interest on expenses recoverable by a Local Authority under any of the enactments mentioned in that section shall as regards expenses incurred after the commencement of the Act of 1925, be five per cent. or such other rate of interest as the Minister of Health may from time to time by Order fix, and that different rates of interest may be fixed for different purposes and in different cases;

And whereas by virtue of Section 30 of the Local Government Act, 1929 (*a*), the County Council have with respect to such part of the county as is comprised in a rural district the functions of a Local Authority under the Private Street Works Act, 1892 (*a*), which is one of the enactments mentioned in Section 77 of the Act of 1925:

Now therefore the Minister of Health in pursuance of the powers conferred upon him by Section 77 of the Act of 1925, and of all other powers enabling him in that behalf hereby orders as follows:—

1. This Order may be cited as the Ministry of Health (Rate or Interest on Private Improvement Expenses) Order, 1934, and shall come into operation on the 1st day of April, 1934.

2. Subject to the provisions of this Order the rate of interest on expenses incurred after the commencement of the Act of 1925 and recoverable by a Local Authority or a County Council under the enactments mentioned in Section 77 of the Act of 1925, shall be the rate of 4 per cent. per annum instead of the rate of 5 per cent. as prescribed by that Section.

3. This Order shall not apply to—

(i) Any expenses which, or any part or instalment of which, became recoverable by the Local Authority or the County Council before the date of the commencement of this Order;

(ii) Any expenses in respect of which, or any part of which, a private improvement rate has been made and levied before the date of the commencement of this Order.

4. Any order under Section 77 of the Act of 1925 which is in force at the commencement of this Order shall cease to have effect as respects any expenses to which this

(*a*) These Acts are printed in a later volume of this work.

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Order relates but as regards other expenses shall, notwithstanding any limit of time prescribed by the Order, remain in force until the Minister by order otherwise directs.

Given under the Official Seal of the Minister of Health this twentieth day of March nineteen hundred and thirty-four.

(L.S.) R. J. SIMPSON,
Assistant Secretary,
Ministry of Health.

S. R. & O., 1934, No. 281.

ORDER, DATED MARCH 22ND, 1934, PRESCRIBING SECURITIES UNDER SECTION 9 OF THE LAND SETTLEMENT (FACILITIES) ACT, 1919.

Whereas by Section 9 of the Land Settlement (Facilities) Act, 1919 (*a*), it is provided that a County Council may redeem perpetual annuities created by them in payment for land acquired under the Small Holdings and Allotments Act, 1908 (*a*), and that in default of agreement the consideration for such redemptions shall be calculated according to the average price of such Government securities as may for the time being be prescribed by the Treasury.

Now therefore We the Lords Commissioners of His Majesty's Treasury do hereby prescribe the following securities as the securities to be taken into account for the purposes of the said section on and after the date of this Order :—

2½ per cent. Consolidated Stock
3 per cent. Local Loans Stock.
3½ per cent. Conversion Stock.
3½ per cent. War Loan.

AUSTIN HUDSON,
WALTER J. WOMERSLEY,
Two of the Lords Commissioners of His Majesty's Treasury.

Treasury Chambers.
This 22nd day of March, 1934.

S. R. & O., 1934, No. 619.

THE LOCAL AUTHORITIES (STOCK) REGULATIONS, 1934,* DATED JUNE 21ST, 1934, MADE BY THE MINISTER OF HEALTH UNDER SECTION 204 OF THE LOCAL GOVERNMENT ACT, 1933.

The Minister of Health in exercise of the powers conferred on him by Section 204 of the Local Government Act, 1933 (*b*), hereby makes the following Regulations :—

1. These Regulations may be cited as the Local Authorities (Stock) Regulations, 1934.

General.

2.—(1) In these Regulations, unless the context otherwise requires, the following words and expressions have the respective meanings hereby assigned to them :—

"The Minister" means the Minister of Health;

"Local Authority" means a county council, other than the London County Council, the council of a borough and an urban or rural district council;

(*a*) These Acts are printed in a later volume of this work.
* These regulations are in the form approved by resolutions of both Houses of Parliament.
(*b*) *Ante*, p. 1038.

"The Act of 1933" means the Local Government Act, 1933;

"Statutory borrowing power" means a power of borrowing money conferred on a local authority by or under any enactment;

"Stock" means stock created by the local authority under Part IX of the Act of 1933 or under any enactment repealed by that Act.

(2) The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Creation and Redemption of Stock.

3.—(1) Subject to the provisions of these Regulations and with the consent of the Minister (which consent shall be expressed in an order, in these Regulations referred to as a "consent order"), a local authority who desire to exercise any statutory borrowing power may by resolution create redeemable stock for that purpose.

(2) The resolution may be in the form set out in the Schedule to these Regulations or in a form substantially to the like effect and shall specify—

(*a*) the borrowing powers to be exercised;

(*b*) the amount of stock to be issued;

(*c*) the price at which the stock is to be issued;

(*d*) the rate of interest and the half-yearly or other intervals at which the interest will be payable;

(*e*) the period after which the stock is to be redeemable at par at the option of the local authority;

(*f*) the period within which the stock must be redeemed or purchased and extinguished;

(*g*) the name of the stock; and

(*h*) whether the stock is to be transferable in books or by deed:

Provided that in lieu of specifying any of the matters mentioned in sub-paragraphs (*b*) to (*g*) of this paragraph the resolution may, if the local authority think fit, indicate the procedure by which any of those matters shall be determined.

(3) Except with the consent of the Minister, stock shall not be issued at a price lower than ninety-five per cent.

(4) The period within which stock must be redeemed or purchased and extinguished shall not exceed sixty years.

4. With a view to the consolidation for the purpose of repayment of loans which a local authority have raised or intend to raise by the issue of stock the authority may prepare, and the Minister may approve, with or without modifications, a scheme of consolidation, and the scheme shall fix the period or periods within which the loans which it is proposed to consolidate shall be repaid and for that purpose may extend or vary any periods originally fixed as the periods within which provision was required to be made for the repayment of the several loans, due regard being had to the amounts of the loans and the periods so originally fixed.

5.—(1) For the payment of interest on each class of stock there shall in each year be carried to a separate account of the county fund or the general rate fund, as the case may be, a sum or sums equal to the aggregate amount of all interest payable on the stock of that class during the year.

(2) Such account shall be called the Stock (Interest) Account and shall be distinguished by number or otherwise from the corresponding account relating to stock of another class, and in these Regulations every such account is referred to as the "interest account."

(3) The local authority shall from time to time pay the interest on the stock and charge the payments to the interest account.

6.—(1) For the redemption or purchase and extinction of each class of stock the local authority shall establish a separate account of the county fund or the general rate fund, as the case may be, to be entitled the Stock (Sinking Fund) Account, and the said account shall be distinguished by number or otherwise from the corresponding account relating to stock of another class, and in these Regulations every such account is referred to as the "sinking fund account."

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(2) The local authority shall keep in connection with the sinking fund account—

(*a*) an account showing the securities on which all sums carried to the sinking fund account are from time to time invested;

(*b*) separate accounts relative to each undertaking or purpose for or in respect of which any statutory borrowing power is exercised by them by the issue of the stock; and

(*c*) separate accounts relative to each statutory borrowing power so exercised.

(3) The accounts to be kept under sub-paragraphs (*b*) and (*c*) of the last preceding paragraph shall show—

(i) the amount of stock for the time being chargeable to each undertaking or purpose;

(ii) if more than one statutory borrowing power has been exercised in respect of an undertaking or purpose, the amount of stock attributable to the exercise of each such borrowing power;

(iii) the amount of stock attributable to each statutory borrowing power which has been redeemed or purchased and extinguished by means of the sinking fund account,

and shall further show in relation to each undertaking or purpose—

(iv) all money being capital, or in the nature of capital, carried to the sinking fund account and in the opinion of the local authority properly attributable to that undertaking or purpose;

(v) all money carried to the sinking fund account as the equivalent of interest on the last-mentioned money;

(vi) all money and securities transferred or carried to the sinking fund account under Article 10 of these Regulations, and all money carried to the sinking fund account as the equivalent of interest on the last-mentioned money or securities;

(vii) all money carried to the sinking fund account as contributions from the revenues of the local authority in respect of redemption or purchase and extinction of stock; and

(viii) all money carried to the sinking fund account as the equivalent of interest of the last-mentioned money.

7.—(1) The amounts to be carried to the sinking fund account in respect of each loan represented by stock throughout the period within which the loan is required to be repaid or, if a scheme for the consolidation of loans is in operation, throughout the period fixed by the scheme shall be, as the local authority with the consent of the Minister may determine, either—

(*a*) such equal annual sums as would, with accumulations at a rate to be determined from time to time by the Minister, be sufficient, after payment of all expenses, for the purpose of purchasing the amount of stock at par within that period; or

(*b*) such equal annual sums as would, without accumulations, be sufficient for the purpose aforesaid:

Provided that—

(i) if stock is issued by a local authority to raise money which they are authorised to lend to a parish council or other authority and which is to be repaid to them by instalments, the sums to be carried in each year to the sinking fund account shall be such sums as are in that year due to be paid to the local authority by way of repayment of capital; and

(ii) if stock is issued for raising a loan and the local authority are authorised to postpone commencing provision for repayment of the loan, the provisions of this Article shall apply with the necessary modifications;

(iii) if stock is issued for paying off money previously borrowed in respect of which no period for repayment was prescribed by or under the enactment conferring the statutory borrowing power, the period by reference to which the annual sums aforesaid are to be substituted shall be such as the local authority, with the consent of the Minister, may determine; and

(iv) the provisions of Section 214 of the Act of 1933, which enable or require adjustments of amounts payable to a sinking fund to be made in certain circumstances, shall apply to the amounts payable to the sinking fund account.

(2) The interest in any year from the investment of the sums carried to the sinking fund account shall form part of the revenue for that year of the county fund or the general rate fund, as the case may be, but in the case of a sinking fund account to which accumulations are required to be carried the contribution to be made to the sinking fund account out of the county fund or the general rate fund, as the case may be, shall in that year be increased by a sum equal to the interest that would have accrued to that account during that year, if interest had been accumulated therein at the rate per cent. per annum on which the annual payments to the account are based.

8. For the purpose of calculating the sums required to be carried to the sinking fund account—

(*a*) where stock has been issued at a discount, so much of the stock as represents the difference between the price of the stock as issued and its nominal value; and

(*b*) where stock has been issued for the purpose of defraying the expenses of the creation and issue of any stock, the amount of stock created and issued for that purpose,

shall be deemed to represent a loan repayable at the date at which the stock is first redeemable at par at the option of the local authority.

9. The local authority shall apply the money standing to the credit of the sinking fund account in redeeming stock according to the terms of issue and may, if they think fit, apply such money in purchasing stock for extinction and, pending such application, any money standing to the credit of that account shall either be applied in the exercise of borrowing powers in the manner provided in Article 13 of these Regulations or shall be invested in statutory securities, other than securities created by the local authority, and the local authority may from time to time vary and transpose the investments.

10. If a local authority redeem or purchase and extinguish stock by the application of any money standing to the credit of the sinking fund account, the stock so redeemed or purchased and extinguished shall be deemed to be stock issued in respect of such one or more of the statutory borrowing powers exercised by the issue of stock, and, if in respect of more than one, in such proportions as the local authority may determine:

Provided that no larger amount of stock shall be deemed to be redeemed or purchased and extinguished in respect of any statutory borrowing power than the amount which, according to the actual price of redemption or purchase, could be redeemed or purchased with the money standing to the credit of the sinking fund account in respect of that borrowing power.

11. Where a local authority apply any sum standing to the credit of the sinking fund account in or towards the redemption or purchase and extinction of stock, then—

(i) in the case of a sinking fund account to which accumulations are required to be carried, the authority shall credit in each year to the account to which the stock so redeemed or purchased is allocated and shall accumulate during the residue of the period allowed for the continuance of the loan a sum equal to the interest which would have been produced by the sum so applied, if it had been invested at the rate per cent. per annum on which the annual payments to the sinking fund account are based; and

(ii) if the stock is purchased by the local authority at a rate exceeding one hundred pounds for one hundred pounds stock, the sum to be carried to the sinking fund account under this Article by way of interest shall be calculated as if only one hundred pounds had been so applied for each one hundred pounds stock purchased, and the local authority shall either carry to the sinking fund account during the year in which the purchase is made, an additional

sum equal to the sum paid in excess of the said rate for the purchase of stock in such year, or shall, during that year and each succeeding year for such period as the Minister may approve, carry to that account such additional sum as the Minister may approve.

12. Any stock redeemed or purchased by the local authority under these Regulations shall thereupon be cancelled by the registrar, and on such cancellation the stock and all interest thereon which has not already become payable shall be and the same are by virtue of these Regulations extinguished.

13.—(1) Where a local authority have any statutory borrowing power they may, with the consent of the Minister, instead of raising money by the creation and issue of additional stock, exercise the power, either wholly or partially, by using for the purpose any money standing to the credit of the sinking fund account, and in that case they shall—

(*a*) withdraw from the money standing to the credit of the sinking fund account such sum as may be specified in the resolution, being a sum equal to the amount of the statutory borrowing power proposed to be exercised, which sum shall be deemed to be withdrawn from such separate account of the sinking fund account as may be specified in the resolution; and

(*b*) deduct, from the amount of stock chargeable to the undertaking or purpose or attributable to the exercise of the borrowing power to which the said separate account relates, a portion of stock at par value or at such other value as the Minister may direct equal to the sum withdrawn from that separate account, and transfer that portion of stock, as from a date to be specified in the resolution, to the separate account in respect of which the statutory borrowing power is exercised.

(2) These Regulations shall apply—

(*a*) to the money withdrawn from the sinking fund account and used as aforesaid as though the money so withdrawn had been applied in the redemption of stock, at par or at such other value as the Minister may direct, on the separate account from which the money was withdrawn, and as though the money so used had been raised by the issue of additional stock for the purposes of the separate account in respect of which the statutory borrowing power is exercised; and

(*b*) to the stock deducted and transferred as aforesaid as though the stock so deducted had been redeemed by the application of the sinking fund account on the separate account from which the stock was deducted, but subject to the condition that such stock shall not be cancelled, and as though the stock so transferred were additional stock expressly issued for the purposes of the separate account in respect of which the statutory borrowing power is exercised.

Conversion of other securities into stock.

14.—(1) Where the consent of the Minister is given to the exercise by the local authority of any statutory borrowing power by the creation and issue of stock and for that purpose the local authority propose to reborrow any sum represented by any mortgage, bond, debenture, stock, annuity, rentcharge, or other security which was granted or created by them under any statutory borrowing power and which they have power, with the consent of the holder of that security, or otherwise, to pay off or to redeem, they may pay off or redeem the security accordingly with money raised by stock, or they may, with the consent of the holder thereof, issue stock in substitution for the security.

(2) The local authority may in every such case make such reasonable payment as they may think fit to the holder of any security for his consent, or for otherwise compensating him for the payment off or redemption of or substitution for his security, and any such payment may be either in money or stock, or partly in one and partly in the other:

Provided that the amount of any payment under this paragraph which may be raised by the issue of stock shall not exceed the amount which the Minister may by the consent order authorise to be so raised.

(3) The period within which provision shall be made for the redemption of stock created and issued for the purpose of any payment to be made under the last preceding paragraph shall be such period, not exceeding the period within which the money representing the security paid off or redeemed or for which the stock is substituted is required to be paid off under the statutory borrowing power or the consent order, as the Minister may by the consent order prescribe, or may subsequently determine.

(4) In every such case of payment off redemption or substitution the local authority shall forthwith carry to the credit of the sinking fund account the whole or a proportionate part (as the case may require) of any money and securities forming part of any sinking fund applicable to the discharge of the security, and also such further sum, if any, as may be necessary to make those moneys and securities equivalent to the amount which should have been in such sinking fund, or should have been paid off, in respect of the security for the payment off or redemption of which or in substitution for which the stock is created.

(5) Where the holder of the security is a person under disability who is enabled by Section 7 of the Lands Clauses Consolidation Act, 1845 (*a*), to sell land, he may consent to payment or redemption of, or substitution for, the money secured or represented by that security, and may accept money for giving that consent as if he were the absolute owner of the security, and his receipt shall be a good discharge for the same.

15. The local authority may, and if required by the Minister shall, from time to time invest temporarily in statutory securities, other than securities created by the local authority, any sum raised by stock and not for the time being required for the purpose for which it was raised.

Registration and Certificates.

16.—(1) The local authority shall, subject to such terms and instructions not inconsistent with any provision of these Regulations as they think expedient, appoint one of their officers, or some other individual, or the Bank of England, or any other bank, or any banking or other company, to act as registrar for all or any of the purposes of these Regulations (in these Regulations referred to as " the registrar ").

(2) Except where the registrar is the Bank of England the local authority in relation to these Regulations and the registrar shall respectively be deemed a banker within the Bankers Books Evidence Act, 1879 (*b*).

17.—(1) The registrar shall keep records, in which shall be entered the names and addresses of holders from time to time of stock, and the amounts held by them (in these Regulations referred to as the " stock register ").

(2) The stock register shall be *primâ facie* evidence of any matter entered therein in accordance with these Regulations, and of the title of the persons entered therein as holders of stock.

18.—(1) In the case of stock transferable in books the registrar may, and in the case of stock transferable by deed he shall, give to any holder of stock a certificate of the proprietorship thereof, specifying the amount of stock to which the holder is entitled (in these Regulations referred to as a " stock certificate ") and, if the registrar is an officer of the local authority, the certificate shall be under the common seal of the authority.

(2) A stock certificate shall be *primâ facie* evidence of the title of the person therein named, his executors, administrators, successors, or assigns, to the stock therein specified, but the absence of a stock certificate, if accounted for to the satisfaction of the local authority, shall not prevent the holder of stock from disposing of and transferring the stock.

(3) If a stock certificate is worn out or damaged the local authority, on production thereof, may cancel it and give a similar stock certificate to the person in whom the property in the stock certificate and in the stock therein specified is then vested.

(*a*) See Vol. IV, *post.*
(*b*) See 8 Halsbury's Statutes 236.

(4) If a stock certificate is lost or destroyed the local authority, on proof thereof to their satisfaction, may give a similar stock certificate to the person entitled to the certificate lost or destroyed.

(5) An entry of the issue of a stock certificate or a substituted certificate, as the case may be, shall be made in the stock register.

Transfer.

19. Subject to the provisions of these Regulations, every stockholder may transfer all or any part of his stock in books or by deed.

20.—(1) Stock which by the resolution creating the stock is made transferable in books but not by deed shall be transferable in the manner provided in this Article and not otherwise.

(2) The registrar shall keep books wherein transfers of stock so transferable shall be entered (in these Regulations referred to as the "stock transfer books").

(3) Every such entry shall be made in proper words for the purpose of transfer, and shall be signed by the person making the transfer, or, if he is absent, by his duly authorised agent.

(4) Where the person making the transfer is a body corporate, the authorisation shall be given in writing under the common seal of the body corporate, and in any other case shall be given in writing under the hand of the person making the transfer attested by one witness or, if the registrar so requires, under the hand and seal of that person attested by two witnesses.

(5) The person to whom a transfer is made may, if he thinks fit, signify his acceptance thereof by subscribing his name.

21.—(1) Stock which by the resolution creating the stock is made transferable by deed and not in books shall be transferable in the manner provided in this Article and not otherwise.

(2) The deed of transfer shall relate only to the transfer, and shall not contain any recital, trust, power, or proviso whatsoever.

(3) The deed of transfer, when duly executed, shall be delivered to and kept by the registrar, and the registrar shall enter a memorial thereof in a book to be called the "register of transfers of stock," and shall endorse on the deed of transfer a notice of that entry.

(4) The registrar shall, after reasonable notice, and on delivery up of the old stock certificate, or on such proof that it cannot be produced, and on such indemnity being given, as with the approval of the local authority he may require, deliver to the purchaser a new stock certificate.

(5) Until the deed of transfer has been so delivered to the registrar, the local authority or the registrar shall not be affected thereby, and the purchaser of the stock shall not be entitled to receive any interest thereon.

22.—(1) The registrar, before allowing any transfer of stock, may, if the circumstances of the case appear to him to make it expedient, require evidence of the title of any person claiming a right to make the transfer.

(2) That evidence shall be a statutory declaration of one or more competent persons, or evidence of such other nature as the registrar, with the approval of the local authority, may require.

23. The registrar, with the approval of the local authority, may, as regards any portion of stock, close the stock transfer books or the register of transfers of stock, as the case may be, during the whole or any part of the period of 30 days next before the date on which interest on that portion of stock is payable.

24. Unless the local authority have compounded for stamp duty, all stock shall, notwithstanding anything in any resolution of the local authority or in these Regulations, be transferable by deed, and not in books, and every deed of transfer of stock transferable by deed shall be duly stamped, and the consideration shall be truly stated therein.

Transmission.

25.—(1) The interest of a deceased stockholder in stock shall be transferable by his executors or administrators, notwithstanding any specific bequest thereof.

(2) Where two or more persons are registered as owners of any stock, such persons shall be deemed to be joint owners with right of survivorship between them.

(3) Neither the local authority nor the registrar shall be under any obligation to allow any executors or administrators to transfer stock until the probate of the will or the letters of administration of the estate of the deceased has or have been left with the registrar for registration, and they or he may require all the executors who have proved the will to join in the transfer.

26.—(1) If the ownership of any stock has become transmitted by any lawful means other than a transfer in books or by deed, or than the death of a stockholder, satisfactory evidence of the transmission shall be furnished to the registrar by a statutory declaration of one or more competent persons, or in such other manner as the registrar may, with the approval of the local authority, require.

(2) The name of the person entitled under the transmission shall be entered in the stock register.

(3) Until such evidence has been furnished, neither the local authority nor the registrar shall be affected by the transmission, and no person claiming by virtue thereof shall be entitled to receive any interest on the stock.

(4) In this Article the term " transmission " includes any case of apparent transmission in consequence of the change of name of the stockholder, although the actual ownership of the stock may remain unaltered.

Payment of interest.

27.—(1) The local authority shall pay by the registrar the interest on stock to the persons whose names are recorded as the holders of the stock at the date on which the interest is payable, or, if the stock transfer books or the register of transfers of stock, as the case may be, were closed under Article 23 of these Regulations prior to the payment of interest, at the date on which the books or register were closed.

(2) This Article shall not apply to any stock to which Section 2 of the National Debt (Stockholders Relief) Act, 1892 (*a*), as extended by any later enactment applies.

28. The local authority or the registrar shall not be required to pay any executors or any administrators any interest on stock held by their testator or intestate until the probate of the will or the letters of administration has or have been left with the registrar for registration.

29. The registrar before paying any interest on stock may, if the circumstances of the case appear to him to make it expedient, require evidence of the title of any person claiming a right to receive the interest, and that evidence shall be a statutory declaration of competent persons, or evidence of such other nature as the registrar, with the approval of the local authority, may require.

30. Where two or more persons are registered as joint holders of stock, any one of them may give an effectual receipt for interest thereon, unless notice in writing to the contrary has been given to the registrar by any other of them.

31.—(1) The registrar may give notice to any stockholder whose address, as appearing in the stock register, is in the United Kingdom or the Channel Isles or the Isle of Man that he intends to send interest on the stock to the stockholder by post, if he does not object, and if the stockholder does not within 14 days from the receipt of the notice notify the registrar that he objects, the registrar may from time to time send letters containing interest warrants to the stockholder at the address appearing in the register:

Provided that, if the stockholder notifies the registrar that he desires the interest warrants to be sent to any other person at a specified address in the United Kingdom or the Channel Isles or the Isle of Man, the registrar may from time to time send letters containing the interest warrants to that other person at that address.

(*a*) See 16 Halsbury's Statutes 684.

LOANS

(2) If a stockholder whose address in the register is elsewhere than in the United Kingdom or the Channel Isles or the Isle of Man desires to have his interest sent to him by post, he may make a request for that purpose to the registrar in writing and in that case shall give to the registrar an address in the United Kingdom or the Channel Isles or the Isle of Man to which letters containing the interest warrants are to be sent, and the registrar may from time to time send letters containing interest warrants to the stockholder at the address so given.

(3) The posting by the registrar of a letter containing an interest warrant addressed to a stockholder or his nominee under either of the two preceding paragraphs shall, as respects the liability of the local authority and of the registrar, be equivalent to the delivery of the warrant to the stockholder himself.

(4) Every warrant so sent by post shall be deemed a cheque, and the local authority and the registrar shall, in relation thereto, be deemed a banker within the Bills of Exchange Act, 1882 (*a*).

(5) This Article shall not apply to cases to which the provisions of Section 4 of the National Debt Act, 1889 (*b*), apply.

Stock Certificates with Coupons to Bearer.

32.—(1) Unless it is otherwise provided in the resolution creating the stock, the registrar may on demand of a stockholder issue to him a stock certificate to bearer, that is to say, a certificate of title to his stock or any part thereof, entitling the bearer to the stock therein specified, and transferable by delivery with coupons entitling the bearer of the coupons to the interest on the stock, but so that no such certificate or coupon shall give a title to interest beyond the time limited for redemption of the stock.

(2) A stock certificate to bearer shall not be issued in respect of any sum of stock other than Ten Pounds or a multiple of Ten Pounds.

(3) Where a stock certificate to bearer is outstanding, the stock represented thereby shall cease to be transferable in books or by deed.

(4) The bearer of a stock certificate to bearer may, on delivery to the registrar of the certificate and of all coupons not yet due belonging thereto, require to be entered in the stock register as the holder of the stock described in the certificate under which he derives title, and thereupon such stock certificate and coupons shall be cancelled and the stock shall be re-entered in the register as transferable, and shall become and again be transferable in the stock transfer books or by deed, as the case may be, and shall, as regards the mode of payment of the interest thereon, be in the like condition as if no stock certificate to bearer had been issued in respect thereof.

(5) The coupons issued with a stock certificate to bearer shall comprise the interest to be paid in respect of the stock therein specified for such period as the local authority approve.

(6) At the end of that period fresh coupons may be issued for such further period as the local authority approve, and so for successive periods during the continuance in force of the stock certificate, but the local authority may direct the registrar, in lieu of issuing fresh coupons in respect of any stock certificate, to give in exchange a fresh stock certificate with coupons.

(7) Payment to the bearer of a coupon of the amount expressed therein shall be a full discharge to the local authority and to the registrar from all liability in respect of that coupon and the interest represented thereby.

(8) Where a bank are the registrar, coupons shall be payable at the chief establishment of the bank at the expiration of three clear days from the day of presentation, and at any branch establishment of the bank at the expiration of five clear days from the day of presentation.

(9) If a stock certificate to bearer or coupon is worn out or damaged, the registrar, on production and delivery up thereof, may cancel it and issue a new certificate or coupon.

(*a*) 2 Halsbury's Statutes 235.
(*b*) 16 Halsbury's Statutes 585.

(10) If a stock certificate to bearer or coupon is lost or destroyed, the registrar may issue a new certificate or coupon on receiving indemnity to the satisfaction of the local authority against the claims of all persons deriving title under the certificate or coupon lost or destroyed.

(11) All coupons issued under these Regulations in respect of any stock certificate to bearer shall, for the purposes of the Acts relating to stamp duties, be deemed to have been attached to and issued with such stock certificate.

(12) Stock specified in a stock certificate to bearer shall save as regards the mode of transfer and of payment of interest thereon, and save so far as a stock certificate to bearer is a negotiable instrument, be subject to the same incidents in all respects as if that stock had been or continued to be registered in the stock register as transferable in books or by deed.

Conditions safeguarding issues of stock.

33.—(1) Where stock is offered by or on behalf of a local authority to the public for subscription, any person by whom moneys which represent subscriptions to the stock are received shall, within the period mentioned in this Article, transfer the moneys so subscribed to the ordinary bankers of the local authority for credit to a special account to be opened by the local authority bearing their name and the name of the stock:

Provided that where the local authority are entitled to a part only of the moneys so subscribed the transfer required by the foregoing provision shall extend only to the part of those moneys to which the local authority are entitled.

(2) Moneys paid in advance of allotment which by this Article are required to be transferred to the ordinary bankers of the local authority shall be so transferred within three days after the date of the allotment, and any other moneys which by this Article are required to be transferred to the ordinary bankers of the local authority shall, if they are paid by cheque or other instrument, be so transferred within twenty-four hours after the collection of the proceeds, and, if they are paid in cash, be so transferred within twenty-four hours after the receipt of the cash.

(3) No payment shall be debited to a special account opened by a county council in pursuance of this Article, unless it is authorised by an order of the county council authenticated in the manner provided by subsection (2) of Section 184 of the Act of 1933.

(4) A local authority, other than a county council, who open a special account in pursuance of this Article shall not allow the account to be drawn upon by any person who is not a person authorised to draw upon an ordinary banking account of the local authority.

34. Any contract made by a local authority with a banking or other company or person whereby that company or person undertakes to purchase the whole of an issue of stock of the local authority (such company or person in this regulation being called "the purchaser") shall provide—

(*a*) that no allotment letter or scrip certificate shall be in such a form as to create a contractual relation between the purchaser and the holder of the document instead of between the local authority and the holder of the document; and

(*b*) that before any allotment letter or scrip certificate is issued by or on behalf of the local authority the purchaser shall have paid to the ordinary bankers of the local authority for credit to such a special banking account as is required by the preceding Article all sums which may be due from the purchaser in respect of the amount certified in the allotment letter or scrip certificate to have been paid by the holder of that document.

35.—(1) The banking or other company or person by whom any stock of a local authority has been offered to the public for subscription or by whom the whole of an issue of such stock has been purchased shall (if the company or person is not the registrar) cause the registrar to be supplied—

(*a*) as early as practicable with a complete record of the scrip certificates issued showing in each case the number and other identification mark of the certificate, the amount of stock to which it relates, and a description of the manner in which the scrip certificate is authenticated; and

(*b*) immediately after payment has been made in full for the stock to which the scrip certificate relates, with a statement of the date on which payment was so made.

(2) Where the arrangements for the issue of the stock do not provide for the issue of scrip certificates this Article shall be read as if allotment letters were substituted therein for scrip certificates.

36.—(1) A registrar shall not register or inscribe any person as a holder of stock, unless and until a fully paid scrip certificate or fully paid scrip certificates representing the amount of stock to which that person is entitled have been surrendered by him or on his behalf to the registrar:

Provided that, if a scrip certificate is lost or destroyed, the registrar may register or inscribe the person claiming to be entitled thereunder as a holder of stock to the amount represented by the scrip certificate on that person giving such an indemnity as the local authority may agree to accept against the claims of all other persons deriving title under the scrip certificates so lost or destroyed, but no such registration or inscription shall be made by the registrar until after the first day on which scrip certificates may be lodged for registration or inscription.

(2) Where the arrangements for the issue of the stock do not provide for the issue of scrip certificates, this Article shall apply as if fully paid allotment letters were mentioned therein instead of scrip certificates.

(3) This Article shall not apply where the local authority themselves issue the allotment letters and scrip certificates and an officer of the local authority is the registrar of the stock.

Miscellaneous.

37.—(1) Stock is personal property.

(2) Stock is not liable to foreign attachment by the custom of London or otherwise.

(3) No notice of any trust, express, implied, or constructive, in respect of any stock, or of any stock certificate to bearer or coupon, shall be entered in the stock register, or in any other book kept by the local authority or the registrar, or be receivable by the local authority or the registrar.

38.—(1) If at any time any interest due on any stock remains unpaid for two months after demand in writing, the person entitled thereto may, without prejudice to any other remedy, apply to the High Court for a receiver, and the Court may, if they think fit, appoint a receiver on such terms as the Court think fit.

(2) The Court may confer on the receiver any such powers of collecting, receiving and recovering the revenues of the local authority, and of making, collecting and recovering rates, and of issuing and enforcing precepts, as are possessed by the local authority or their officers.

39.—(1) If at any time any interest on any stock is unclaimed at the time for payment thereof, the interest shall, nevertheless, on demand at any subsequent time, be paid to the person showing his right thereto, but without interest thereon in the meantime.

(2) Where any interest remains unclaimed for five years from the time for payment thereof, the local authority shall cause notice thereof to be sent by post in a registered letter addressed to the stockholder named in their books by the description and at the address therein appearing, and so at the expiration of three other successive periods of five years.

(3) At the end of every successive period of ten years from the day when the first interest becomes payable on stock first issued the local authority, unless it has been otherwise agreed between them and the registrar, may require the registrar to repay to them all interest unclaimed during that period and then in his hands, but without prejudice to the rights of any person to such interest.

40.—(1) If at the end of the period within which any stock is required to be extinguished the local authority, by reason of the holder of any such stock not being forthcoming, or by reason of any doubt as to the ownership of any such stock, are unable to redeem, extinguish, and cancel such stock as required by these Regulations, the local authority shall invest a sum equal to the nominal value of all such stock as cannot be

redeemed by reason as aforesaid, such sum to be dealt with as hereinafter prescribed, and thereupon such stock shall be deemed to have been extinguished.

(2) If before the end of the period within which any stock is required to be extinguished the local authority have extinguished all the stock, except such as cannot be redeemed by reason as aforesaid, the local authority may invest a sum equal to the nominal value of all such stock as cannot be redeemed as aforesaid, such sum to be dealt with as hereinafter prescribed, and thereupon such stock shall be deemed to have been extinguished.

(3) Any sums invested by the local authority as aforesaid shall, unless sold for the purpose of satisfying any claim in respect of the stock represented by the same, be kept invested for a period of ten years, after which time the local authority may appropriate the said sums and any accumulations thereon for such purposes as the Minister may approve, without prejudice, nevertheless, to the rights of any person to the said sums or any part thereof.

(4) All sums invested under this Article shall be invested in statutory securities, other than securities created by the local authority.

41. If at any time a local authority revoke in whole or in part any resolution for creation of stock previously passed by them in respect of any statutory borrowing power, they shall forthwith give notice of such revocation to the Minister and the Minister may, if he thinks fit, revoke his consent to the exercise of that statutory borrowing power by the creation and issue of stock.

42. Nothing in or done under these Regulations shall affect any security or charge created or granted or payable by the local authority before and subsisting at the date of the first creation by them of any stock.

43. Where a bank are the registrar, they may, with the consent of the local authority, from time to time issue any forms that may be required for carrying into effect the provisions of these Regulations, and may also from time to time issue instructions, not inconsistent with these Regulations, with respect to any of the following matters :—

(*a*) the period for which coupons are to be given ;

(*b*) the mode in which the bank are to act in issuing stock certificates to bearer, or entering in the transfer books the bearers of stock certificates to bearer ;

(*c*) the mode of proving the title of or identifying any person applying for a stock receipt or stock certificate, or stock certificate to bearer ;

(*d*) any other matter upon which instructions are necessary for carrying into effect the provisions of these Regulations which relate to or affect the bank.

44. Fees not exceeding those specified in the Schedule to these Regulations may be charged by or on behalf of the local authority in the cases therein mentioned.

45.—(1) The expenses incurred by the local authority in or about the creation and issue of any amount of stock, so far as they are properly chargeable to capital, shall be deemed money raiseable under a statutory borrowing power and may, if the stock has been issued at a premium, be wholly or partly defrayed out of the money received by way of premium.

(2) Expenses of bookkeeping and management and other current expenses from time to time incurred by the local authority in the execution of these Regulations shall be payable out of the county fund or the general rate fund, as the case may be and shall be divided amongst the different accounts of the local authority in those funds in such proportions as the local authority may from time to time determine.

46.—(1) The Stock Regulations, 1891 to 1932 (*a*), and the County Stock Regulations, 1891 to 1932 (*b*), are hereby revoked but without prejudice to anything duly done or suffered or any right, privilege, obligation or liability acquired, accrued or incurred under those Regulations or any of them.

(*a*) S. R. & O. Rev. 1904, IV, District Council, E., pp. 263–306 (1897, No. 615 ; 1901, No. 660 ; 1902, No. 303) and S. R. & O., 1921, No. 1391 and 1932, No. 436.

(*b*) S. R. & O. Rev. 1904, II, County Council, E., pp. 29 and 66 (1897, No. 614 ; 1901, No. 659 ; 1902, No. 304) and S. R. & O., 1921, No. 1390 and 1932, No. 434.

(2) References in any document to any provisions of the Regulations hereby revoked shall be construed as relating to the corresponding provisions, if any, of these Regulations.

SCHEDULE.

FORM OF RESOLUTION CREATING STOCK.

At a meeting of the [ ] of the [ ] of [ ]
held on [day, the day of , 19] at
[ ] o'clock in the noon in the [ ]

Present :

[ ].

Resolved first—

That, with the consent of the Minister of Health, and subject to the Local Authorities (Stock) Regulations, 1934, the [ ] (hereinafter referred to as "the Council") hereby create stock to be called [ ] Stock, and to be issued to an amount which shall be sufficient for the following purposes, but not exceeding [ ] pounds :—

A. For raising the following sums (amounting in the aggregate to the sum of pounds which has not previously been raised), that is to say :—

[*Set out the borrowing powers, stating the authority, purpose and amount.*]

B. For raising by way of re-borrowing pounds required by the Council for the purpose of paying off sums which will fall due before the [, 19], being a portion of their debts now subsisting on the security of outstanding securities granted by the Council for raising money for the following purposes (that is to say) :—

[*Set out the borrowing powers as above.*]

and which sums the Council are authorised to re-borrow.

C. For the purpose of issuing stock in substitution for statutory securities granted by the Council under the following Acts and now outstanding (that is to say) :—

Resolved secondly—

That such stock shall be issued at the price, and shall bear the interest and be transferable in the manner herein-after specified (that is to say) :—

1. The price of issue to be [£] per cent.

Alternatives to 1.

1*a*. The price of issue to be such price as may be settled in the following manner : [*state procedure*].

1*b*. The whole issue to be sold to Messrs. [ ] for [*state terms*].

1*c*. The stock to be offered for tender. The minimum price to be [£] per cent. Tenders for stock to be made to [ ]. A deposit of 5 per cent. on the amount of stock tendered for to be paid at [ ] at the time of the delivery of the tender. The dates for the further payments on account of the said tenders when accepted to be as follows :—[*state the dates and amounts*]. In the event of the receipt of tenders for a larger amount of stock than that proposed to be issued at or above the minimum price, the tenders at the lowest price accepted to be subject to proportionate diminution.

2. Interest at £ per cent. per annum, payable [half-yearly].

3. Interest on the total amount of stock (calculated from the 1st October, 19) to be payable on the 1st January, 19 .

4. Scrip certificates to bearer with coupons attached for the interest payable 1st January, 19 , to be issued in exchange for the allotment letters.

5. Stock to be issued in sums of not less than £[10].

6. Stock to be transferable in books and not by deed [*or as required*].

7. Stock certificates to bearer to be issued to stockholders, if demanded, *or*, not to be issued.

Resolved thirdly—

That such stock shall be redeemable as follows : [ ] *state terms.*

Resolved fourthly—

That [ ] Bank be authorised to receive subscriptions and to issue allotment letters and scrip certificates on behalf of the Council.

Resolved fifthly—

That an agreement be entered into with the Commissioners of Inland Revenue for the payment to them of composition for the stamp duty on transfers of stock issued under the foregoing resolutions. (*Note.—This is optional, except in cases where transfer is in books: see Article* 24.)

FEES.

	£	*s.*	*d.*
On original issue of stock receipt or stock certificate	0	2	6
On any new stock certificate	0	2	6
On transfer including certificate	0	5	0
On any issue of stock certificate to bearer in respect of every *ten* pounds of stock specified therein	0	0	6
On re-entry in stock register of stock specified in stock certificate to bearer	0	5	0

Given under the official seal of the Minister of Health this twenty-first day of June nineteen hundred and thirty-four.

(L.S.) E. H. RHODES,

Assistant Secretary, Ministry of Health.

CIRCULAR 1420.

County Councils.
Town Councils.
Urban District Councils.
Rural District Councils.

MINISTRY OF HEALTH,
WHITEHALL, LONDON, S.W.1.

28*th June*, 1934.

LOCAL GOVERNMENT ACT, 1933.

SIR,—I am directed by the Minister of Health to enclose herewith a copy of the Local Government (Form of Mortgages and Transfers) Regulations, 1934, made by the Minister under Sections 205 and 206 of the Local Government Act, 1933.

The Regulations apply to all Local Authorities within the meaning of the Act; but, having regard to the relatively small number of Parish Councils which have occasion to borrow, the Minister has not considered it necessary to send copies of the Regulations to those authorities, but he will be glad if County Councils will take any necessary steps to bring the Regulations to the notice of the Parish Councils who are likely to be affected. In the cases where County Councils themselves lend the money which Parish Councils are authorised to borrow there are certain additional conditions to be observed. These are now prescribed by an Order under section 201 of the Act of 1933, and copies of this Order are enclosed with the copies of this Circular sent to County Councils.

The Minister has also made Regulations under section 204 of the Act, entitled the Local Authorities (Stock) Regulations, 1934. These are not being circulated generally. They are published as Statutory Rules and Orders, No. 619 of 1934 (*a*); and Local Authorities interested will be able to purchase copies of them from H.M. Stationery Office at the addresses shown on the back of this circular.

A further copy of this circular is enclosed for the information of the Chief Financial Officer of the Council.

I am, Sir,
Your obedient Servant,

E. H. RHODES,
Assistant Secretary.

The Clerk to the Authority.

(*a*) Printed *ante*, p. 3192.

LOANS

S. R. & O., 1934, No. 620.

THE LOCAL GOVERNMENT (FORM OF MORTGAGES AND TRANSFERS) REGULATIONS, 1934, DATED JUNE 21ST, 1934, MADE BY THE MINISTER OF HEALTH UNDER SECTIONS 205 AND 206 OF THE LOCAL GOVERNMENT ACT, 1933.

Whereas by section 205 of the Local Government Act, 1933 (*a*) (hereinafter referred to as "the Act") it is enacted that subject as therein provided a mortgage created under Part IX of that Act shall be by deed made in the prescribed form or in a form to the like effect, and by section 206 of the Act it is enacted that the person entitled to a mortgage created by a local authority may transfer it by deed made in the prescribed form or in a form to the like effect:

Now therefore the Minister of Health in pursuance of the powers conferred on him by the above recited sections hereby makes the following Regulations:—

1. These regulations may be cited as the Local Government (Form of Mortgages and Transfers) Regulations, 1934, and shall come into operation on the date hereof.

2. The forms of mortgage and transfer of mortgage set out in the Schedule to these regulations are the forms prescribed for the purposes of the above recited sections.

SCHEDULE.

FORM NO. 1.

Form of Mortgage.

By virtue of the Local Government Act, 1933, and of other their powers in that behalf them enabling the Mayor Aldermen and Burgesses of the Borough of acting by the Council (hereinafter referred to as "the Corporation") [the Council of the of (hereinafter referred to as "the Council")] being a local authority within the meaning of that Act in consideration of the sum of pounds (hereinafter referred to as "the principal sum") paid to the treasurer of the {Corporation / Council} by (hereinafter referred to as "the Mortgagee") [the receipt of which sum is hereby acknowledged] hereby grant and assign unto the Mortgagee [his] executors administrators and assigns such proportion of the revenues of the {Corporation / Council} as the principal sum bears or will bear to the whole sum which is or will be charged on the said revenues To HOLD unto the Mortgagee [his] executors administrators and assigns from the date of these presents until the principal sum shall be fully paid and satisfied with interest thereon at the rate of per centum per annum [such interest to be paid half yearly on the day of and the day of in each year.]

[And it is hereby agreed that the principal sum together with the interest accrued thereon shall be repaid at (*state place and method of repayments*).]

[Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such later date or dates and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as may from time to time be agreed between the {Corporation / Council} and the Mortgagee and stated in an endorsement to be made hereon under the hands of the Mortgagee and the [Town] Clerk [of the Council] for the time being and that upon any such endorsement being made the provisions stated therein shall be incorporated herewith and shall take effect as though they had been originally inserted herein.]

In witness whereof the {Corporation / Council} have caused their common seal to be hereunto affixed this day of nineteen hundred and .

FORM NO. 2.

Form of Transfer of Mortgage.

I [the within-named] of in consideration of the sum of pounds paid to me by of (hereinafter referred to as "the transferee") do hereby transfer to the transferee [his] executors administrators and assigns [the within-written security] [the mortgage number

(*a*) *Ante*, p. 1041.

of the revenues of the [Mayor Aldermen and Burgesses of the Borough of] [council of the of] bearing date the day of] [created for the purpose of securing the repayment of the sum of with interest] and all my right and interest under the same subject to the several conditions on which I hold the same at the time of the execution hereof and I the transferee for myself my executors administrator and assigns do hereby agree to take the said mortgage security subject to the same conditions.

Dated this day of nineteen hundred and .

Given under the official seal of the Minister of Health this twenty-first day of June nineteen hundred and thirty-four.

(L.S.) E. H. RHODES,

Assistant Secretary, Ministry of Health.

S. R. & O., 1934, No. 621.

THE COUNTY COUNCILS (LOANS FOR ADVANCES TO PARISH COUNCILS) ORDER, 1934, DATED JUNE 21ST, 1934, MADE BY THE MINISTER OF HEALTH UNDER SECTION 201 (1) OF THE LOCAL GOVERNMENT ACT, 1933.

Whereas by subsection (1) of section 201 of the Local Government Act, 1933 (*a*), it is provided that in relation to borrowing by a county council for the purpose of lending to a parish council the Minister of Health (in this Order referred to as "the Minister") may by order impose conditions to be observed either generally or in any particular case in addition to the conditions to be observed in relation to borrowing for other purposes.

Now, therefore, the Minister hereby makes the following Order:—

1. This Order may be cited as the County Councils (Loans for Advances to Parish Councils) Order, 1934, and shall come into operation on the date hereof.

2. Every loan raised by a county council in pursuance of section 195 of the Local Government Act, 1933 (*b*), for the purpose of lending to a parish council any money which the parish council are authorised to borrow shall be subject, in addition to the conditions to be observed in relation to borrowing for other purposes, to the following further conditions, namely:—

(1) The loan raised by the county council shall be discharged within a term ending not later than one year after the date at which the parish council are required to pay off the money lent to them.

(2) The money lent to the parish council shall be repayable by them to the county council by equal yearly or half-yearly instalments of principal or of principal and interest combined within the period for which the parish council have power to borrow.

(3) All sums received by the county council from the parish council for principal shall be applied only in or towards repayment of the loan by means of which the moneys lent to the parish council were raised, or in or towards the redemption of stock, if the loan has been raised by stock.

(4) All sums which in pursuance of paragraph (3) are required to be applied in or towards redemption of stock shall be transferred to the fund or account to which, under the provisions of the Acts or Regulations in force for the time being in the county governing the issue and redemption of stock by the county council, sums required to be applied in redemption of stock are to be paid.

Given under the Official Seal of the Minister of Health this twenty-first day of June, nineteen hundred and thirty-four.

(L.S.) E. H. RHODES,

Assistant Secretary, Ministry of Health.

(*a*) *Ante*, p. 1036.
(*b*) *Ante*, p. 1023.

LOANS

CIRCULAR 1443.

County Councils.
Town Councils.
Urban District Councils.
Rural District Councils.

MINISTRY OF HEALTH,
WHITEHALL, LONDON, S.W.1.
7th December, 1934.

LOCAL GOVERNMENT ACT, 1933.

SIR,—I am directed by the Minister of Health to enclose a copy of the Local Government (Sinking Funds Rate of Accumulation) Regulations, 1934 (*a*), made by the Minister under Section 213 of the Local Government Act, 1933 (*b*).

The Regulations provide that where a local authority determine to repay money borrowed on mortgage under Part IX of the Act of 1933 by means of an accumulating sinking fund the rate of accumulation to be taken in calculating the annual payments to the sinking fund shall be 3 per cent.

The Regulations will not generally speaking apply to payments made during the current financial year since the first payment to a sinking fund is not usually made until twelve months after the date of borrowing. Nor will they apply to borrowings effected otherwise than under the Act of 1933. There is however in the absence of special circumstances no good reason why existing sinking funds should not be brought on to the same basis as that prescribed by Regulations for new sinking funds, and the Minister considers that local authorities should do this in cases where existing sinking funds are based on a higher rate than 3 per cent. In so far as an alteration to a 3 per cent. basis is dependent on the Minister's approval that approval is given by this letter.

The general approval now given does not affect the charge for contributions to sinking funds to be taken for the purpose of calculating subsidy under the Housing etc. Act, 1919, for the current financial year. The position in this respect is as set out in the slip which accompanied the forms of application for payment.

Section 213 provides that in a particular case some rate other than that prescribed by the Regulations may be fixed with the approval of the Minister. Special application should be made where it is considered that the circumstances justify this course.

A further copy of this circular is enclosed for the information of the Chief Financial Officer of the Council. Additional copies of the circular and regulations can be obtained from H.M. Stationery Office, at the addresses shown below, or through any bookseller.

I am, Sir,
Your obedient Servant,
E. H. RHODES,
Assistant Secretary.

The Clerk to the Authority.

S. R. & O., 1934, No. 1320.

THE LOCAL GOVERNMENT (SINKING FUNDS, RATE OF ACCUMULATION) REGULATIONS, 1934, DATED NOVEMBER 30TH, 1934, MADE BY THE MINISTER OF HEALTH UNDER SECTION 213 OF THE LOCAL GOVERNMENT ACT, 1933.

Whereas by section 213 of the Local Government Act, 1933 (*b*) (hereinafter referred to as " the Act ") it is provided that if a local authority determine to repay by means of an accumulating sinking fund any sums borrowed under Part IX of the Act by way of mortgage, the sinking fund shall be formed and maintained by payment to the fund throughout the fixed period of such equal sums as with accumulations at a rate

(*a*) Printed *infra.*
(*b*) *Ante*, p. 1046.

not exceeding the prescribed rate (or such other rate as the Minister may in any particular case approve) will be sufficient to pay off within that period the moneys for the repayment of which the sinking fund is formed:

Now therefore the Minister of Health in pursuance of the powers conferred on him by the above recited section hereby makes the following Regulations:—

1. These regulations may be cited as the Local Government (Sinking Funds, Rate of Accumulation) Regulations, 1934.

2. The prescribed rate of accumulation for the purpose of the above recited section shall be three per centum per annum.

Given under the official seal of the Minister of Health this thirtieth day of November, nineteen hundred and thirty-four.

(L.S.) W. A. ROSS,
Assistant Secretary, Ministry of Health.

CIRCULAR 1687.

County Councils.
County Borough Councils.
Metropolitan Borough Councils.
County District Councils.
Port Sanitary Authorities.
Catchment Boards and Drainage Boards.
Certain Joint Boards and Joint Committees.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
6th May, 1938.

CAPITAL EXPENDITURE.

SURVEY OF PROSPECTIVE WORKS.

SIR,—I am directed by the Minister of Health to draw the attention of your Authority to certain considerations of importance in relation to prospective works involving capital expenditure.

The Minister has on previous occasions urged upon local authorities the policy of making every year a survey of their probable capital commitments for at least five years ahead. It is only by such means that authorities can take a reasonably long view of their future requirements. Upon such a system the programme of capital works can be arranged in an order of priority, which, though necessarily conditioned by considerations of their relative urgency, will have regard to present and anticipated conditions in respect of costs and the supply of labour so that the programme can be carried out with the greatest possible efficiency and economy.

This long term review of questions of capital expenditure, more particularly in connection with projects involving building work, is of special importance under present conditions not merely in order to secure the smooth progress of local authorities' operations but as a matter of national economic policy.

At the present time the building industry, apart from normal seasonal variations, continues to be one of the most active in the country, and any increase in large-scale operations which would put an undue strain on its resources is to be depreciated. It is true that in England and Wales the building operations of local authorities form a relatively small part of the work of the building industry as a whole, and that the activity of the industry depends mainly on the extent to which private enterprise is engaged in the erection of commercial and industrial buildings, houses, shops, etc. Moreover, the probable increase or decrease of this activity cannot be foretold with accuracy from year to year, still less over a long period of time.

None the less, by an ordered planning of their prospective capital works on a basis which will admit of adjustment should circumstances make it desirable, local authorities can make a valuable contribution to the stablisation of the conditions in

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industry over a considerable period. At the same time the adoption of such a policy will enable them to take the fullest advantage, in the interests of their ratepayers, of periods when industrial resources are not unduly strained and conditions are therefore most favourable for the execution of necessary works.

For this purpose the first essential is the preparation of a programme for the period under review which, it is suggested, should be the five years commencing on 1st April, 1938, and the Minister requests that the Local Authority will take this matter into their early consideration. The programme should cover the whole of the capital works which are in contemplation including those, such as housing and roads, for which provisional programmes may be already in existence. It should also indicate at what point in the period covered by the programme each item of work is provisionally intended to commence and should furnish a rough estimate of the probable cost. It will be realised that since the assumption by the Minister of Transport of direct responsibility for trunk roads, work on these roads is removed for the scope of the local authority's works programme.

The preparation of a comprehensive programme should not, of course, be allowed to interfere with the progress of current works, nor should it in general delay works which though not actually begun are urgent. The settlement of priority within the programme is a matter which each local authority will require carefully to consider in the light of their own local conditions, and they will bear in mind the need for discharging such statutory obligations as are placed upon them. There are, however, certain factors of more general application to be borne in mind. Urgent considerations of national defence make it essential for the Government to carry out their defence programme with all possible expedition and similar considerations apply to that portion of local authorities' prospective works which is concerned with air-raid precautions, including many police buildings and fire stations. The need for the early provision of these essential requirements emphasises the advantage of an ordered programme of constructional works in general so arranged that work on previously prepared plans can be started, when circumstances are most favourable, with the minimum of delay.

The programme normally will be compounded of projects emanating from the various Committees of the Authority. It is suggested, therefore, that the several Committees should be invited to formulate their proposals and that arrangements should be made for the examination of them by some co-ordinating Committee and their embodiment in a provisional programme to be approved by the Authority.

The existence of some central co-ordinating machinery will clearly be necessary, as it is often difficult to assess relative degrees of urgency, and the various Committees of the Authority may have divergent views on this point. Co-ordination—either by the Finance Committee or by a Committee specially appointed for the purpose—will, therefore, be required, to assist the Local Authority to determine whether a particular project should be included in the programme and, if so, what provisional position should be assigned to that project in the programme.

Further, a considerable measure of elasticity in the arrangements will be necessary. It may well be that, over a period of years or in any particular year, circumstances will make it desirable to increase the amount of work to be carried out as compared the that envisaged in the programme, or to diminish it, and it is of primary importance that the execution of an authority's programme should be capable of acceleration or retardation as circumstances require.

The Minister will be glad to be informed that your Authority have taken steps to formulate a programme and to receive as soon as practicable, within the next six months, a summary of the programme in the enclosed Form H.283 (*a*). He will be ready to afford any assistance practicable to the Local Authority in the preparation of the programme and the preliminary work required in order to enable particular schemes to be put in hand with the minimum of delay when the most favourable opportunity arises.

It will be appreciated that one of the essential features of the policy outlined is that active preparations should at once be made for such schemes as are likely to require much preliminary work, *e.g.*, in regard to the acquisition of land and the preparation of outline specifications, plans, etc.

(*a*) Not here reproduced.

The acquisition of land is often an essential preliminary, and in many cases the details of specific proposals cannot be settled until it is known that a particular site can be acquired. Upon being satisfied that a scheme is one which may ultimately be approved, the Minister will be prepared to sanction loans for the immediate acquisition of land in readiness for the execution of the proposed works at a later date.

The technical preparatory work may also occupy a considerable time, particularly in the larger schemes. To enable work on such schemes to be put in hand at comparatively short notice it is essential that preparatory work should be done well in advance, and with this object the Departments concerned would be willing to consider proposals submitted to them notwithstanding that immediate execution of the work may not be contemplated. It should usually be possible to prepare plans and estimates of any projected scheme which will not require substantial revision even if the execution of the scheme is deferred for some time.

The Minister desires me to state that the terms of this Circular have been discussed with the other Departments concerned and that it is issued with their concurrence. In cases where the programme of the Local Authority includes works which will require the sanction or approval of some Department other than the Ministry of Health, it will of course be understood that the normal procedure for consultation with that Department in regard to the relevant part of the programme and the preparation of plans should be observed. A copy of the programme submitted to the Minister should also be supplied to that Department.

An additional copy of this Circular is enclosed for the use of the Chief Financial Officer. Further copies of Form H.283, if required, can be obtained on application to this Department.

I am, Sir,
Your obedient Servant,
E. J. MAUDE.

The Clerk of the Authority.

S. R. & O., 1939, No. 529.

TREASURY MINUTE, DATED MAY 9TH, 1939, FIXING RATES OF INTEREST ON LOCAL LOANS (*a*).

My Lords read Section 1 of the Public Works Loans Act, 1897 (60 & 61 Vict. c. 51), which empowers the Treasury from time to time to fix the rates of interest at which loans may be made out of the Local Loans Fund on the security of local rates, and provides that the Treasury, in fixing the rates, shall have regard to the duration of the loans, and also that the rates shall be such as, in the opinion of the Treasury, are sufficient to enable the loans to be made without loss to the Fund.

They also read Section 4 of the Public Works Loans Act, 1918 (8 & 9 Geo. 5, c. 27), by which it is declared that the power of the Treasury under Section 1 of the Public Works Loans Act, 1897, as amended by Section 4 of the Public Works Loans Act, 1917 (7 & 8 Geo. 5, c. 32), to fix rates of interest on loans made out of the Local Loans Fund otherwise than on the security of local rates includes (subject always to the provisions of the said Sections) a power to fix rates of interest differing from the rates fixed for loans made out of that fund on the security of local rates, and a power to fix different rates of interest in respect of different loans and that in fixing the rate of interest the Treasury may take into account the nature and value of the security for the loan.

They further read Section 92 of the Housing Act, 1936 (26 Geo. 5 & 1 Edw. 8, c. 51), and Section 73 of the Housing (Scotland) Act, 1925 (15 & 16 Geo. 5, c. 15), as amended by Sections 25 and 28 of the Housing (Scotland) Act, 1935 (25 & 26 Geo. 5, c. 41), which provide that loans may be granted to companies, societies, associations and persons as defined in those Sections in connection with the provision of houses for the working classes.

(*a*) This Minute was the last issued before the outbreak of War in September, 1939. It is, of course, impossible to forecast the effect of the war on rates of interest.

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The rates of interest were last revised by the Treasury Minute of the 31st March, 1939, when the minimum rate was fixed at 3⅞ per cent. In view, however, of present monetary conditions the lowest rate now consistent with the conditions laid down by the Acts cited in the first and second paragraphs above is 4 per cent.

Accordingly, the Chancellor of the Exchequer recommends that the minimum rate for local loans be raised from 3⅞ per cent. to 4 per cent. and that all other rates for local loans, whether secured on local rates or otherwise, be raised by ⅛ per cent.

My Lords approve, and accordingly the following scales will come into operation as from the 10th May, 1939, and will apply to all loans granted out of the Local Loans Fund on or after that date :—

I.

Housing Loans.

	Rate of Interest.
(1) Loans to Local Authorities secured on Local Rates for any purpose of the Housing Acts and the Housing (Rural Workers) Acts, 1926 to 1938 (*a*)	
Any period	4 per cent.
(2) Loans to Housing Associations as defined by the Housing Act, 1936, and the Housing (Scotland) Act, 1935.	
Not exceeding 30 years	4 per cent.
Not exceeding 50 years	4¼ per cent.
(3) To Companies and Private Persons limiting their profits to the rate for the time being prescribed.	
Not exceeding 30 years	4 per cent.
Not exceeding 40 years	4¼ per cent.
(4) To Companies and Private Persons not limiting their profits as aforesaid.	
Not exceeding 30 years	4½ per cent.
Not exceeding 40 years	4¾ per cent.

II.

Other Loans.

(1) Loans to Local Authorities for any purposes of the Small Holdings and Allotments Acts, 1908 to 1931 (*b*) and the Allotments Acts, 1908 to 1931 (*c*).	
Any period	4 per cent.
(2) Other Loans secured on Local Rates :—	
Not exceeding 30 years	4 per cent.
Not exceeding 50 years	4¼ per cent.
(3) Loans not secured on Local Rates :—	
(a) Loans under the Harbours and Passing Tolls, &c. Act, 1861 (*d*) :—	
(i) With collateral security :—	
Not exceeding 30 years	4 per cent.
Not exceeding 50 years	4¼ per cent.

(*a*) *Ante*, pp. 1583 *et seq.* The Housing (Rural Workers) Act, 1926 to 1938, are at pp. 1839, 1859 and 1875, *ante*.
(*b*) See Vol. V, *post*.
(*c*) See Vol. IV, *post*.
(*d*) 18 Halsbury's Statutes 105.

(ii) Without collateral security :—	
Not exceeding 30 years	4½ per cent.
Not exceeding 50 years	4¾ per cent.
(b) Other loans not secured on Local Rates (except loans to Territorial Associations, which, under Section 6 of the Public Works Loans Act, 1908 (*a*), bear interest at the rate prescribed for Loans on the Security of Local Rates) :—	
Not exceeding 30 years	4½ per cent.
Not exceeding 50 years	4¾ per cent.

S. R. & O., 1939, No. 622.

THE HOUSING (RATE OF INTEREST) AMENDMENT ORDER, 1939, DATED JUNE 8TH, 1939, MADE BY THE MINISTER OF HEALTH, WITH THE APPROVAL OF THE TREASURY, UNDER SECTION 10 OF THE HOUSING ACT, 1936, AMENDING THE HOUSING (RATE OF INTEREST) AMENDMENT ORDER, 1934.

The Minister of Health, in pursuance of the powers conferred on him by subsections (3) and (5) of section 10 of the Housing Act, 1936 (*b*) (in this order referred to as "the Act"), and of all other powers enabling him in that behalf, with the approval of the Treasury, hereby orders as follows (*c*) :—

1. This order may be cited as the Housing (Rate of Interest) Amendment Order, 1939.

2. The rate of interest on expenses incurred by a local authority under section 10 of the Act, and

(a) demanded after the date of this order, or

(b) declared after the date of this order, by order of the local authority made under subsection (5) of the said section, to be payable by instalments,

shall be at the rate of four and a half per cent. per annum instead of at the rate of four per cent. per annum as fixed by the Housing (Rate of Interest) Amendment Order, 1934 (*d*).

Given under the official seal of the Minister of Health this eighth day of June, nineteen hundred and thirty-nine.

(L.S.)

F. SLATOR,

Assistant Secretary,
Ministry of Health.

We approve this order.

TOM L. DUGDALE,

STEPHEN N. FURNESS,

Two of the Lords Commissioners of His Majesty's Treasury.

(*a*) 12 Halsbury's Statutes 302.
(*b*) *Ante*, p. 1606.
(*c*) See note to title of S. R. & O., 1934, No. 529, immediately preceding.
(*d*) S. R. & O., 1934, No. 558.

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LOCAL GOVERNMENT.

NOTE.—Parts of the memoranda and other documents printed under this heading related to the bringing into operation of the Local Government Act, 1929, and to the first review of county districts thereunder, and are therefore spent (see, for example, paragraph 5 of memorandum L.G.A. 1, *infra*), but are retained in this edition for convenience of reference, in determining rights and liabilities which follow from that Act (see, for example, paragraphs 11–23 of the same memorandum). The unrepealed sections of the L.G.A., 1929, will be found in Vol. V, *post*.

MINISTRY OF HEALTH. MEMORANDUM L.G.A. 1.

County Councils (outside London).

LOCAL GOVERNMENT ACT, 1929.

TRANSFER OF FUNCTIONS OF GUARDIANS.

PRELIMINARY ACTION TO BE TAKEN BY COUNTY COUNCILS.

1. The "appointed day" for the purposes of Part I. of the Act is the 1st April, 1930, and it will be incumbent upon the council at an early date to take the new provisions into their special consideration with a view to the elimination, so far as may be, of the difficulties incidental to a period of transition and the securing of a smooth and easy substitution of the new for the old administration. In particular, it will be a matter of the first importance that the changes shall not involve any poor person in hardship or in a delay in the consideration and, so far as may be necessary, the relief of his needs.

2. In this connection attention is to be drawn to the difference between poor law relief and such assistance as has hithero been given by the council under other enactments. Assistance of the latter kind may be largely a matter of selection and discretion, but once the fact of destitution is established the grant of the relief in the form thought appropriate by the relieving authority becomes a statutory duty of that authority.

3. It is not proposed in this memorandum to set out all the matters arising on the transfer effected by the Act. Direct reference to the relevant provisions of the Act which are comprised in sections 1 to 17, 19, 20, 53, 113, 114, 119, 121, 123, 124, 126, 127, 128, 131 and 132, and the Sixth, Eighth, Ninth and Tenth Schedules of the Act will be necessary. What is here mainly sought is to draw particular attention to matters which must be dealt with before the appointed day, and to indicate certain general administrative considerations to which the council will prudently have regard in deciding upon the action which they may be disposed to take.

4. Attention should be given to the provision in section 13 requiring the council when making provision for hospital accommodation in discharge of the functions transferred to them under Part I. of the Act to consult such committee or other body as they consider to represent both the governing bodies and the medical and surgical staffs of the voluntary hospitals providing services in or for the benefit of the county as to the accommodation to be provided and as to the purposes for which it is to be used.

I.—ADMINISTRATIVE SCHEME.

5. The council is to prepare and submit to the Minister (section 4), not later than the 27th September, 1929, an administrative scheme of the arrangements proposed to be made for discharging the functions transferred to the council.

6. Copies of the scheme are to be sent to the council of each county district wholly or partly in the county and a notice of the submission of the scheme, stating the place at which a copy may be inspected, is to be published in one or more newspapers circulating in the county (section 8 (1)). The scheme will not be effective

ıtil it has been approved by the Minister, who is empowered to modify it before ving his approval (section 8 (2)).

7. In the event of failure on the part of the council to submit a scheme to the inister within the prescribed time, or such extended time as the Minister may allow ection 4 proviso), the Minister may himself make a scheme (section 8 (3)). It ill, in this connection, be realised that great difficulty would be involved if in any rge number of cases an extension of the prescribed time for the submission of a heme were sought.

8. It may well be that in the first instance the council will desire to make only a heme to meet the immediate necessities of the transfer, with the intention of evising that scheme after a comparatively short time. When considering this oint the council will no doubt have regard to the possible necessity of adaptation f a number of the transferred institutions to make them suitable for the several urposes for which they will be used under the new regime.

9. Any scheme made by the council may be amended by a scheme similarly nade and approved, and any scheme made by the Minister may be altered by a cheme similarly made or by a scheme made in the prescribed manner by the council nd duly approved by the Minister. (Section 131.)

10. Section 5 requires the council, in preparing an administrative scheme, to have egard to the desirability of securing that, as soon as circumstances permit, all ssistance which can lawfully be provided otherwise than by way of poor relief hall be so provided. The Minister is sure that the council will wish to make the videst possible arrangements under this provision, and, indeed, it is a main object f the Act to secure that as soon as practicable the existing duplication of powers hall be brought to an end and that each form of assistance shall be in the hands of ne and not more than one branch of the council's organisation. The section nables the council to include in a scheme a formal declaration on this subject vhich will have the effect of abrogating the council's powers of dealing under he Poor Law Act, 1927, with any functions specified in the declaration and leaving hose functions to be performed exclusively under the appropriate special Act. The making of such a declaration places the council, in so far as destitute persons are concerned, under an obligation to exercise the powers which they have under the special Acts, and accordingly a formal declaration should not be made until adequate resources can be placed at the disposal of the committee administering the special Act. As a simple example, it will generally be practicable to declare that the domiciliary assistance of blind persons shall be administered under the Blind Persons Act, 1920, but the immediate extension of the declaration to cover the institutional relief of such blind persons as require it will generally present difficulties. This function could not be regarded as being discharged under the special Act if any blind person could be provided with institutional relief only by admission to a workhouse or other institution provided under the Poor Law Act, 1927.

11. The council will therefore take into consideration at an early stage the extent to which a declaration can be made and will, in particular, have regard to such typical services as—

(1) Maintenance and treatment of sick persons and pregnant women in hospitals.
(2) Maintenance of mental defectives in institutions.
(3) Maintenance of blind persons in institutions and in their homes.
(4) Maintenance and treatment of tuberculous persons in sanatoria and other institutions.
(5) Education of children.

Even where a declaration is not immediately practicable it will often be possible for a particular poor law institution to be appropriated under section 53 for the purposes of a special Act. Where, for example, hospital provision cannot be made for a whole county, it may be practicable to appropriate a particular poor law infirmary for use as a public hospital under the Local Government Act, 1888, and still to keep in operation the poor law powers of relieving the sick poor in so far as other accommodation for them is required.

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12. Attention may also be drawn in this connection to the power given by the Act (section 6 (3)) of entrusting the administration of a poor law service to a committee such as the Public Health and Housing or the Education Committee of the Council, to be administered on behalf of and subject to the general direction and control of the Public Assistance Committee.

13. An administrative scheme is to include provisions on the following matters:—

(i) the constitution of a Public Assistance Committee (section 6 (1)) to which, subject to the provisions of section 5 (2) and (3), all matters relating to the exercise of the transferred functions other than those specified in section 2 (except the power of raising a rate and borrowing money) shall stand referred;

(ii) the division (section 7 (1) (*a*)) of the county into areas consisting of one or more county districts;

(iii) the constitution (section 7 (1) (*a*) and (*b*)) of a sub-committee of the Public Assistance Committee to be called the Guardians Committee for each such area. A guardians committee is to consist of not more than 36 nor less than 12 members. The members are to be—

(*a*) representatives nominated by district councils;

(*b*) county councillors representing electoral divisions in the area;

(*c*) additional members, not exceeding one-third of the total membership of the committee, some of whom are to be women; county aldermen may be included;

(iv) the discharge by the Guardians Committees or sub-committees of those committees, subject to restrictions or conditions which may be imposed by the county council, of certain duties specified in the Act (section 7 (1) (*c*));

(v) effective consultation between the Public Assistance Committee and the Guardians Committees of any area upon business relating specially to that area, and in particular the enabling of every guardians committee to nominate their chairman, or other representative, to be present at any meeting of the Public Assistance Committee at which business specially relating to the area of the guardians committee is to be transacted (section 7 (4));

(vi) the determination of the place at which each guardians committee is to sit (section 7 (5)).

Every local authority is required to allow a guardians committee or sub-committee thereof to use, free of charge, for the purposes of their meetings any premises belonging to the authority, at any time when they are not required for the use of the local authority.

14. The Minister may, on representations from the council of the existence of special circumstances in the whole or any part of the county, direct that the preceding requirements, except that numbered (i), shall not apply. (Section 7 (1) proviso.)

It may, for example, be thought that in some of the smallest counties the establishment of guardians committees with separate areas is unnecessary, and in cases of this kind the Minister is empowered to give a direction exempting the council from the necessity of constituting, under the administration of guardians committees, areas such as are above mentioned.

15. In addition, there are certain points on which provision may at the council's option be made, but can only be effectively made in an administrative scheme.

(i) *Committees of the council.*

(*a*) In lieu of establishing a new committee to be the Public Assistance Committe, the provision in the scheme may be either that an existing committee of the council shall act as the Public Assistance Committee, or that the members for the time being of an existing committee with or without additional members shall so act. (Section 6 (1) (*a*).)

(*b*) Subject to the provisions of section 5 (2) (3) all matters relating to the exercise of the transferred functions except the power of raising a rate or borrowing money are to stand referred to the Public Assistance Committee, whose report upon them the council will consider (except in an urgent matter) before deciding upon action (section 6 (2)). It is, however, open to the council by their administrative scheme to give independent powers of action to the Public Assistance Committee by delegating (section 6 (3)) to the committee with or without restrictions or conditions any of the transferred functions (except the power of raising a rate or borrowing money).

(*c*) The scheme may provide that particular functions which have been delegated to the Public Assistance Committee shall be discharged on behalf of and subject to the general control of the committee by another committee of the council. (Section 6 (3).) This power is directed to meeting a case in which the special Acts under which a particular committee is working do not extend to a service performed under the Poor Law Acts, which it is, nevertheless, desired to co-ordinate with the special service.

As regards the care of children, for example, while the council will no doubt generally make at once a declaration that their education shall be provided under the Education Acts and not under their poor law powers, it may or may not also be thought desirable that the education committee should undertake, under the provision mentioned in the preceding paragraph, the maintenance and care of boarded-out children and of children maintained in institutions.

(ii) *Additional members.*

Section 6 (1) (*b*) empowers the council to secure on their Public Assistance Committee or other committee or body acting as such the assistance of specially qualified persons who are not members of the council. Where additional members are so appointed, women are to be included among them. The whole number of appointed members is not to be more than one-third of the committee or body. (Provisions as to the appointment of additional members of other committees and sub-committees of the council are contained in section 14 (3) and 14 (5), but these appointments can be made without any reference thereto in an administrative scheme.)

(iii) *Alternative powers of giving assistance (section 5).*

Reference has already been made in paragraph 10 to the Minister's desire that services for the supply of which other powers exist shall cease to be poor law services, and to the conditions under which and the methods by which this result may be attained. It is only necessary here to point out that any declarations under the section must define precisely the extent to which the poor law powers are to be abrogated in favour of those of the parallel Act, and that pending the practicability of an actual declaration as regards any particular service the council have large powers of rearranging the transferred business so as to secure an approximation to the result which they, as well as the Minister, will wish to secure.

(iv) *Arrangements with other local authorities in the county.*

As a rule, a county council is not the local authority throughout the administrative county for the purposes of Part III. of the Education Act, 1921, or of the Maternity and Child Welfare Act of 1918, and in such case the education committee of the council or the maternity and child welfare committee, as the case may be, will not be able to accept responsibility for the transferred duty in the whole of the county. If, therefore, the council propose to allocate any of the transferred functions to their education committee or their maternity and child welfare committee, it will be necessary for the council, before making a declaration relating to these statutes under section 5 of the Act, either (1) to ascertain that all the local authorities within the county who function under one or both of the Acts of 1921 and 1918 are able and willing to undertake within their areas the duties which, in the rest of the county, will be allocated to the committees referred to and will therefore not remain with the Public Assistance Committee; or (2) to make other provision for meeting this point. In some cases under the Maternity and Child Welfare Act a solution may be found by the council undertaking throughout the county particular services not already

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undertaken by the other local authorities, *e.g.*, the provision of maternity institutions, while the other local authorities undertake within their areas the other services under the Act akin to the services they now administer.

16. The circumstances of the counties, the administrative methods of the councils and the institutional and other facilities which will be available vary so greatly that the Minister anticipates that there will be some diversity in the form of the administrative schemes submitted for his approval. He has, however, caused to be prepared for the assistance of the council in approaching this matter a form (L.G.A.2) for a complete scheme of administration such as may be suitable where ample facilities are available for the break up of the poor law, indicating by means of an appendix to the scheme a number of branches of the services in respect of which duplicate powers at present exist, and some of which may probably be made the subject of declaration in the council's first scheme. Others must no doubt in many cases be left to be dealt with, as opportunity occurs, in amending schemes.

It will be seen that the form of scheme contemplates that, subject to safeguards which are suggested, and which can be expanded or adapted to meet the local administrative methods, there shall be a measure of delegation of the council's powers to the Public Assistance Committee. It appears to the Minister that the business of public assistance must clearly involve on occasion the prompt taking of decisions which must be followed by immediate action. In these circumstances the omission of a provision of this kind may well lead to legal difficulties, since, apart from such a provision, the committee would have no legal authority to act in anticipation of the confirmation of its recommendations by the council.

II.—CO-ORDINATION OF ASSISTANCE.

17. In considering the adaptation of its machinery to the new state of things, the council will no doubt have in mind the necessity of co-ordinating public assistance and will consider how far it is essential or desirable to provide a central register or index from which each of its committees can ascertain how far the circumstances of persons with whom they are dealing are known to other branches of the council's administration.

18. The council will also consider the possible advantages of an arrangement under which all material assistance given in the home is administered by or through the instrumentality of the Public Assistance Committee and its staff, full regard being, of course, paid to the desires of any other committee which from its own angle is satisfied that any particular assistance ought to be so given.

19. It will become the duty of the council as from the appointed day to recover the expenses incurred by them in the maintenance of persons in institutions (except where admission to the institution was for the purpose of treatment for infectious disease, and the question of recovery will remain a matter of discretion), in addition to the duty transferred to them of recovering the cost of assistance granted under the poor law. The council will no doubt desire to secure the greatest possible measure of co-ordination of the arrangements made by them for recovery of this kind whatever the statutory authority under which they are acting, in regard not only to the steps to be taken to ascertain the means and circumstances of the persons from whom recovery is due but also as to the basis to be adopted in assessing the amount to be recovered.

III.—TRANSFERRED INSTITUTIONS.

20. Another matter which must be dealt with before the appointed day is the disposal of poor law institutions at present belonging to a union, only part of which is within the county.

21. The institutions of any union which is wholly within the county are to be automatically transferred to the county (section 113 (1)), but those belonging to any union crossing the county boundary are (section 113 (2) (*a*)) to be the subject of an agreement between the councils of the counties and county boroughs concerned. The agreement may provide for joint ownership of institutional property, for its division between two or more councils, or for its transfer to one council, and the agreement, whatever its main purpose, may provide for the joint user of an

institution or attach conditions to its transfer or user. The agreement may, in regard to the user of an institution, be modified from time to time as circumstances may require. Unless an agreement is reached by the 1st February, 1930, the matter will be determinable by Order of the Minister. It is to be observed that the settlement of an administrative scheme may well turn upon the effect of the agreement to be made, and that the council may be in a difficult position if an agreement is not reached in the near future.

22. It is clear that there will be many instances in which administrative considerations make it necessary, at any rate in the first instance, that arrangements shall be made to secure the joint user of an institution, but it may well be that these arrangements will more generally be made by vesting the ownership of an institution in one council, subject to an agreement to receive, by the reservation of a specified number of beds or otherwise, suitable cases chargeable to other councils. Here again it may be convenient that in the first instance the arrangements made should apply only for a limited period.

23. Where a transferred institution can be spared from the poor law use for which it was provided it may be appropriated for other purposes, *e.g.*, those of a hospital under the Local Government Act, 1888 (as extended), or a home for mental defectives under the Mental Deficiency Acts. The approval of the Minister will be required to any such appropriation (*see* section 53), and such other consents as are ordinarily necessary for the provision of an institution, *e.g.*, in the case last cited, that of the Board of Control.

IV.—JOINT COMMITTEES AND VAGRANCY.

24. Apart from joint arrangements which may be necessitated by the adoption of the county and county borough boundaries for poor law purposes, the council is empowered (section 3 (1)) to apply for an order of the Minister combining the area of the council with other areas for any purpose connected with the exercise of the transferred functions. The Minister may make an order for this purpose, and may act in this manner without any application being made to him if the course appears to him one which would tend to diminish expense or otherwise would be of public or local advantage, but is required to hold a local inquiry before making an order unless all the councils whose areas are to be combined give their consent (section 3 (2)). Such a combination may be set up before the appointed day and commence its active life on that day. (Section 3 (5).)

25. It appears probable that there may be many services at present entrusted to the poor law authorities for which combinations covering wide areas may form the best administrative authorities. In certain instances, as, for example, the care of mental defectives, combinations of boards of guardians for areas extending beyond one county or county borough are already in existence, and the maintenance of a joint authority may in these cases prove more satisfactory than the above-mentioned alternative of single ownership and joint user of an institution.

26. A special case for combined action will arise as regards the relief of vagrancy. It has long been recognised (*see, e.g.*, the Report of the Departmental Committee on Vagrancy of 1905, Cd. 2852) that this is a service which requires for its efficient administration a specialised authority with an extended geographical sphere of operation. Efficiency is impossible, or at best is rarely attained, so long as this service is a mere branch of a larger service, and so long as the administrators consider only the circumstances of one casual ward. To meet this difficulty many combinations of boards of guardians either of a semi-formal kind, or deriving their authority and position from an order of the Minister, have already been established. The organisation of the whole country on these lines requires further consideration, but the Minister considers it of the first importance that the combinations of areas for this purpose which have been secured should continue, and that further combinations should be formed with all reasonable rapidity. He proposes accordingly to invite the views of the local authorities concerned in regard to the maintenance of the existing combinations and the formation of others. He hopes at any rate to be in a position to make the necessary orders continuing, with or without alterations,

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such of the existing combinations as extend beyond the boundaries of one county in time for their operation on the appointed day.

V.—FINANCE.

27. The council will probably desire to lay down with some precision the line upon which the financial arrangements necessary for the performance of their new duties are to be made, and will no doubt request their finance committee to submit at an early date proposals to this end. It will obviously be essential that these arrangements shall be in working order on the appointed day.

VI.—TRANSFERRED OFFICERS.

28. Provision in regard to the transfer to the county and county borough councils of the existing poor law staffs is contained in section 119 of the Act. Where a union is wholly comprised within a county the whole staff will be transferred to the council and in other cases officers employed in an institution or district will follow the institution or district, and other officers will be transferred as the councils operating in the union area may agree not later than two months before the appointed day or as the Minister may determine.

29. Poor law officers are at present generally subject to the provisions of the Poor Law Officers' Superannuation Act, 1896, and they will, where the council has no scheme of superannuation or where they elect not to enter the council's existing scheme upon terms that would safeguard their present position, remain subject to that Act until provision is made by Parliament for a general superannuation arrangement covering the staffs of all counties and county boroughs (section 124).

30. The Act preserves (section 121) the existing tenure and conditions of office of the transferred officers, and authorises the council to redistribute their duties. It further contains (section 123 and Schedule 8) provisions for the compensation of transferred officers who lose or in certain circumstances (section 123 (3) (*a*)) relinquish office in consequence of the Act.

VII.—GENERAL INSPECTORS.

31. For the purposes of the administration of the Poor Law Act, 1927, and of other functions the Minister is represented locally by officers known as general inspectors. These officers have by virtue of their duties an intimate knowledge of the purposes served by and the capabilities of the poor law institutions within their districts, besides being closely acquainted with the poor law personnel and the Poor Law Acts and Regulations and the administration thereof. A list of the names and addresses of the inspectors together with a list of counties, and of the inspector's districts in which they are comprised, is appended for the assistance of the councils who will naturally desire to consult these officers in the preparation of administrative schemes and in the allocation of the institutions transferred to them. It is intended that the general inspectors shall, after the appointed day, continue to act substantially in their present capacity of intermediaries between the local authorities and the Ministry.

This Memorandum and the model scheme of which a copy accompanies it will be placed on sale and copies may be obtained at the addresses below.

MINISTRY OF HEALTH,
17*th April*, 1929.

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MODEL ADMINISTRATIVE SCHEME FOR USE OF COUNTY COUNCILS (a).

LOCAL GOVERNMENT ACT, 1929.

APPENDIX (b).

PART I (c).

The following clauses have been prepared for use in connection with clause 2 of the Model Administrative Scheme. They set out various services which can be provided either by way of poor relief or by virtue of the Acts specified.

LOCAL GOVERNMENT ACT, 1888, AS EXTENDED BY SECTION 14 OF THE LOCAL GOVERNMENT ACT, 1929.

(1) The provision for the use of inhabitants of the county of hospitals for the reception of [the sick] [of persons suffering from infectious disease].

(2) The provision for the use of inhabitants of the county of places for the reception of pregnant women.

MENTAL DEFICIENCY ACTS, 1913 TO 1927.

(1) (*a*) Arrangements for the proper care and maintenance in institutions of defectives subject to be dealt with under the Acts.

(*b*) Arrangements for the proper care and maintenance elsewhere than in institutions of defectives subject to be dealt with under the Acts.

(2) (*a*) Arrangements for the proper care and maintenance in institutions of defectives other than those subject to be dealt with under the Acts.

(*b*) Arrangements for the proper care and maintenance elsewhere than in institutions of defectives other than those subject to be dealt with under the Acts.

NOTE.—*The circumstances in which mental defectives are "subject to be dealt with under the Acts" are set out in section 2 of the Mental Deficiency Act,* 1913, *as amended by section 2 of the Mental Deficiency Act,* 1927 (11 Halsbury's Statutes 161).

MATERNITY AND CHILD WELFARE ACT, 1918.

(1) The provision of hospital treatment for pregnant women.

(2) The provision of hospital treatment for sick and crippled children.

(3) The accommodation in convalescent homes of nursing mothers and children.

(4) The provision of institutions for the reception of children whose parents cannot provide a satisfactory home for them, and the making of other arrangements by boarding-out, or otherwise, for attending to the health of such children.

(5) The provision of a midwifery service.

(6) The provision of the services of a doctor for illness connected with pregnancy and illness (whether of the mother or the child) during the period of confinement.

(7) The provision of nursing in the home for expectant mothers and women suffering from puerperal fever, and for children suffering from measles, whooping cough, epidemic diarrhœa, poliomyelitis, ophthalmia neonatorum, or any other disease the nursing of which is included in arrangements made by the council under the Act.

(8) The provision of milk or other food for expectant and nursing mothers and children medically certified to need additional nourishment.

(9) In the foregoing paragraphs the term "children" means children who have not attained the age of five years and are not being educated in schools recognised by the Board of Education.

(*a*) An administrative scheme must have been made for every county before the time mentioned in paragraph 5 of memorandum L.G.A. 1, *ante*, p. 3214, and the model scheme printed at this place in the tenth edition of this work is accordingly omitted, except its appendix: *vide* note (*b*).

(*b*) The appendix to the model administrative scheme may be useful for reference.

(*c*) Part II related only to public assistance, and is omitted.

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BLIND PERSONS ACT, 1920.

(1) The provision of residential homes for blind persons who are incapable of work and are in need of care in an institution.

(2) The provision of domiciliary assistance to unemployable blind persons.

PUBLIC HEALTH (TUBERCULOSIS) ACT, 1921.

The provision of sanatoria and hospitals for the treatment of all forms of tuberculosis.

EDUCATION ACT, 1921.

The education of children.

MINISTRY OF HEALTH. MEMORANDUM L.G.A. 5.

County and County Borough Councils.

1. LOCAL GOVERNMENT ACT, 1929.
2. MATERNITY AND CHILD WELFARE (*a*).
3. VOLUNTARY ASSOCIATIONS.

1. Section 101 of the Local Government Act, 1929, requires the council of every county and of every county borough, six months at least before the beginning of each fixed grant period, to prepare and submit to the Minister for his approval a scheme for securing the payment by the council of annual contributions towards the expenses of voluntary associations, if any, providing maternity and child welfare services in or for the benefit of the county or county borough. Sub-section (2) provides that the associations to be included in these schemes are (*a*) those whose services are approved by the Minister immediately before the appointed day; and (*b*) those whose services are not so approved but are utilised by the council.

2. Copies of model schemes which the Minister has caused to be prepared for use by county councils and county borough councils, respectively, are enclosed with this Memorandum. The Minister will be prepared to approve schemes on the lines of these models, and he suggests that the councils should generally adopt this form of scheme (*b*).

3. A list is being sent (in duplicate) to each council containing the names of the voluntary associations in the area of the council whose services were approved by the Minister up to the 31st March, 1929, and also the amount of the grant paid by the Minister to each association in respect of the standard year. The list contains a column for the amounts, if any, of the contributions paid by the council to these associations in respect of that year, and this column should be completed and one copy of the list returned to the Minister as soon as possible.

4. It will be observed that the first schemes prepared under section 101 must be submitted to the Minister *by the 30th September next*, and it is desirable that the council should take steps to prepare their scheme at the earliest possible date. The Minister will be glad on request to furnish the council with any information in his possession as to the activities or finances of particular associations, but before preparing their scheme the council should communicate with representatives of each of the voluntary associations included in the list with a view to obtaining particulars of the services now being rendered, and proposed to be rendered during each of the three years comprised in the first fixed grant period, together with information as to the present and probable future cost.

5. Regard should of course be had to this information in considering the amounts of the annual contributions to be specified in the scheme, and the Minister is of

(*a*) See the general note to Part VII of the Public Health Act, 1936, *ante*, p. 470.
(*b*) The model scheme (Memorandum L.G.A. 6) is omitted from this edition.

opinion that, save in exceptional circumstances, the amount specified for each association should be not less than the total of the sums received by the association in respect of the standard year from the Minister and the council, respectively. As the council are aware, the grant paid in respect of the standard year to each association included in the list will form part of the "loss on account of grants" of the county or county borough for the purposes of the Act.

6. In certain cases councils, with the approval of the Minister, utilise the services of voluntary associations which are not in receipt of grants from the Minister, and make payments to the associations for the actual services rendered. These associations are not included in the lists furnished to the councils, and it will be for each council to consider whether such associations should be included in the scheme.

7. In some areas it may happen that additional associations, or further services provided by some of the associations already approved, will be approved by the Minister before the appointed day. The Minister will furnish to the appropriate council particulars of any additions to the list which are approved before a scheme is submitted, but in other cases provision will have to be made for these additional associations or services by modification of the scheme under section 101 (3).

8. In the case of county councils, attention is drawn to the provisions of section 101 (4). In the lists sent to the councils of those counties in which there are voluntary associations providing services in or for the benefit of a district whose council have established a maternity and child welfare committee, the Minister has indicated those associations whose services appear to him to be such that contributions should be paid thereto by the district council. This is, however, a matter for the determination of the county council in the first instance, and it will be observed that, if any such determination is made, a copy of the scheme must be sent to the district councils concerned when the scheme is submitted to the Minister.

18*th April*, 1929.

Memorandum L.G.A. 9.

County Councils.
Town Councils.
Urban District Councils.
Rural District Councils.

LOCAL GOVERNMENT ACT.

ROADS (*a*).

(PARTS III. AND VII.)

I.—CHANGES IN HIGHWAY ADMINISTRATION.

The effect of the first portion of Part III. of the Act, which deals with highways, may be broadly stated to be that, as from the appointed day (1st April, 1930), all roads in rural districts and all classified roads in urban districts will become a county responsibility. The term "road" means a highway repairable by the inhabitants at large and includes bridges so repairable.

Roads which were main roads before the appointed day, and all roads which under the Act become a county responsibility, will be known as "county roads," and the county councils will be the highway authorities as regards these roads. All county roads (other than roads "claimed" by an urban authority) will vest in the county council. The position in county boroughs and metropolitan boroughs will remain unchanged.

This general statement is subject to the modifications explained below under the headings "Rights of Urban Authorities to claim County Roads" and "Delegation."

(*a*) See also the Restriction of Ribbon Development Act, 1935, *ante*, p. 2001, and the Trunk Roads Act, 1936 (29 Halsbury's Statutes 183), with relevant memoranda etc. under the heading TOWN AND COUNTRY PLANNING, *post*.

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Throughout this memorandum "urban district" includes non-county borough and "urban district council" includes the council of a non-county borough.

II.—POWERS OF LOCAL AUTHORITIES IN RELATION TO ROADS.

1. *County Councils.*

(1) The Act provides (section 29 (1) and (2)) that all enactments relating to main roads shall apply to county roads, and that county councils shall, in relation to county roads (other than roads which are claimed by an urban authority), have the like functions as with respect to main roads.

The county council will become responsible for the maintenance, repair, improvement, etc., of all bridges in the county repairable by the inhabitants at large which carry county roads. These will include some "borough" bridges (*see* section 29 (4)) which are now maintained by the corporation even though the road is a main road (section 119, Municipal Corporations Act, 1882, and section 35 (1), Local Government Act, 1888). The right to claim to maintain county roads will, however, extend to such "borough" bridges.

In some instances town and district councils may be liable under section 308 of the Public Health Act, 1875, to compensate public utility undertakers who sustain damage by an alteration made to a road. Liability to pay compensation under the section can arise only when the alteration is made in the exercise of powers under the Act of 1875 and not in the exercise of powers under some other Act, for instance, the Highway Acts. Section 39 of the Act provides that, in the case of any road which by virtue of the Act becomes vested in a county council, the council shall be subject to the same liability as that to which the town or district council were subject before the road became vested in the county council, where a public utility undertaker sustains damage by reason of the exercise of a function by the county council which, prior to the transfer of the road, could have been exercised by the town or district council only under the Act of 1875.

(2) In rural districts, county councils will have (in addition to their general powers in relation to county roads) such powers under the Highway Acts, 1835 to 1885, as could be exercised by rural district councils who were successors of highway boards (section 30 (1)). These functions relate both to highways repairable by the inhabitants at large and to highways not so repairable (*e.g.* the enforcement of a liability *ratione tenuræ*); and whereas the powers of rural district councils now differ, those that succeeded highway boards having larger powers than those that succeeded highway surveyors, all county councils will under the Act have the larger powers.

(3) County councils will also have in all rural districts functions under the enactments set out in Parts I. and II. of the First Schedule to the Act. In order to assist local authorities readily to see the effect of the First Schedule, a graphic statement has been appended to this memorandum showing how functions are distributed by the schedule.

These functions include those under the Private Streets Works Act, 1892. Where the powers of the Act of 1892 are not delegated to the rural district council and are exercised by the county council themselves, the county surveyor when preparing his specification of private street works is required to consult the rural district council, if and so far as the works include sewers. The rural district council will continue to be the authority responsible for sewerage and sewage disposal, whether the highway functions are delegated to them or not, and it is therefore important that they should be consulted as to any proposed new sewers or alteration of existing sewers.

Another of the powers transferred to county councils in rural areas is the power to require (under section 31 of the Public Health Act, 1925) streets of greater width than the width for which the byelaws provide. The power can be exercised when a plan of a new street is submitted for approval. The plan will continue to be submitted, under the byelaws, to the rural district council. If the county council were not informed of the plan they would have no opportunity of exercising their powers. The Act provides, therefore, that the district council must notify the county council within seven days; and the county council can then state their requirements within the limits of the Act of 1925.

Despatch is essential in this matter, because section 158 of the Public Health Act, 1875, requires a local authority to approve or disapprove a plan submitted to them under their byelaws within one month. It is provided, therefore, that the county council may authorise the county surveyor to exercise on their behalf their powers under section 31 of the Act of 1925 (First Schedule, Part I.).

As the rural district council must in any event communicate their own decision to the person who deposited the plan within a month, they should inform him whether any requirement (and, if so, what requirement) has been notified to them by the county council or county surveyor.

(4) In urban districts, county councils will have the functions of an urban district council or a local authority under the enactments mentioned in Parts III., IV. and V. of the First Schedule as amended by any subsequent enactment (section 31 (5)). These functions will in urban districts relate only to county roads and, further, will not extend to " claimed " roads.

(5) County councils will be empowered to delegate highway functions in urban and rural districts to the district councils (see note on " Delegation " below).

2. *Rural District Councils.*

(1) Rural district councils will cease to be highway authorities and all the roads in their areas will become county roads as from the appointed day (1st April, 1930). They will retain their functions under the Local Government Act, 1894, as respects rights of way and encroachment on roadside wastes (section 30 (1)), and in these matters will, to a large extent, have concurrent powers with the county councils.

(2) Rural district councils will cease to exercise any functions relating to private street works under section 150 of the Public Health Act, 1875, with which they have been invested. They will also cease to exercise functions under the enactments (including the Private Street Works Act, 1892) mentioned in Part I. of the First Schedule unless the highway functions of the county council are delegated to them. Rural district councils who can now exercise functions under any of the enactments mentioned in Part II. of that schedule will be entitled to do so only with the consent of the county council (section 30 (3)).

(3) Rural district councils who are empowered to make byelaws under section 157 of the Public Health Act, 1875, with respect to the level, width, and construction of new streets will retain this power; but before making such byelaws the district council are required to consult with the county council. The county council may call upon the rural district council to exercise the power of making such byelaws, and, if thereafter the district council fail to do so within six months, the county council may themselves exercise the power (section 30 (4)).

(4) Rural district councils may apply to county councils for the delegation to them of the county council's functions in relation to roads in their district (see under heading " Delegation ").

3. *Urban District Councils.*

(1) As from the appointed day all classified roads in urban districts will become county roads.

(2) If a road in an urban district is classified after the appointed day it will become a county road.

(3) Urban district councils will retain their present responsibilities for unclassified roads (other than existing main roads) in their areas. They may, however, if they so desire, enter into agreements with the county council for the maintenance, repair and improvement of these roads by the latter in consideration of such payments as may be agreed between the two councils (sections 31 (1) and 34).

(4) Urban district councils the population of whose district, as estimated for the year 1928, exceeds 20,000 persons may claim to maintain county roads in their areas (see under heading " Rights of Urban Authorities to claim County Roads ").

(5) Urban district councils will also exercise certain functions with respect to the county roads in their areas. In respect to such roads (other than claimed roads) the Act (section 31 (5)) provides that the urban authority:—

(*a*) shall cease to exercise functions under the enactments mentioned in Part III. of the First Schedule;

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(*b*) shall exercise functions under Part IV. of the First Schedule concurrently with the county council; and

(*c*) may exercise functions under the enactments mentioned in Part V. of the schedule only with the consent of the county council.

(6) Urban authorities may apply to the county council for the delegation to them of the county council's functions in relation to county roads in their area (see note on "Delegation" below).

(7) Urban authorities are empowered to appeal to the Minister of Transport if a county council refuse an application for an order declaring a road to be a county road.

Application for such an order may be made on the grounds (in addition to the grounds set out in section 15 of the Highways and Locomotives (Amendment) Act, 1878) that the road is situate in a part of an urban district which is rural in character (section 37).

III.—RIGHTS OF URBAN AUTHORITIES TO CLAIM COUNTY ROADS.

(1) Any urban authority the population of whose area, as estimated for the year 1928, exceeded 20,000 persons may claim to exercise the functions of maintenance and repair of any county road within their district, subject to exceptions which are mentioned in the proviso to section 32 (3) of the Act. Such "claimed" roads will vest in the urban district council, and for the purpose of the maintenance, repair and improvement and other dealing with any such road, the district council will have the same functions as if they were the highway authority with respect to that road and the road were an ordinary road vested in them (section 32 (1)).

(2) Any urban authority which has claimed to exercise the functions mentioned may at any time relinquish those functions to the county council with the consent of the latter. An appeal may be made to the Minister of Transport if the county council refuse their consent (section 32 (4)).

(3) The provisions of the existing law with regard to the making of annual payments by county councils towards the maintenance and repair and any reasonable improvement connected with maintenance and repair of a claimed county road are continued; but the Act provides for the making of payments by quarterly instalments (section 33 (1)).

(4) The Act further provides for the payment by a county council of contributions towards the expenses of any improvement of a claimed county road, not being expenses in connection with the maintenance and repair of the road. But the county council may refuse to contribute towards an expense on the ground, for instance, that the improvement is in the nature of a town improvement; and, in the event of disagreement, the decision rests with the Minister of Transport (section 33 (1) (*b*)). The term "improvement" includes the fixing of a building line or improvement line (section 134; see under "Road").

(5) Provisions with regard to the submission to county councils by urban authorities of estimates and supplementary estimates are contained in section 33 (2) and (3). Any difference arising under these provisions is determinable by the Minister of Transport (section 33 (4)).

IV.—DELEGATION.

(1) The Act provides (section 35 (1)) that the council of any county district may apply to the county council for the delegation to them of the county council's functions with regard to the maintenance, repair and improvement of—

(*a*) the whole of the unclassified roads (exclusive of county bridges) within the district;

(*b*) all or any of the classified roads (exclusive of county bridges) within the district;

(*c*) all or any of the county bridges within the district.

It may be explained that a bridge is not a "county bridge" simply because it carries a county road. A "county bridge" is a bridge for which the county council are responsible apart from their responsibility for county roads, for instance,

a bridge for which the county council became responsible as successors to quarter sessions under the Local Government Act, 1888 (section 134; see under "County Bridge").

(2) As regards classified roads and county bridges, the county council have complete discretion as to whether they will or will not grant delegation (section 35 (3)).

(3) As regards unclassified roads, the county council are required to grant the application for delegation unless they are satisfied that, having regard to the best means of promoting economy and efficiency in highway administration throughout the county and to the particular circumstances of the district in respect of which the application is made, the application ought not to be granted (section 35 (2)).

If the county council refuse delegation in regard to unclassified roads, the district authority has a right of appeal to the Minister of Transport (section 35 (5)).

(4) Delegated functions may be relinquished by a district council by giving notice to the county council (section 35 (6) and (8)).

(5) The county council may determine the delegation of functions to any particular district authority, subject in the case of delegation in respect of unclassified roads to a right of appeal by the district authority to the Minister of Transport (section 35 (7) and (8)).

(6) The procedure with regard to the application for delegation is set out in sub-sections (1), (4), (5) and (8) of section 35.

(7) In discharging delegated functions the district council will act as agents of the county council. The conditions affecting such delegation are set out in section 36 (1) of the Act.

(8) Where functions are delegated to a county district council as regards any roads, the council will also as a matter of course discharge—

(*a*) in the case of rural districts, all the functions under the enactments set out in Part I. of the First Schedule relating to the delegated roads and to highways not repairable by the inhabitants at large (such as private streets); and

(*b*) in the case of urban districts, all the functions relating to the delegated roads set out in Part III. of the First Schedule.

The council will discharge the scheduled functions as agents of the county council, and subject to such conditions as the county council think fit with respect to any action to be taken by the district council.

District councils exercising such functions are empowered to make a contribution towards the cost of private street works or for any other purpose in connection with such functions where, in the opinion of the county council, expenditure would not be properly chargeable as general county expenses (section 36 (2)).

V.—TRANSFER OF LIABILITIES.

(1) This subject is dealt with in Part VII. of the Act (sections 117 and 118). County councils will take over from district councils the property and liabilities set out in paragraphs (*a*), (*b*), (*c*) and (*d*) of section 117 (1) so far as they relate to roads which immediately before the appointed day were, or, as from that day become, vested in the county council.

(2) It is to be noted that if, in the case of an existing main road, any loan charges are outstanding in respect of a loan raised by a district council before the road was mained, the county council will assume responsibility for them. Similarly they will take over the assets mentioned in paragraphs (*a*), (*b*) and (*c*) of section 117 (1) in respect to such roads.

(3) The Act provides that, if the county council and the district council so agree, the county council may pay the sums required from time to time to meet loan charges instead of assuming responsibility for the loan.

(4) Any sums due to be paid before 1st April, 1930, by a district council into a sinking fund required to be established for the purpose of a loan transferred to the county council are to be a debt due from the district council to the county council (section 117 (2)).

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(5) In the case of roads which are claimed prior to the appointed day the county council are to repay to the urban district council such sums as are required to meet any loan charges falling due on or after the appointed day in respect of loans raised before that day for the road or its improvement (section 117 (3)).

(6) Where on an alteration of boundaries or other change a district council has received a payment (under the Local Government (Adjustments) Act, 1913, or otherwise) from another authority in respect of increased burden for highway expenditure which will not now fall on the district, an equitable adjustment of these payments has to be made in accordance with provisions set out in section 117 (4).

(7) Any disputes arising as to the transfer of property or liabilities under the section are to be determined by the Minister of Health (section 117 (6)).

(8) The above provisions do not apply to the transfer of quarries, plant, materials and depots, and special provisions relating to these matters are contained in section 118.

The county council, if the rural district council so desire, are required to take over any quarry, plant or materials belonging to, or any depot used by, the rural district council in their capacity as highway authority, and to pay therefor such sum as may be agreed, or, failing agreement, settled by arbitration.

Similarly, if an urban authority, not being a "claiming" authority, so desire, the county council are required to take over, on terms to be agreed or settled by an arbitrator, any quarry belonging to the urban authority in their capacity as highway authority, together with any fixed plant.

Where highway functions are relinquished by a county district council or the delegation of these functions is terminated by the county council, similar provisions apply as from the date of the relinquishment or termination.

VI.—ACTION WHICH MAY OR MUST BE TAKEN BY LOCAL AUTHORITIES ON OR BEFORE APRIL 1ST, 1930 (*a*).

Particular attention is directed to the dates by which action has to be taken under the Act. In order to assist the smooth operation of the provisions of the Act it is most desirable that local authorities should take action which the Act requires or permits at as early a date as possible, and should not wait until the approach of the latest day on which such action may be taken.

MINISTRY OF HEALTH.
MINISTRY OF TRANSPORT.
23*rd April*, 1929.

APPENDIX (*b*).

(*a*) This part of the memorandum, which was printed in the tenth edition of this work, is spent.

(*b*) The appendix is printed *post*, p. 3229, and the notes which in the original are prefixed to it are (for convenience in printing) given *post*, p. 3230.

APPENDIX.

TABLE SHEWING THE DISTRIBUTION OF FUNCTIONS BETWEEN COUNTY COUNCILS AND COUNTY DISTRICT COUNCILS AS DETERMINED BY THE FIRST SCHEDULE OF THE LOCAL GOVERNMENT ACT, 1920 (*a*).

Subject	Act.	In Rural Districts.		In Urban Districts (as respects county roads only).		
		Functions which can be exercised only by the County Council.	Functions which can be exercised by the County Council and, with consent of the County Council, by the Rural District Council.	Functions which can be exercised only by the County Council.	Functions which can be exercised concurrently by the County Council and by the Urban District Council.	Functions which can be exercised by the County Council and, with consent of the County Council, by the Urban District Council.
Power to agree with any person as to making of new public roads.	1875 (146)	—		—		
Power to construct or adopt bridges, viaducts or arches over or under canals, etc.	1875 (147)	—		—		
Power to agree with persons liable to repair streets as to repair, etc.	1875 (148)	—				
Power to purchase premises for improvement of streets (*b*).	1875 (154)	—		—		
Provisions as to purchase of land otherwise than by agreement (*b*).	1875 (176)	—		—		
Provision of refuges in streets.	1890 (39)		—			—
Provision of cabmen's shelters.	1890 (40)		—			—
Planting of trees in roads	1890 (43)		—			—
Private street works.	1892 (the whole Act)	—				
Power to enforce liability *ratione tenuræ* for repair of highways.	1894 (25(2))	—				
Approval to be obtained to crossing over footways.	1907 (18)	—		—		
Power to require urgent repairs to private streets.	1907 (19)	—				
Power to recover damages caused to footways by excavations.	1907 (20)	—		—		
Deposit of building materials or excavation not to be made in any street without consent.	1907 (29)	—		—		
Power to provide public conveniences on or under any repairable street (*c*).	1907 (47)		—			—
Power to require works for preventing water from flowing on footpath.	1925 (21)	—			—	
Power to require works for preventing soil, etc., from being washed into street.	1925 (22)	—			—	
Restriction on placing rails, beams, etc., over streets.	1925 (25)	—		—		
Power to grant licences for bridges over streets.	1925 (27)	—		—		
Plans of bridge forming part of new street to be approved.	1925 (28)	—				
Declaration of existing street as a new street in consequence of building operations.	1925 (30)	—				
Power to require width of street beyond bye-law width.	1925 (31)	—				
Power to require lesser width of street when buildings erected on one side only.	1925 (32)	—				
Power to vary width of carriageway and footway on making up private streets.	1925 (35)	—				

(*a*) The notes forming part of this table are printed *post*, p. 3230.
(*b*) Repealed by the Local Government Act, 1933 (*ante*, p. 1295).

LOCAL GOVERNMENT

Notes.

1. The distribution of functions is shown by the thick black lines in the several columns. Thus, taking as an instance the first entry in the table, which relates to section 146 of the Public Health Act, 1875, the lines show that the function indicated in the first column is to be exercised in rural districts only by the county councils and in urban districts as regards county roads similarly by county councils alone. Taking another instance, the entry as regards section 21 of the Act of 1925 (which relates to works for preventing water from flowing on the footpath) shows that the functions are to be exercised in rural districts by the county council only but for county roads in urban districts concurrently by the county council and the urban district council.

The distribution of functions is subject to the power to delegate, which has already been explained in the text. The table shows the distribution when there is not delegation.

In urban districts the functions relating to unclassified roads, other than main roads, will continue to be discharged by the district councils.

2. The first column gives a general indication of the function; the appropriate section should be consulted for the provisions of the law.

3. In the second column, giving the legal references,

1875	means	the Public Health Act, 1875.
1890	,,	Public Health Acts Amendment Act, 1890.
1892	,,	Private Street Works Act, 1892.
1894	,,	Local Government Act, 1894.
1907	,,	Public Health Acts Amendment Act, 1907.
1925	,,	Public Health Act, 1925.

The relative section is stated in brackets after the year.

4. When powers can now be exercised by an urban district council or a rural district council only after an order has been issued by the Minister of Health or his consent obtained, such an order or consent will still be necessary before the district council can exercise the powers, with this exception that, when the power is conferred on the county council by the Act and the power is then delegated by the county council to the district council, an order or consent will not be required.

Memorandum L.G.A. 10.

Rating Authorities.
Assessment Committees.
County Valuation Committees.
(*outside London*).

LOCAL GOVERNMENT ACT, 1929.

RATING AND VALUATION (*a*).

The provisions relating to rating and valuation, which chiefly concern rating authorities and assessment committees, are contained for the most part in Part V. of the Act, where provision is made for the derating of agricultural land and agricultural buildings (other than dwelling-houses) and the partial derating of industrial and freight-transport hereditaments. That Part also contains provisions amending the Rating and Valuation (Apportionment) Act, 1928, as regards the classification of industrial premises in which no person is employed, within the meaning of the Factory and Workshop Acts; provisions amending section 11 of the Rating and Valuation Act, 1925, as to the rating of owners; provisions as to deductions from inclusive rents of industrial hereditaments in respect of rate relief; provisions as to the valuation of agricultural dwelling-houses (consequential on the repeal of the Agricultural Rates Act, 1896), and other consequential provisions.

It is to be noted that the "appointed day" for the purposes of Part V. is the 1st October, 1929.

Reference is also made in this Memorandum to certain temporary provisions included in the Ninth Schedule, relating to the amendment of valuation lists, and

(*a*) This memorandum is inserted here, as it was in the tenth edition, by reason of its connection with other memoranda upon the Local Government Act, 1929. Reference should also be made to the heading RATING AND VALUATION, *post*. The memorandum as printed is partly spent, but is inserted for convenience of reference. For the Rating and Valuation Acts, see Vol. II, *ante*, p. 2113.

to section 133, which deals with the effect of amendments of the valuation lists in force on 1st October, 1929, on the ascertainment of the "reduced rateable values" and the "unreduced rateable values," to be used in the calculation of the new Exchequer grants.

Attention is also drawn to section 112, which contains transitory provisions as to rates and precepts and compensation for loss of rates in respect of the six months, 1st October, 1929—31st March, 1930.

In this Memorandum the Rating and Valuation Act, 1925, and the Rating and Valuation (Apportionment) Act, 1928, are, for the sake of brevity, subsequently referred to as "the Act of 1925" and "the Apportionment Act" respectively.

DERATING OF AGRICULTURAL HEREDITAMENTS.

In section 67 provision is made for the derating of agricultural land and agricultural buildings as defined by the Apportionment Act. The section provides that no person shall be liable to pay rates thereon in respect of any period beginning on or after the 1st October, 1929, or be deemed to be in occupation thereof for rating purposes. Agricultural land and buildings are to be excluded from any such rate.

As from the 1st October, 1929, the special lists now in course of preparation under the Apportionment Act will be incorporated in the valuation lists in force, and the entries relating to agricultural land and agricultural buildings which appear in the special lists will in effect be substituted for the entries at present appearing in the lists made under the Act of 1925 (Paragraph 8 of the First Schedule to the Apportionment Act). They will remain in the special lists during the period for which the valuation lists in force on the 1st October, 1929, continue to operate, but the rateable value of any such hereditament should be entered in the appropriate column of the special lists as "nil."

No entries relating to agricultural land or agricultural buildings are to be made in any new valuation list prepared after 1st October, 1929 (section 67 (2)).

PARTIAL DERATING OF INDUSTRIAL AND FREIGHT-TRANSPORT HEREDITAMENTS.

Section 68 provides for the partial derating of "industrial" and "freight-transport" hereditaments as defined in the Apportionment Act. The section will apply to all hereditaments required to be entered in Parts II. and III. of the special lists now being prepared under that Act and thereafter to all industrial and freight-transport hereditaments distinguished as such in future valuation lists. As from the 1st October, 1929, when the entries as to such hereditaments in the special lists will in effect be substituted for those appearing in the current valuation lists, rate relief will be accorded to industrial and freight-transport hereditaments by the reduction of the rateable value.

The Rating and Valuation (Apportionment) Act (Special List) Rules, 1928 [S. R. & O., 1928, No. 627, *post*, p. 3711], provided that no entries should be made in any of the columns of the special list in which rateable value is to be shown—*i.e.*, in columns 9b, 10b and 11 of Part II., and in columns 10c, 11b, 12b and 13 of Part III. This provision was necessary because Parliament, at the time when the Rules were issued, had not decided what the rateable value was to be. The Minister has now made amending Rules superseding this provision, and it will accordingly be necessary to complete the lists by inserting in the appropriate columns the rateable value ascertained in accordance with section 68. A copy of the amending Rules [S. R. & O., 1929–244, *post*, p. 3727], accompanies this Memorandum.

ASCERTAINMENT OF RATEABLE VALUE OF INDUSTRIAL HEREDITAMENTS.

In the case of a hereditament occupied and used wholly for industrial purposes the rateable value to be entered in columns 9b and 11 of Part II. of the special list will be one-quarter of the net annual value as shown in column 9a.

In the case of a hereditament occupied and used partly for industrial purposes and partly for non-industrial purposes the rateable value to be entered in column 9b will be one-quarter of the net annual value shown in column 9a, the rateable value to be entered in column 10b will be the same as the net annual value shown in

LOCAL GOVERNMENT

column 10a, and the total rateable value to be entered in column 11 will be the sum of the amounts shown in columns 9b and 10b.

The foregoing instructions will require modification in the case of any *industrial* hereditament of which the rateable value ascertained under the Act of 1925 was not identical with the net annual value. These will be hereditaments which

(*a*) being in an urban area, were entitled under the Act of 1925 to a deduction from net annual value for the purpose of determining rateable value by virtue of any scheme made under Part III. of the Second Schedule to that Act, or by virtue of any earlier local Act (*i.e.*, any industrial hereditament assessed as land covered with water and therefore marked " W " in column 8 of Part II. of the special list); or

(*b*) were entitled to such a deduction under any scheme for the preservation of privileges of rating made under section 64 of the Act of 1925.

In either of these cases the appropriate deductions from net annual value provided for in the scheme or local Act should first be made. The rateable value will, under the provisions of section 68 (1) Proviso, be calculated in the manner above described from the net annual value as so reduced.

ASCERTAINMENT OF RATEABLE VALUE OF FREIGHT-TRANSPORT HEREDITAMENTS.

In the case of freight-transport hereditaments the rateable value to be entered in column 10c of Part III. of the special list will be one-quarter of the amount shown in column 10b, and the rateable value to be entered in column 11b will be one-quarter of the amount shown in column 11a. The rateable value in column 12b will be the same as the net annual value shown in column 12a. The totals of the rateable values in columns 10c, 11b and 12b will be entered in column 13.

INCIDENCE OF RATES IN 1929–30 ON INDUSTRIAL AND FREIGHT-TRANSPORT HEREDITAMENTS.

As already indicated, the special lists in which the reduced rateable values provided for in the Act are to be shown will come into force on the 1st October, 1929.

In the case of any rate made in respect of a period commencing on or after that date the ratepayer's liability will be determined by the new rateable values shown in those lists.

In cases where a yearly or other rate is made in respect of a period commencing before and continuing after 1st October, 1929, the occupier's liability, as shown by the original entries in the rate book, will require to be adjusted as follows:—

(*a*) In the case of a yearly rate—*i.e.*, one made in respect of the whole of the period 1st April, 1929, to 31st March, 1930—the occupier's liability is to be calculated as if two rates had been made—one for the first half of the financial year (1st April to 30th September, 1929) and the other for the second half (1st October, 1929, to 31st March, 1930). The poundage of the rate is, in such a case, to be divided equally between these two notional rates.

(*b*) If the period of any rate runs into both half-years, but is less than a full year, the poundage will, for the purpose of determining the occupier's liability, be apportioned according to the number of days in each part of the period. (Section 68 (2).)

(The proviso to sub-section (2) of section 68 is applicable only in one or two special cases and will not concern rating authorities generally.)

The Act empowers any person who has paid a sum in excess of the amount properly chargeable under section 68 (2) to recover from the rating authority the amount overpaid (section 68 (3)).

AMENDMENT OF SECTION 3 OF THE APPORTIONMENT ACT.

Section 69 of the Act removes a doubt which has arisen as to the application of the definition of " industrial hereditament " in section 3 (2) of the Apportionment

Act to premises in which no person is employed, within the meaning of the Factory and Workshop Acts (*a*).

The effect of the section is to secure that the mere fact that the owner or occupier of a hereditament is the only person working therein, or that no other person working therein is in his employment, shall not in itself preclude the hereditament from being deemed for purposes of the Apportionment Act to be used as a factory or workshop, and therefore, if the other conditions are satisfied, being treated as an "industrial hereditament."

AMENDMENT OF VALUATION LISTS.

The Act contains detailed provisions as to the method of making any amendment of a valuation list necessitated by reason of a hereditament having become or ceased to be an agricultural, industrial or freight-transport hereditament, and for this purpose it adapts, with certain modifications, the existing machinery. The relevant provisions, so far as they are of a permanent character, are contained in section 70, while certain temporary provisions are included in Part II. of the Ninth Schedule.

N.B.—For the sake of brevity, the fact that a hereditament has become or ceased to be an agricultural, industrial or freight-transport hereditament is referred to in this Memorandum as a change in the *status* of a hereditament, and that phrase is intended to cover not only cases where the circumstances determining the classification of a hereditament actually change after 1st October, 1929, but also cases where the classification adopted for the purposes of the special list is (or is alleged to be) incorrect on the circumstances existing immediately before 1st October, 1929.

(i) PERMANENT PROVISIONS.

The general effect of the permanent provisions is to make a change in the *status* of a hereditament a ground for making a proposal for amendment of the valuation list under section 37 of the Act of 1925.

In this connection attention may be drawn to the following points:—

(*a*) The permanent provisions operate only in cases where proceedings for the amendment of a list are initiated after 1st October, 1929, as from which date the entries in the special lists are to be read in substitution for the corresponding entries appearing in the main valuation list.

(*b*) Only owners or occupiers can move to amend a list on the ground that a hereditament ought to be, but is not, treated therein as an agricultural, industrial or freight-transport hereditament (section 70 (2)).

(*c*) If it is desired that a hereditament should be treated as an agricultural, industrial or freight-transport hereditament the proposal for amendment must contain such particulars as the Minister may prescribe (section 70 (2)). These particulars will be prescribed in due course.

(*d*) Amendments effected by the applied machinery above referred to will have effect as regards the ratepayer's liability as from the same date as any other amendment made by a proposal for amendment. The change in the *status* of a hereditament will be treated as "an event giving rise to an alteration of value" within the meaning of the proviso to section 37 (10) of the Act of 1925 (section 70 (3)).

Note.—The dates as from which amendments made as a result of proposals instituted during the twelve months, 1st October, 1929, to 1st October, 1930, will have effect for purposes of the calculation of the new Exchequer grants are governed by the provisions of section 133 and are dealt with below.

It is to be noted also that, in the case of future valuation lists, a claim by the owner or occupier will be a condition precedent to the treatment of any hereditament as an agricultural, industrial or freight-transport hereditament unless the hereditament was so treated in the last preceding list (section 70 (4)).

(ii) TEMPORARY PROVISIONS (*b*).

(*a*) See notes *ante*, p. 2276, especially the relevant sections of repealed Factory and Workshop Acts, which are kept alive for purposes of rating and are printed, *ante*, p. 2284.

(*b*) Omitted as spent.

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MISCELLANEOUS RATING AND CONSEQUENTIAL PROVISIONS.

Part V. of the Act includes a number of provisions connected with rating and valuation or rendered necessary by derating and the consequential alterations of the valuation list.

(i) *Rating of Owners of Small Hereditaments.*

Amendment of Section 11 of the Rating and Valuation Act, 1925.

By section 11 (1) of the Rating and Valuation Act, 1925, rating authorities were empowered, by resolution, to direct that, in the case of hereditaments falling within a class to be defined by them, the owners shall be rated instead of the occupiers. It was, however, provided that the class should not be so defined as to include any hereditament with a rateable value exceeding £13 (except where a higher value was in force for the purposes of section 3 of the Poor Rate Assessment and Collection Act, 1869) or any hereditament the rent of which becomes payable or is collected at quarterly or longer intervals.

Section 71 gives rating authorities a wider discretion in the matter. They may now define the class to which the rating of owners is to apply either by reference solely to the limit of rateable value specified in section 11 (1) of the Act of 1925, or, if they so desire, by reference to that limit of value and also to the interval at which rent becomes payable and is collected.

(ii) *Valuation of Farmhouses and Farm Cottages.*

Section 72 preserves the basis of assessment, which, since 1896, when agricultural holdings ceased to be assessable as single units, has applied to the buildings forming part of such a holding (as distinct from the land) in pursuance of the provisions of section 5 (c) of the Agricultural Rates Act of that year. It will be observed that the section applies to farm houses and also to farm cottages (whether held on a tenancy or on a service occupation, strictly so-called) where residence depends on employment on the particular agricultural land in connection with which the cottage is occupied.

It does not apply to cottages not coming within that category, although they may be occupied by agricultural workers.

The date of operation of this section is the 1st April, 1930, as from which date the Agricultural Rates Act, 1896, will be repealed.

(iii) *Industrial Hereditaments Let at Inclusive Rentals.*

Section 73 is designed to secure to the tenants of industrial hereditaments which are let at inclusive rentals (the landlord paying the rates) the benefit of the rate relief conferred by the Act.

Under sub-section (2) of the section it will be the duty of the rating authority, on the application of the landlord or tenant, to certify the amount to be paid or allowed by the landlord in any case where—as happens, for instance, under what are known as "Room and Power Agreements"—part of any premises for the time being assessed as a single industrial hereditament is let (or sublet) by the person rated in respect of the whole.

The section operates only during the currency of existing tenancies.

(iv) *Water Rates.*

Adaptations are required in Acts and Orders regulating the charges for the supply of water in consequence of the provisions of the Act under which the rateable value of industrial and freight transport hereditaments will be reduced and particulars of agricultural land and buildings will be omitted from future valuation lists.

By section 77 of the Act, where the water rate is required to be levied on the rateable value of the premises as shown in the valuation list, the net annual value of the premises as so shown is to be substituted as the basis upon which the water rate is to be levied.

Where the water rate is required in an Act or Order to be levied on a value which

will not in future appear in the valuation list, the value for the purposes of the water rate is to be determined, in case of dispute, by two justices of the peace.

(v) *Drainage Rates.*

As certain hereditaments liable to drainage rates (*i.e.*, "rates assessed under any commission of sewers or in respect of any drainage, wall, embankment or other work for the benefit of the land") will not appear in future valuation lists, and others will appear with a materially reduced rateable value, it is necessary to provide some other basis in cases where the authority levying such rate is now required to assess them on values as appearing in the valuation lists for the time being in force.

Section 78 is designed to secure that, in such cases, the basis shall be—for all properties liable to be assessed to such rate—the gross value for Income Tax, Schedule A. If the property is not assessed to Schedule A the value is to be determined, in the event of dispute, by a court of summary jurisdiction. Provision is made for any necessary apportionment of the Schedule A value.

(vi) *Qualification of Jurors and Special Jurors.*

For the same reasons it is provided that, as from the 1st October, 1929, net annual value for rating purposes will be substituted for rateable value for the purposes of determining the qualification of a juror or special juror; and if no net annual value is shown in the valuation list the qualification will be determined on the net annual value for purposes of Income Tax, Schedule A. Provision is made for any necessary apportionment of the net annual value by the Registration Officer, subject to revision, on appeal, by a court of summary jurisdiction (section 79).

(vii) *Qualification of Voters.*

Where the qualification of voters is defined in the Representation of the People Act, 1918, in relation to the yearly value of land, that value is to be taken to be the gross value for rating purposes; or, if there is no gross value in the valuation list, the gross value for purposes of Income Tax; or, in any other case, the amount which the Registration Officer estimates would have been the gross value for rating purposes under the law in force in 1918. (Section 80.)

(viii) *Access to Schedule A Valuations.*

The authorities and persons concerned with voters' lists, jurors' lists and the levying of drainage rates are empowered to obtain from the Surveyors of Taxes copies of the Schedule A values at the maximum rate of 5*s.* per hundred entries. (Section 81.)

The provisions contained in Part V. relating to (*a*) borrowing power limits, (*b*) limits on expenditure, (*c*) parochial balances, (*d*) Welsh education, and (*e*) general adaptation of enactments, etc., are referred to in other memoranda.

MINISTRY OF HEALTH,
Whitehall, S.W.1.
18*th April*, 1929.

Memorandum L.G.A. 15.

County Councils.
Town Councils.
Urban District Councils.
Rural District Councils.

LOCAL GOVERNMENT ACT, 1929.

REVIEW OF DISTRICTS AND GENERAL LOCAL GOVERNMENT (*a*).

The present memorandum deals with matters of general local government contained in the Local Government Act, 1929, which it is desired to bring specially to the notice of local authorities.

(*a*) See the introductory note to LOCAL GOVERNMENT, *ante*, p. 3214. The unrepealed sections of the L.G.A., 1929, will be found in Vol. V, *post*.

LOCAL GOVERNMENT

I.—REARRANGEMENT OF COUNTY DISTRICTS.

First Review (Section 46).

1. These provisions are based on the recommendations in the second Report of the Royal Commission on Local Government, and require each county council to make a review of the districts in their county and to submit to the Minister proposals for their rearrangement where desirable. (In section 134 of the Act "district" is defined as meaning a county district—that is to say, a non-county borough or other urban district or a rural district). The review is to be made as soon as may be after the commencement of the Act (section 46 (1)), meaning as soon as may be after the passing of the Act. Thus, not only section 46 of the Act, but sections 48 and 49, which also deal with alterations of boundaries, are already in operation.

If in any case a survey has already been made within the three years preceding, the Minister may decide that a further review is unnecessary (sub-section (6)). Otherwise the county council must submit their proposals to him before the 1st April, 1932, though the Minister may extend that date. If they fail to do so, the Minister may himself make proposals (sub-section (5)).

The points to be borne in mind are:—

(1) Before making their proposals the county council must confer with the representatives of the councils of the several districts wholly or partly within the county and with the councils of county boroughs adjoining the county. Every endeavour should be made to reach agreement;

(2) After the completion of the review as respects the whole or any part of the county, the county council must send the Minister a report of the review, together with proposals as to the changes (if any) which they consider desirable;

(3) As soon as the proposals are made to the Minister, the county council are required by sub-section (3) to—

(*a*) send copies of them to the councils of the several districts affected thereby;

(*b*) advertise them in one or more of the newspapers circulating in the districts affected by the proposals and include in the advertisements statements that a copy of the proposals is open to inspection at a specified place and that representations with respect to the proposals may be made to the Minister within six weeks after the publication of the notice;

(4) The proposals may include an alteration or definition of the boundaries—

(*a*) of urban and rural districts;

(*b*) of non-county boroughs;

(*c*) of county boroughs (but only in agreement with the county borough council);

(*d*) of parishes;

(5) New urban districts, rural districts or parishes may be formed or existing districts or parishes may be united, but the procedure does not allow of the constitution under it of a new borough or the abolition of an existing borough (see sub-section (2) and section 65).

2. The Minister may by order confirm the proposals or any of them, with or without modifications, or may reject them, and his decision is final; but if the proposals are objected to by a local authority who are affected by them, and the objection is not withdrawn, the Minister must hold a local inquiry before deciding to issue an order or orders (sub-section (4)).

3. The county council may submit proposals dealing with a part only of the county; but usually it will doubtless be found advisable to deal with the county as a whole. Where proposals are submitted for a part only of a county, care should be taken to make sure that this part is a satisfactory unit; otherwise it may be found, when other parts of the county are considered, that the best arrangements have not been put forward.

4. The Minister is preparing a statement to assist county councils in making

the reviews (*a*). This will specify the particulars with which the Minister will require to be furnished, when proposals are submitted, for the purpose of drafting the order or orders, and will contain suggestions as to the information which county councils will find it advantageous to obtain for the purpose of their reviews. It may, however, be stated generally that, subject to their complying with the statutory requirements as outlined above, county councils may use their discretion as to the method of and procedure for the conduct by them of the reviews.

5. Attention is drawn to the remarks of the Royal Commission on Local Government in their second Report that they "are of opinion that the need for a general review of areas of county districts and parishes has been established. The representatives of the local authorities have not dissented from the view that there are at present authorities who cannot efficiently discharge the functions entrusted to them and that a review of areas should be undertaken in order to see how far ineffective units can be eliminated by reorganisation" (paragraph 39, page 15). The Commission further state (paragraph 61, page 25): "The primary object of the reorganisation of areas recommended by us, and indeed of all alterations of local government areas, being to improve their local administration, we are hopeful that the adoption of our proposals on this subject and of those in our First Report will result in the elimination to a large extent of those councils of county districts who by themselves are not strong enough financially to perform the essential sanitary services, and that most parts of the country will be within the jurisdiction of local authorities who are able to discharge their duties without further financial assistance." While the Commission recognised that probably "some councils of county districts will remain who either are or will become financially incapable of carrying out essential services, particularly the provision of a proper water supply and a system of sewerage and sewage disposal," yet, having regard to the existence of many such districts, it will be necessary that the review and proposals of the county council should be of a thorough nature.

Later Reviews (*Section* 47 (*b*)).

6. Similar reviews can be made subsequently when desirable or when required by the Minister; but ten years at least must elapse between any two reviews. The procedure will be similar, subject to this important difference, that if the resulting proposals would alter borough boundaries and are objected to by the town council of the borough, that council may object to the order of the Minister by which effect is given to the proposal, and in that event the Minister's order will become a provisional order and will need confirmation by Parliament.

Divided or Detached Areas (*Section* 49 (1) (*c*)).

7. County councils may put forward to the Minister agreed proposals for an order so altering a county boundary as to secure that the whole of a district or parish shall be within one county and that there shall no longer be detached parts of counties. The policy that the whole of each parish and of each rural district should be within the same county was enunciated in section 36 of the Local Government Act, 1894, but the section enabled the county council for special reasons to direct that a rural district should continue in more than one county, and several rural districts are so situate at the present day, or where the portion in each county was constituted a separate rural district, are "temporarily" administered by the council of an adjoining rural district under section 24 (5) of the Act of 1894. The Royal Commission on Local Government stated in their second Report that in their opinion "it is desirable that every parish and every district should be wholly within the area of one administrative county for all purposes" (page 17 (g)); and

(*a*) This statement (L.G.A. 24), was printed at p. 3518 of the tenth edition of this work. In so far as it relates to the principles and practice to be observed, it will be of service in future county reviews, but it is largely spent, and is therefore not included in the present edition.

(*b*) 10 Halsbury's Statutes 918. Repealed; see now s. 146 of the L.G.A., 1933, *ante*, p. 947.

(*c*) 10 Halsbury's Statutes 919. Repealed; see now s. 143 of the L.G.A., 1933, *ante*, p. 943.

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county councils should take concerted and agreed measures for dealing with the anomalies that remain.

Under section 49 of the new Act a district not wholly comprised within one county may be brought wholly within one county by an alteration of the county boundary. A similar result may be reached by means of a proposal under section 46 of the Act, as for the transfer of all the parishes of the district which are within the same county to a borough, urban district or rural district in that county, or to more than one of these units of local government. Under this procedure an alteration of the county boundary would not be necessary for the purpose of securing that the district should cease to be in more than one county.

Detached parts of counties, several of which exist, are likely to lead to difficulties in the administration of poor relief, and it is hoped that county councils will formulate representations under section 49 (1) of the Act which will lead to a general abolition of these anomalous areas.

Adjustments of Boundaries between a County and County Borough (*Section* 49 (2)(*a*)).

8. A county council and a county borough council may also make a joint representation to the Minister for an order to alter the boundary between their areas. Any district council who may be affected by the alteration should, of course, be fully consulted. A detached part of a county borough could be abolished by an order under this sub-section.

Proposals for Alterations in Individual Cases (*Section* 48 (*b*)).

9. The present machinery contained in sections 54 and 57 of the Local Government Act, 1888, for the constitution of new urban or rural districts or for the alteration of the boundaries of individual boroughs, districts and parishes will continue in operation.

Important modifications, however, which came into operation on the passing of the Act, are made in section 57 of the Act of 1888 :—

(1) County councils will have power to make orders under the section of their own accord ; doubts have been felt as to whether they could take action in the absence of a proposal for the alteration ;

(2) It has been considered that neither the county council nor the Minister could travel beyond the scope of the original proposal submitted to the county council. Power is now given to make modifications, if desirable, after due notice and hearing of representations ;

(3) The Minister previously was obliged to confirm an unopposed order of the county council, even though he thought the alteration undesirable. Power is now given to the Minister to modify or reject an order whether it is opposed or not ;

(4) Complaints have been made that there was no appeal against a decision of a county council rejecting an application for an order. The section now provides for an appeal to the Minister in such cases.

The amendments above mentioned will extend to county borough councils in making orders under section 57 of the Act of 1888 (see sub-section (2)).

Scope of Orders of the Minister (*Section* 66).

Any order of the Minister under section 46 of the Act must obviously contain supplemental provisions for the purpose of carrying it into effect. This point is met by section 66 of the Act which applies section 59 of the Local Government Act, 1888, to all orders made under Part IV. of the recent Act, with the result that the Minister will be able to include in any order made by him all such provisions as are commonly included in an order of a county council under section 57 of the Act of 1888. Provision is also made for financial adjustments consequent upon the order, as section 62 of the Act of 1888 is also applied by section 66 of the new Act. An order under Part IV. of the Act cannot affect the limits of any parliamentary county

(*a*) 10 Halsbury's Statutes 919. Repealed ; see now s. 143 of the L.G.A., 1933, *ante*, p. 943.

(*b*) 10 Halsbury's Statutes 918. Repealed; see now ss. 141, 142 of the L.G.A., 1933, *ante*, p. 935.

or parliamentary borough (section 66 (2)). Orders under the Local Government Act, 1888, are subject to a similar restriction (see section 92, Local Government Act, 1888).

II.—REVIEW OF ELECTORAL DIVISIONS (SECTION 50).

County councils must make a review of the electoral divisions, in accordance with the procedure laid down in the section. This must be made as soon as possible after the first general review of county districts and before the 1st January, 1933, but the Secretary of State may in individual cases extend that date, or, where he considers such a review to be unnecessary, he may relieve the county council from the duty of making it. If the county council fail to put proposals before him, the Secretary of State may himself make proposals.

In making their proposals the county council should act on the principles laid down for the constitution of electoral divisions in section 51 of the Local Government Act, 1888.

III.—TRAVELLING EXPENSES OF MEMBERS OF COUNTY COUNCILS (SECTION 52) (*a*).

IV.—APPROPRIATION OF LAND BY COUNTY COUNCILS (SECTION 53 (2)) (*b*).

V.—SPECIAL EXPENSES AND CONTRIBUTIONS.

Contributions by Rural District Councils (*Section* 56 (1)) (*c*).

Contributions by County Councils (*Section* 57 (1)) (*d*).

Apportionment of Expenses in Rural Areas (*Section* 56 (2) *and* (3)) (*c*).

VI.—TRANSFER OF FUNCTIONS TO COUNTY COUNCIL (*e*).

Relinquishment of Functions (*Section* 57 (2)).

VII.—BORROWING AND EXPENDITURE (*f*).

VIII.—PARISH PROPERTY.

(SECTION 115 AND SEVENTH SCHEDULE) (*g*).

Consquent upon the abolition of boards of guardians, the law relating to the holding and disposal of parish property (usually consisting of old parish workhouses and cottages, parochial offices and vestry rooms) has been recast, to take effect as from the 1st April, 1930.

Parish property may be vested in the borough or urban district council, parish council, or, in rural parishes without a parish council, in a statutory representative body; but a sale or letting of this property devolves in urban parishes ordinarily upon the board of guardians.

Parish property vested in any council or representative body already mentioned will continue so vested; but the Act transfers the powers exercised by the guardians as well as all the guardians' interests in parish property (including sale proceeds and

(*a*) See now s. 294 of the Local Government Act, 1933, *ante*, p. 1177.
(*b*) See now s. 163 of the Local Government Act, 1933, *ante*, p. 989.
(*c*) The section to which these paragraphs referred was repealed by the Local Government Act, 1933; see now s. 190 of that Act, *ante*, p. 1016.
(*d*) The subsection to which this paragraph referred was repealed by the Public Health Act, 1936, *ante*, p. 732.
(*e*) See now ss. 320 *et seq.* of the Public Health Act, 1936, *ante*, p. 320, the subsections here mentioned being largely repealed (*ante*, p. 732).
(*f*) See now the new code embodied in Part IX of the Local Government Act, 1933.
(*g*) Sub-s. (2), words in sub-s. (6) and Sched. VII repealed by L.G.A., 1933, *ante*, pp. 1294, 1295. See also s. 178 of that Act, *ante*, p. 1005.

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any securities in which sale proceeds have been invested), to the council or representative body.

The principal matters to which attention need be drawn are :—

(1) The Minister's approval and, where the property belongs to a rural parish, the consent of the parish meeting will continue to be required to the sale, exchange, letting, etc., of parish property, except in the case of a letting for a term not exceeding one year ;

(2) It will no longer be necessary for the consent of the owners and ratepayers to be obtained to a sale of the property belonging either to an urban parish or a rural parish ;

(3) Parish councils have in the past been empowered to expend money out of the rates on works relating to parish property, and similar powers could be conferred on a town or urban district council by an order of the Minister under section 33 of the Local Government Act, 1894. Such an order will now no longer be necessary, these councils being given the necessary powers. Similar powers are also given to parish meetings ;

(4) The expenses of the council of a borough or urban district in relation to parish property may, at the discretion of the council, be charged to the general rate levied for the whole borough or district or be levied as an additional item of such rate on the parish or parishes to which the property belongs (sub-section (4)) ;

(5) Section 3 of the Union and Parish Property Act, 1835, gave the Minister control over the application of the rents and profits of a letting, as well as over the proceeds of a sale, of parish property. This section is repealed (Part VII. of the Twelfth Schedule to the Act). Under paragraph 4 of the Seventh Schedule the rents and profits of letting parish property are to be applied for the benefit of the parish. The consent of the Minister is, however, still required by paragraph 2 of the same Schedule to the application of the proceeds of a sale ;

(6) Subject to the provisions of the Sale of Exhausted Parish Lands Act, 1876, which give a right of pre-emption to an owner of adjoining land and deal with minerals, etc., under the land, the above provisions are applied to a sale of any property under the Act, generally quarries which were allotted to surveyors of highways for the purpose of the repair of public and private roads in the parish ;

(7) The before-mentioned provisions do not extend to recreation grounds, village greens or open spaces, nor do they affect the powers of parish councils as to the letting, sale or exchange of property under section 8 (2) of the Local Government Act, 1894, which relates to property acquired by the council out of rates or applicable in aid of rates or held by the council in trust for charitable purposes.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
17*th May*, 1929.

Memorandum L.G.A. 17.

County Councils.
Town Councils.
Urban District Councils.
Rural District Councils.
Metropolitan Borough Councils.
Corporation of the City of London.

THE LOCAL GOVERNMENT ACT, 1929.

(PART VI. AND THE SECOND, THIRD, FOURTH AND FIFTH SCHEDULES.)

NOTE.—This memorandum is in part spent, but is necessary to an understanding of several series of financial regulations since made, *post*. For example, the Local Government (Special and Parish Rates) (Third Fixed Grant Period) Regulations, 1937 (S. R. & O.,

37, No. 751), *post*, p. 3682, refer back to the Local Government (Special and Parish ıtes) (First Fixed Grant Period) Regulations, 1932 (S. R. & O., 1932, No. 162). The repealed sections of the L.G.A., 1929, will be found in Vol. V, *post*.

Exchequer Grants and other Financial Matters.

I.—INTRODUCTORY.

1. A general description of the provisions of the Local Government Act, 1929, ıher than the financial provisions contained in Part VI. and the Second, Third, ɔurth and Fifth Schedules of the Act will be found in other Memoranda. The ːesent Memorandum deals with these financial provisions, and in particular indiıtes in some detail the first steps to be taken by the Minister of Health and the ɔal authorities respectively in order to bring them into operation.

The Agricultural Rates Act, 1929, which provides (i) that occupiers of agricultural ɲd and agricultural buildings (other than dwelling houses) shall be wholly exempt ɔm rates during the half-year from the 1st April, 1929, to the 30th September, 929; and (ii) for a compensatory Exchequer Grant to rating authorities for that alf-year only, is not dealt with in this Memorandum but in a separate circular hich has already been sent to local authorities.

2. Throughout this Memorandum the word "Act" means, unless the context therwise requires, the Local Government Act, 1929, and the provisions of Part V. f the Act relating to the complete or partial exemption from rates of the occupiers f certain hereditaments are referred to as "the derating provisions," while the ɔor Law and Highway services which, under Parts I. and III. of the Act respecively, will be transferred mainly to the councils of counties and county boroughs ɹe referred to, as in the Act itself, as "the transferred services."

The derating provisions of the Act will take effect on the 1st October, 1929, ɯd the transferred services will be transferred on the 1st April, 1930. The period ɔetween these two dates is throughout this Memorandum called "the transitory ɔeriod."

3. Part VI. of the Act contemplates that the present system of Exchequer ɟrants which was in operation in the year ending 31st March, 1929, shall continue ɔo operate in respect of the whole of the year ending 31st March, 1930, and provides ɔhat as from that date certain of those grants shall be discontinued and a new ɜystem of Exchequer Grants brought into operation. In the last six months of the year ending 31st March, 1930, during which the derating provisions of the Act will be in operation, an additional (temporary) grant will be payable in respect of that period only. The object of this grant is to make good to rating authorities the loss of rate-income arising during the transitory period by reason of those provisions.

4. Stated very broadly, and from the point of view of local government only, the principal objects of the new system of grants which will operate as from 1st April, 1930, are (i) to provide a contribution from the State towards local government expenses; and (ii) to secure that the amount of this contribution shall ultimately be distributed among the several counties and county boroughs in proportion to their respective needs as measured in the manner laid down in the Act. In order to avoid too violent a dislocation of existing local financial arrangements, the Act provides that certain modifications of this ultimate basis shall apply during the first seventeen years of the scheme, *i.e.*, during the period between the 1st April, 1930, and the 31st March, 1947.

5. The following sections of this Memorandum deal successively with :—

(i) the transitory period;

(ii) the discontinuance, as from the 31st March, 1930, of certain Exchequer Grants and the winding up of the Local Taxation Account and of the Exchequer Contribution Accounts;

(iii) the new system of Exchequer Grants to be brought into operation on the 1st April, 1930;

(iv) some miscellaneous financial provisions; and

(v) the steps necessary to bring the new scheme of grants into operation.

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II.—TRANSITORY PERIOD.

(1ST OCTOBER, 1929, TO 31ST MARCH, 1930) (*a*).

III.—DISCONTINUANCE OF CERTAIN GRANTS AND THE WINDING-UP OF THE LOCAL TAXATION ACCOUNT AND OF THE EXCHEQUER CONTRIBUTION ACCOUNTS.

12. The Second Schedule to the Act specifies the exchequer grants which under sub-section (1) of section 85 cease to be payable in respect of any period after the 31st March, 1930. The grants to be discontinued are:—

(i) All grants hitherto paid out of the Local Taxation Account, viz.:—

(*a*) The estate duty grant;

(*b*) The equivalent of the proceeds of such of the local taxation licence duties as are not levied by the councils of counties and county boroughs (including the fixed sums payable in respect of the duties on carriage licences and liquor licences);

(*c*) The annual grant of £60,000 towards the cost of the collection of licence duties;

(*d*) The fixed grant payable in respect of the proceeds of the Local Taxation (Customs and Excise) Duties;

(*e*) The fixed grant payable under the Agricultural Rates Act, 1896; and

(*f*) The variable grant payable under the Agricultural Rates Act, 1923.

(ii) The undermentioned grants hitherto made in respect of certain health services, viz.:—

(*a*) Grants for maternity and child welfare, other than the training of midwives and health visitors;

(*b*) Grants for the treatment of tuberculosis;

(*c*) Grants for the treatment of venereal diseases;

(*d*) Grants for the welfare of the blind; and

(*e*) Grants in respect of mental defectives.

(iii) The undermentioned road grants hitherto made out of the Road Fund, viz.:—

(*a*) Classification grants in respect of Class I. or Class II. roads and bridges in London and county boroughs; and

(*b*) Grants for the maintenance of unclassified roads in areas comprised in administrative counties.

The above-mentioned grants will be payable in respect of the year ending the 31st March, 1930.

13. The sums payable or transferable out of the Exchequer Contribution Accounts of the several counties and county boroughs in respect of the year ending 31st March, 1930, should be paid or transferred, as may be appropriate in the special circumstances. The Local Taxation Account and the Exchequer Contribution Accounts will thereupon be wound up in accordance with the provisions of section 85. Financial adjustments affecting the discontinued grants will cease to have effect, but in certain cases provided for in sub-section (5) of section 85 a new financial adjustment may be necessary.

14. Steps have been taken to expedite the determination of the amounts payable to the credit of the Exchequer Contribution Accounts of the councils of counties and county boroughs in respect of the standard year (i) by the Minister, out of the Local Taxation Account; and (ii) by the Postmaster-General, in respect of the proceeds of the Local Taxation Licence Duties levied by the councils.

Information showing the extent, if any, to which the amounts paid to the credit of the Exchequer Contribution Accounts for the standard year are affected by financial adjustments will in due course be called for by the Minister from the councils of counties and county boroughs in order that he may be in a position

(*a*) This part of the memorandum is now spent: see paragraph 3 in Part I., *supra*.

to certify, for each county and county borough, the net amount of such of the discontinued grants for the standard year as are affected by those adjustments. It is essential that in the meantime any council concerned with an outstanding financial adjustment shall proceed without delay to dispose of all outstanding questions affecting the apportionment of the discontinued grants. The attention of the councils of counties and county boroughs is specially directed in connection with this matter to the provisions of sub-section (5) of section 85.

Local Taxation Licence Duties levied by the Councils of Counties and County Boroughs.

15. These duties will continue to be leviable by the councils of counties and county boroughs after the 31st March, 1930, and the proceeds thereof will, after that date, be applicable in the case of a county council to expenses chargeable on the general county fund, and in the case of a county borough to expenses chargeable on the general rate. Any financial adjustment affecting the allocation of such proceeds should be dealt with in accordance with the provisions of sub-section (5) of section 85.

Certain payments hitherto charged on Exchequer Contribution Accounts to be charged on County and County Borough Funds.

16. Payments corresponding to those which the councils of counties and county boroughs have hitherto been liable to make out of their Exchequer Contribution Accounts towards the salaries of medical officers of health and sanitary inspectors and the remuneration of public vaccinators will be made, after the 31st March, 1930, by those councils out of their general funds in accordance with the provisions of the Third Schedule to the Act.

Payments hitherto made out of, or diverted from, the Local Taxation Account in respect of charges on the Cattle Pleuro-Pneumonia Account and in respect of rates on certain tithe rent charges.

17. In connection with the winding-up of the Local Taxation Account, the arrangements set out in paragraphs 1 and 2 of the Third Schedule will come into operation. One result will be that the amount of exchequer grants distributable to local authorities will no longer be affected by any variation in the amounts of the payments mentioned in the heading to this paragraph.

Sums hitherto paid out of the Local Taxation Account which were applicable specifically towards the costs of the pay and clothing of the police and police superannuation and the costs of higher education.

18. It is intended that, in respect of any period after the 31st March, 1930, these payments, so far as they relate to the police, shall be merged in grants to be paid by the Home Office, and, so far as they relate to higher education, shall be merged in grants to be paid by the Board of Education.

IV.—NEW EXCHEQUER GRANTS-IN-AID OF LOCAL GOVERNMENT EXPENSES.

19. The local authorities to whom the new grants will be paid as from the 1st April, 1930, are county councils, county borough councils, metropolitan borough councils and the common council of the city of London, and the councils of county districts, that is, non-county boroughs, urban districts not being boroughs, and rural districts. The new grants will be paid by the Minister directly to these authorities.

20. The general outline of the new scheme of grants is as follows:—Each year there is to be provided by Parliament, for distribution to local authorities in England and Wales, a sum of money called the *General Exchequer Contribution.*

The annual amount of the General Exchequer Contribution will not vary during a "fixed grant period." In accordance with the provisions of sub-section (2) of section 86 the annual amount of the General Exchequer Contribution for the first fixed grant period will be revised for the second fixed grant period as from

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the beginning of that period; the annual amount for the second fixed grant period will for the third fixed grant period be revised as from the beginning of the third grant period; and so on for each subsequent fixed grant period.

The first fixed grant period is the period of three years from the 1st April, 1930, to the 31st March, 1933; the second fixed grant period is the period of four years from the 1st April, 1933, to the 31st March, 1937; and each subsequent fixed grant period is the period of five years from the expiration of the previous period. At each revision the amount of the General Exchequer Contribution is to be determined by Parliament, subject, however, to the condition contained in sub-section (3) (c) of section 86, which provides for the maintenance of a certain minimum ratio between the General Exchequer Contribution and the total rate and grant-borne expenditure of the country.

The General Exchequer Contribution will first be apportioned, on a basis specified in the Act, among all the administrative counties and county boroughs, the amount so apportioned to any county being called the *County Apportionment* and the amount so apportioned to any county borough being called the *County Borough Apportionment*. In the case of a county borough, the County Borough Apportionment will be payable to the council of that county borough as its *General Exchequer Grant*. In the case of a county, the County Apportionment is to be divided between the councils of the county districts on the one hand and the county council on the other hand; and the balance of the County Apportionment which remains after the amount payable to the councils of the county districts has been set aside for that purpose, will be payable to the county council as its *General Exchequer Grant*. The total grant payable to the council of a county district is the General Exchequer Grant of that council.

In any case where the County or County Borough Apportionment does not reach a certain sum specified in the Act an *Additional Exchequer Grant* will be payable to the council of that county or county borough. Any such grants will be provided by Parliament out of moneys additional to the General Exchequer Contribution.

In accordance with section 105 the General Exchequer Grant and the Additional Exchequer Grant (if any) of a county council are to be applicable to general county purposes.

There is a further type of grant, called the *Supplementary Exchequer Grant*, which is not part of the main scheme, but is a temporary and diminishing grant intended to ease the transition from the existing system of local government to the new system. The authorities to whom supplementary grants will be payable are mentioned in later paragraphs. These grants are intended to ensure that no separately rated area shall, owing to the operation of the scheme, suffer any increase of rate poundage for the first five years of the scheme. After the first five years each Supplementary Exchequer Grant is to be reduced annually by one-fifteenth of its initial amount, so that after 19 years no Supplementary Exchequer Grant will be payable. These Supplementary Grants, like the Additional Exchequer Grants, will not be payable out of the General Exchequer Contribution, but out of additional sums to be provided by Parliament.

Estimated total amount of the New Exchequer Grants.

21. It is estimated upon the basis of figures for 1926–27 that in each year of the first fixed grant period the amount of the General Exchequer Contribution for England and Wales will be about £45,500,000, that the Additional Exchequer Grants will amount to about £650,000, and that the Supplementary Exchequer Grant will amount to about £1,680,000, making a total of about £47,830,000 annually.

In the following paragraphs, further particulars are given as to the new system of grants.

The General Exchequer Contribution.

22. Section 86 provides that the General Exchequer Contribution for England and Wales shall be the total of the following amounts:—

(i) An amount equal to the total "losses on account of rates" arising from the derating provisions. (This amount is at present estimated to be about £24,000,000 for England and Wales.)

(ii) An amount equal to the total "losses on account of grants" arising from the discontinuance of certain existing grants. (This amount is at present estimated to be about £16,500,000 for England and Wales.)

(iii) An additional amount which, for each of the three years 1930–31, 1931–32 and 1932–33, is fixed at £5,000,000 for England and Wales.

"*Losses on account of Rates.*"

23. Part I. of the Fourth Schedule sets out the rules for determining the amounts of the losses on account of rates due to the derating provisions of the Act. ["Rates" has the same meaning as in sub-section (1) of section 68 of the Rating and Valuation Act, 1925, *i.e.*, it comprises general rates, additional items of general rates, and special rates only.] The "loss on account of rates of a county" is for the purposes of the Act to be deemed to be the aggregate of the losses on account of rates of all the separate rating areas in the county. For the purpose of determining these losses the Minister is to estimate and certify as respects each rating area the expenditure in respect of the "*standard year*" (that is, the financial year 1928–29), which would have fallen to be borne by rates levied in that area on certain assumptions, set out in Rule I. of Part I. of the Fourth Schedule, the most important being that expenditure on the transferred services is to be treated as if it had been expenditure of county or county borough councils.

In the case of a joint authority and in a case where the area of an authority extends into more than one county or county borough, and it is, therefore, necessary to apportion the expenditure of the authority, the apportionment will be made in accordance with the provisions of sub-section (1) of section 108 or sub-section (1) of section 109 as may be appropriate.

Under section 107 it is provided that for the purposes of estimating losses on account of rates, contributions in lieu of rates in respect of Crown property shall be treated as rates.

24. To enable the Minister to make these estimates of rate-borne expenditure every local authority is required, under the Local Government (Statements of Rate-borne Expenditure) Regulations, 1929, issued under section 108 (1) (*c*), to furnish to him a statement giving information in a prescribed form and by a prescribed date as to the income and expenditure of the authority in respect of the standard year. The Regulations define the expression "income and expenditure" and provide that the statements shall be compiled from the accounts as made up and balanced in accordance with the established practice of the authority. Statements of receipts and expenditure will be accepted in appropriate cases.

25. It will be seen from paragraph 22 of this Memorandum that the amount of the General Exchequer Contribution, on which is to be based the grant to each individual authority, cannot be finally determined until that part of it relating to total losses on account of rates in England and Wales has been ascertained. It is obvious that this cannot be done until every local authority has furnished the statement as to income and expenditure which is mentioned above. It is accordingly of paramount importance that these statements should be sent to the Ministry as soon as possible.

26. It is intended that most of the "prescribed forms" mentioned in paragraph 24 shall be issued to local authorities during April and May, 1929, and in view of what is stated above the latest dates for the submission of the statements to the Minister have been fixed by the Regulations as follows:—

(i) Boards of guardians and joint authorities representative only of those boards—31st May, 1929.

(ii) Rural district councils and joint authorities representative only of rural district councils—30th June, 1929.

(iii) Councils of municipal boroughs (not being county boroughs) all of whose accounts are subject to audit by district auditors, councils of urban districts (not being boroughs) and joint authorities upon which any of those councils are represented—30th June, 1929.

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(iv) Councils of counties and municipal boroughs (excluding boroughs to which paragraph (iii) above relates), councils of metropolitan boroughs, the common council of the city of London, and any other local authorities— 31st July, 1929.

"*Losses on account of Grants.*"

27. The present Exchequer Grants which cease under sub-section (1) of section 85 to be payable in respect of any period after the 31st March, 1930, have been specified in paragraph 12. It has also been mentioned in paragraph 18 that although all these grants are to be discontinued, sums representing the portions of them at present applicable specifically in aid of the costs of the police and costs of higher education will in future be paid to local authorities by the appropriate Government departments.

The total of the "losses on account of grants" is the total amount of the discontinued grants payable in respect of the standard year, excluding, however, the sums which were applicable in aid of higher education and police services referred to above. These amounts will be estimated and certified from the records of the appropriate Government departments; and, except as regards financial adjustments of Local Taxation Account moneys (see paragraph 14), local authorities will not be required to furnish returns specifically for this purpose.

The rules for determining losses on account of grants are contained in Part II. of the Fourth Schedule.

The "loss on account of grants of a county" is the aggregate of those losses for the county council and for every borough council, district council and other spending authority (including boards of guardians and voluntary associations) within the county.

28. Provision is made in the rules—see paragraph 2 of Part II. of the Fourth Schedule—for calculating the loss on account of classified road grants as if those grants had been made in respect of the standard year at the higher rates (viz., 60 per cent. for Class I. roads and 50 per cent. for Class II. roads) at which they will be made in respect of the year 1929–30.

29. Sub-section (2) of section 109 deals with the apportionment of discontinued grants in cases where apportionment is necessary, *e.g.*, where a board of guardians, rural district council or voluntary association has operated in more than one county.

County Apportionments and County Borough Apportionments.

30. Provision is made in section 88 whereby eventually, that is, from 1st April, 1947, the whole of the General Exchequer Contribution will be apportioned between counties and county boroughs on the basis of "weighted population." The formula for arriving at weighted population is set out in Part III. of the Fourth Schedule of the Act, and is explained in the Appendix to this Memorandum. During the first four fixed grant periods part only of the General Exchequer Contribution will be allocated on the basis of weighted population. For these four periods each County Apportionment and each County Borough Apportionment will be made up of (i) the "appropriate percentage" of the losses on account of rates and the losses on account of grants of the county or county borough for the standard year, and (ii) the share of the county or county borough, in proportion to weighted population, of the balance of the General Exchequer Contribution. The "appropriate percentage" means for the first two fixed grant periods 75 per cent., for the third fixed grant period 50 per cent., and for the fourth fixed grant period 25 per cent.

Grants to Councils of Counties other than London.

31. As already mentioned in paragraph 20, the *General Exchequer Grant* of the council of a county is such portion of the County Apportionment of that county as is not required to be set aside for making grants to the councils of the county districts within the county (section 89). The grants so payable to the councils of county districts are described in paragraphs 33 to 37 below.

32. As also stated in paragraph 20, an *Additional Exchequer Grant* is payable (section 90) to the council of a county in any case where the County Apportionment

falls short of a certain amount. This amount is the "standard sum," which, in the first fixed grant period, is the sum of the losses on account of rates and the losses on account of grants of the county in the standard year. In any case where the County Apportionment for the first fixed grant period falls short of the "standard sum" increased by a sum equivalent to one shilling per head of the estimated population (unweighted) of the administrative county for the standard year, the amount of the Additional Exchequer Grant for that fixed grant period will be equal to the amount of the deficiency.

Grants to non-County Borough Councils and other Urban District Councils.

33. Any grant payable under the Act to the council of a non-county borough or other urban district will be called the *General Exchequer Grant* of that council, and will, in accordance with the provisions contained in sections 91, 93 and 94, be arrived at as follows:—

(*a*) Sums set aside from the County Apportionment:—

(i) A capitation grant, calculated at a flat rate per head of (unweighted) population for every urban district in England and Wales (see paragraph 34); and

(ii) A sum allocated to any council which administers maternity and child welfare services—such sum to be determined in accordance with a scheme to be made by the Minister (see paragraph 35).

(*b*) A sum added by way of Supplementary Exchequer Grant in any case where it is estimated that an increase of rates would result from the operation of the scheme (see paragraph 36).

(*c*) In any case where it is estimated that a decrease of rates would result from the operation of the scheme there will be deducted from the amount of the above-mentioned capitation grant for the district a sum representing a contribution towards the losses in other districts in the county (see paragraph 36).

34. Under Part IV. of the Fourth Schedule the flat rate at which the above-mentioned capitation grant will be paid will be determined by dividing one-half of the aggregate of the County Apportionments of counties other than London by the aggregate population (unweighted) of those counties, the result being taken to the nearest penny. It is estimated that the flat rate would have been about 12*s.* 6*d.* per head in the year 1926–27 if the Act had been in operation in that year.

35. Section 93 provides that for each county containing a district, the council of which have established a Maternity and Child Welfare Committee, the Minister shall, after consultation with the county council and the councils of the districts concerned, make a scheme. The scheme will specify the addition to be made to the grants payable by the Minister out of the County Apportionment to each of the district councils administering maternity and child welfare services. The Minister will in due course prepare a scheme for every such county and will forward the draft scheme to the county council and the district councils concerned, for their consideration.

36. As mentioned in paragraph 20 above, the Act makes provision, as part of the gradual process by which the new scheme is to be brought into operation, that no separately rated area * shall suffer an increase of rate poundage by reason of the operation of the scheme during the first five years in which it is in force, and that any necessary rate adjustments consequent on the operation of the scheme shall be spread gradually over the following fourteen years.

The adjustments will be based on "gains" or "losses" which the Minister is to ascertain in respect of each separately rated area in accordance with the Rules set out in the Fifth Schedule to the Act. If the calculations made under that

* The whole of any borough or district which is not subject to separate or differential rating is a "separately rated area"; and if, within a borough or district, there is a parish or other part which is subject to separate rating or to differential rating of a permanent character, that parish or part is a "separately rated area"—see definition in section 134.

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schedule show that any such area would suffer a loss (*i.e.*, an increase of rate poundage) by reason of the operation of the scheme, then to the General Exchequer Grant otherwise payable by the Minister to the borough or district council of the area he will add for each of the first five years of the scheme a sum equal to the whole amount of the loss as ascertained in accordance with the rules. The money out of which any such additional sum will be paid by the Minister will be obtained from the under-mentioned sources :—

(A) One-half will be obtained from contributions drawn from those separately rated areas within the county which "gain" under the scheme. All the areas which gain will for this purpose give up, by way of deductions made from the General Exchequer Grants otherwise payable to their councils, an equal proportion of their gains, provided that no council will be required to give up, by way of such deduction, a sum larger than the amount of its capitation grant.

(B) The other half, together with any deficiency in the contribution arising from the limitation mentioned in (A), will be obtained from a further Exchequer grant called the "*Supplementary Exchequer Grant.*"

The amount of each of the sums mentioned in (A) and (B) above will remain fixed for each area for the first five years of the scheme. Thereafter the amounts of any contributions so made by the areas and the Exchequer will be reduced annually by one-fifteenth of the initial amounts, and the sums received out of those contributions will likewise be reduced by one-fifteenth annually.

37. Regulations will in due course be made under section 94 (1) (*d*) by the Minister for securing that the grant paid to the council of any non-county borough or other urban district which contains two or more separately rated areas shall be so distributed as to effect a rate adjustment between those areas in the manner contemplated by the Act. But, subject to these Regulations, the grant payable to the council of any such borough or district is applicable in aid of the total expenses otherwise falling to be met out of the general rate of the borough or district, including expenses of the county council as well as expenses of the borough or district council.

Grants to Rural District Councils.

38. Any grant payable under the Act to the council of a rural district will be called the *General Exchequer Grant* of that council and will be arrived at in a similar manner to that for the councils of urban districts, and paragraphs 33 to 36 apply equally to councils of rural districts, with the following modifications :—

(i) The capitation grant will be calculated at a flat rate which will be one-fifth of that applicable in the case of urban districts ;

(ii) In calculating "losses" and "gains" of separately rated areas, parish rates * and special rates * will not be brought into account.

(iii) Section 92 provides that, where a parish rate or special rate was levied within a rural district in the standard year, there shall, in addition to the sums mentioned in paragraph 33 (*a*) of this Memorandum, be set aside out of the County Apportionment a further sum which is to be paid by the Minister to the rural district council in respect of losses on account of special rates and parish rates levied within the rural district. For the first and second fixed grant periods this further sum will be equivalent to 75 per cent. of the losses on account of such rates estimated on the basis of the figures for the standard year. During these two periods the remaining 25 per cent. of the last-mentioned losses will be paid by the county council to the rural district council. The manner in which the additional sums so received by a rural district council (*a*) from the Minister and (*b*) from the county council are to be applied in aid of special and parish rates will be dealt with in Regulations to be made in due course by the Minister under

* "Parish rate" means a rate or an additional item of a rate levied to meet the expenses of a parish council or parish meeting (other than expenses, if any, which are chargeable on a special rate) and includes any additional item of the general rate which by virtue of section 3 of the Rating and Valuation Act, 1925, is to be levied in lieu of a special rate. "Special rate" has the same meaning as in the Rating and Valuation Act, 1925.

sub-section (2) of section 92. Provision for periods subsequent to the second fixed grant period is contained in the section.

The Regulations mentioned in paragraph 37 will apply also to rural district councils.

The grants payable under the Act to a rural district council (other than the grants in respect of parish rates and special rates) will be applicable to all expenses chargeable on the general rate of the district, including expenses of the county council.

Grants to County Borough Councils.

39. As stated in paragraph 20 of this Memorandum, the whole of the County Borough Apportionment will be paid to the county borough council and will be the *General Exchequer Grant* of the council (section 95).

40. An *Additional Exchequer Grant* will, under section 96, be payable to the council of a county borough in any case where the County Borough Apportionment falls short of a certain amount. This amount for the first fixed grant period is the "standard sum" increased by a sum equivalent to one shilling per head of the (unweighted) population of the county borough for the standard year. The "standard sum" for the first fixed grant period is so defined as in effect to be equal, in the case of a county borough which is coterminous with a poor law union, to the aggregate of the losses on account of rates and the losses on account of grants as estimated for the standard year. In the case of any other county borough the "standard sum" is so defined as in effect to be equal to the corresponding aggregate for that borough, increased by the loss, or reduced by the gain, of the county borough as a whole, due to any alteration of area of charge consequent upon the transfer of poor law functions to the council of that borough. "Losses" and "gains" will be calculated in the manner laid down in the Fifth Schedule.

41. Where a county borough contains two or more separately rated areas, section 97 provides for an adjustment of the "losses" and "gains" of those areas and for the payment of *Supplementary Exchequer Grants* in certain cases. The purpose of the Supplementary Exchequer Grant is to make good, at the cost of the Exchequer, one-half of the amount of the "loss" of each separately rated area. In the case of a county borough in respect of which an Additional Exchequer Grant is payable, these losses will already have entered into the calculation of the amount of the Additional Exchequer Grant. The section provides in such a case that a Supplementary Exchequer Grant shall be payable only if the Additional Exchequer Grant is less than one-half of the aggregate amount of the losses of those separately rated areas within the county borough which lose, and that the amount of the Supplementary Exchequer Grant shall be such that the total of the Additional and Supplementary Exchequer Grants is equal to one-half of the aggregate losses. Regulations designed to effect the rate-adjustments contemplated by the Act will in due course be made under the section by the Minister. These Regulations will deal with the method of distributing the grants between any separately rated areas within a county borough.

Grants to the London County Council.

42. The London County Apportionment will be calculated in the same manner as for other administrative counties, and, under section 98, the *General Exchequer Grant* to the London county council will be the balance of the County Apportionment after deducting the sums set aside for payment to the common council of the city of London and the councils of the metropolitan boroughs. The provisions as to *Additional Exchequer Grants* also apply to the London county council as they apply to the councils of other administrative counties (section 99). In the case of London, however, there are special provisions relating to the *Supplementary Exchequer Grants* (section 100). These grants are necessarily payable to the local authorities charged with the duty of making such rate-adjustments as will ensure that no separately rated area shall, for the first five years, lose by reason of the scheme. Except in the county of London these authorities are the rating authorities. In London, because the rate-adjustments will, under the provisions of section 100,

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be made, not by the rating authorities, but by the county council, and by means of a differential county rate, the Supplementary Grant in respect of areas within the county will be payable to the county council.

Grants to the Common Council of the City of London and to the Councils of Metropolitan Boroughs (section 98).

43. The only grant payable under the Act to each of these councils is the *General Exchequer Grant* of that council. These grants will be set aside by the Minister out of the London County Apportionment and paid by him to each council. They will not be calculated in the same manner as those set aside for county districts out of the County Apportionments of Counties other than London, but will be more analogous to the General Exchequer Grants payable in the case of county boroughs. Thus, the General Exchequer Grant payable to each of these councils will, for the first fixed grant period, be the sum of the following amounts:—

(i) 75 per cent. of the aggregate of the losses on account of rates and the losses on account of grants of the council.

(ii) a grant based on population weighted by the children and rateable value factors only, and calculated at one-third of the rate per head applicable in the case of county boroughs.

An appropriate proportion of the expenditure and grants of the Receiver of the Metropolitan Police District will for this purpose be regarded as rates and grants of the council of each metropolitan borough [section 108 and Fourth Schedule, Part II., paragraph 6 (*b*)].

Sub-section (4) of section 98 provides that the London (Equalisation of Rates) Act, 1894, shall cease to have effect as from 1st April, 1930.

Payment of Grants.

44. Section 103 provides that the new grants shall be payable as and when the Treasury may direct.

The proposal as regards the payment of the grants for the transitory period will be found in paragraph 7 of this Memorandum.

As regards the new Exchequer grants payable after 1st April, 1930, it is contemplated that eight payments will be made in each year and that the method of payment will be that adopted in the case of grants from the Local Taxation Account, namely, by payment to the banking account of the local authority's treasurer through the head office or the London agent of his bank. It is proposed that the first payment of grant shall be made in May, 1930. It is intended to send a further communication to local authorities on this subject in due course.

V.—OTHER FINANCIAL PROVISIONS IN PART VI. OF THE ACT.

Voluntary Associations carrying out Health Services.

45. Direct grants will no longer be payable to these associations by the Minister, but will be replaced by contributions payable to them by local authorities. In the case of voluntary associations providing maternity and child welfare services (section 101) or services for the blind or mental defectives (section 102) the amounts of these contributions will be determined by schemes to be approved or made by the Minister. As regards the schemes under section 101 relating to the maternity and child welfare services, Memorandum L.G.A. 5 has already been addressed to county and county borough councils. Section 102 also provides for a scheme to be made by the Minister to determine the amounts of the contributions payable by the councils of counties and county boroughs in Wales and Monmouthshire to the Welsh National Memorial Association in respect of the treatment of tuberculosis.

Section 106 provides that the Minister, at the request of the council of a county or county borough, may pay the contribution of that council directly to any voluntary association and deduct the amount of such payment from the General Exchequer Grant of that council.

Power of the Minister to reduce grants.

46. Section 104 provides that in circumstances specified therein the Minister may, subject to confirmation by Parliament, reduce by such amount as he thinks just the amount of grant payable in any year under the Act to any council.

Power of the Minister to make Regulations.

47. Section 108 gives the Minister the power to make Regulations for giving effect to the provisions of Part VI. of the Act, and provides in particular that Regulations may be made as to—

(*a*) the manner in which the expenditure of joint authorities is for the purposes of Part VI. to be apportioned between the areas of the constituent authorities;

(*b*) the manner in which the new grants are to be adjusted in connection with alterations of authorities or boundaries taking effect on or after the 1st April, 1930; and

(*c*) the manner in which estimates and calculations are to be made for the purposes of Part VI., and the manner in which the necessary information for those purposes is to be obtained.

Such Regulations, when made, must be laid before Parliament.

Adjustments necessitated by alterations of area, etc., taking effect between 1st April, 1928, and 1st April, 1930, will be made by the Minister under section 111.

VI.—SUMMARY OF THE STEPS NECESSARY TO BRING THE NEW SCHEME OF GRANTS INTO OPERATION (*a*).

APPENDIX.

RULES FOR DETERMINING WEIGHTED POPULATION.

(*Part III. of the Fourth Schedule.*)

I.—As stated in paragraph 30 of this Memorandum, the Act provides (section 88) that ultimately (*i.e.*, from the 1st April, 1947) the whole of the General Exchequer Contribution for England and Wales shall be apportioned amongst the several counties and county boroughs therein on the basis of weighted population, but that during the first two fixed grant periods (*i.e.*, during 1930–37) only part—approximately one-third—is to be so apportioned. The Act also provides (section 110) that before the expiration of the second fixed grant period, *i.e.*, before the 31st March, 1937, the working of the rules as to the calculation of weighted population shall be inquired into and reported upon to Parliament.

II.—For the purposes of the Act the weighted population of each administrative county, each county borough and (in a modified form, see paragraph 43) of the city of London and each metropolitan borough, will be determined. It will not be necessary to determine the *weighted* population of any parish, district, or other area within an administrative county, county borough, or metropolitan borough.

III.—Weighted population for each county and county borough will be determined for the period 1930–37 in the following manner:—

(1) The population as estimated by the Registrar-General (*hereinafter referred to as "the population"*) will be increased:—

(i) where the proportion of children under 5 years of age per 1,000 of the population is more than 50, by the percentage which the excess over 50 bears to 50; and

(ii) where the rateable value per head of the population is less than £10, by the percentage which the amount of the difference between £10 and the rateable value per head bears to £10.

(2) The population, as increased under (1) above, will be further increased:—

(iii) where the average number of unemployed insured men, plus 10 per cent. of unemployed insured women, as certified by the Minister of Labour, expressed as a percentage of the population, exceeds one-and-a-half, by a percentage equal to 10 times the excess; and

LOCAL GOVERNMENT

(iv) in the case of administrative counties only, and excluding London, by a percentage in respect of sparsity of population: this percentage will be arrived at as follows:—

(a) Where the population per mile of public road is less than 100, the percentage addition will be the percentage represented by the proportion which the difference between 200 and the population per mile of road bears to 200;

(b) Where the population per mile of public road is greater than 100, the percentage addition will be the percentage represented by the proportion which 50 bears to the population per mile of road.

IV.—The following example shows the method of applying the factors in a hypothetical county the population of which is taken to be 400,000, the rateable value per head £4, the percentage of unemployment 2½, and the population per mile of road 250:—

(1) The population			400,000
(i) Number of children under 5 years of age per 1,000 of the estimated population	90		
Excess of 90 over 50 is 40, which is 80 per cent. of 50. Therefore, add 80 per cent. of 400,000		=	320,000
(ii) Rateable value per head	£4		
£4 is less than £10 by £6, which is 60 per cent. of £10. Therefore, add 60 per cent. of 400,000		=	240,000
Total of foregoing numbers			960,000
(2) (iii) Percentage of unemployment as certified by Minister of Labour	2½		
Excess of 2½ per cent. over 1½ per cent. is 1 per cent.; 10 times this excess is 10 per cent. Therefore, add 10 per cent. of 960,000		=	96,000
(iv) Population per mile of road	250		
250 being greater than 100, the percentage addition is represented by the proportion which 50 bears to 250. 50 is 20 per cent. of 250. Therefore, add 20 per cent. of 960,000		=	192,000
Weighted population of county, being total of foregoing numbers			1,248,000

MINISTRY OF HEALTH,
Whitehall, S.W.1.
May, 1929.

Memorandum L.G.A. 22.

Councils of Certain County Districts.

1. LOCAL GOVERNMENT ACT, 1929 (*a*).
2. MATERNITY AND CHILD WELFARE (*b*).
3. VOLUNTARY ASSOCIATIONS.

1. Section 101 of the Local Government Act, 1929, requires the council of every county, six months at least before the beginning of each fixed grant period, to prepare and submit to the Minister for his approval a scheme for securing the payment by the council of annual contributions towards the expenses of voluntary associations, if any, providing maternity and child welfare services in or for the benefit of the county. Subsection (2) provides that the associations to be included in these schemes are (*a*) those whose services are approved by the Minister immediately before the appointed day; and (*b*) those whose services are not so approved but are utilised by the council.

2. Section 101 (4) provides that a scheme made by a county council under the section shall determine whether and to what extent the services provided by any

(*a*) The unrepealed sections of the L.G.A., 1929, will be printed in Vol. V., *post*.
(*b*) See the general note to Part VII. of the Public Health Act, 1936, *ante*, p. 470.

voluntary association are such that contributions thereto should be paid by a council of a district in the county who have established a maternity and child welfare committee under the Maternity and Child Welfare Act, 1918; and that where the scheme provides for such contributions being made by the council of any district a copy thereof shall be sent to that council by the county council when the scheme is submitted to the Minister. The subsection proceeds to impose on the council of the district the duty of preparing and submitting to the Minister within three months after the receipt of the said copy, a scheme for the payment of such contributions by the council.

3. Clause 4 of the scheme made by the county council under section 101 determines that the maternity and child welfare services provided by the voluntary association(s) named in column 1 of the Second Schedule to the scheme are such that contributions thereto should be paid by the council(s) of the district(s) named in column 2 of that schedule. It is, therefore, the duty of the {town council / urban district council} to prepare and submit to the Minister within three calendar months after the receipt of a copy of the scheme made by the county council, a scheme for the payment of such contributions by the {town council / urban district council}.

4. Copies of a model scheme which the Minister has caused to be prepared for use by the council of county districts are enclosed with this memorandum. The Minister will be prepared to approve schemes on the lines of this model, and he suggests that the council should adopt this form of scheme (*a*).

5. A statement (in duplicate) is enclosed showing the amount of the grant paid by the Minister in respect of the standard year to the association(s) named in column 1 of the Second Schedule to the scheme of the county council. The statement contains a column for the amounts, if any, of the contributions paid by the council of the county district to the association(s) in respect of that year, and this column should be completed and one copy of the statement returned to the Minister as soon as possible.

6. The Minister will be glad on request to furnish the council with any information in his possession as to the activities or finances of the association(s) included in the statement, but before preparing their scheme the council should communicate with representatives of the association(s) with a view to obtaining particulars of the services now being rendered and proposed to be rendered during each of the three years comprised in the first fixed grant period, together with information as to the present and probable future cost.

7. Regard should of course be had to this information in considering the amounts of the annual contributions to be specified in the scheme, and the Minister is of opinion that, save in exceptional circumstances, the amount specified for each association should be not less than the total of the sums received by association in respect of the standard year from the Minister and the council, respectively. In framing the scheme to be made under section 93 of the Act for increasing the sum to be set aside out of the county apportionment in respect of the district, the Minister will take into account the amounts of the contributions for the payment of which provision is made in the scheme of the council under section 101 (4).

MINISTRY OF HEALTH,
....., 1929.

(*a*) The model scheme (Memorandum L.G.A. 23) is omitted from this edition.

LOCAL GOVERNMENT

CIRCULAR 1072.

MINISTRY OF HEALTH,
Whitehall, S.W.1.

12*th February*, 1930.

LOCAL GOVERNMENT ACT, 1929.

SIR,—1. I am directed by the Minister of Health to refer to section 59 (*a*) of the Local Government Act, 1929, and to enclose copies of the regulations (*b*) made under that section prescribing the qualifications of medical officers and health visitors appointed by local authorities under the Maternity and Child Welfare Act, 1918 (*c*), the Public Health (Tuberculosis) Act, 1921 (*d*), and the Public Health (Venereal Diseases) Regulations, 1916 (*e*). These regulations will come into operation on the 1st April next, and on and after that date it will not be necessary for local authorities to obtain the approval of the Minister to individual appointments of any officers appointed to carry out duties under the Acts of 1918 and 1921, or the Regulations of 1916.

2. The Minister has had under consideration the general question of the extent to which the statutory provisions now governing the administration by local authorities of the maternity and child welfare, tuberculosis, and venereal diseases services, will necessitate his approval being obtained after the 31st March next to developments of these services. He is advised that these provisions generally require his approval or sanction to the arrangements made by local authorities for discharging the functions in question. The principle underlying the Local Government Act, 1929, is that local authorities should have as much freedom as possible in administering the health services. The Minister has caused the existing statutes and regulations to be examined from that standpoint, and instructs me to make the following observations as to each of the three specified services.

Maternity and Child Welfare.

3. Section 1 of the Maternity and Child Welfare Act, 1918, enables local authorities to make such arrangements as may be sanctioned by the Minister for attending to the health of expectant and nursing mothers, and of children under the age of 5 years who are not being educated in schools recognised by the Board of Education; and section 2 of the Notification of Births (Extension) Act, 1915, empowers local authorities, for the purpose of the care of expectant and nursing mothers and young children, to exercise any powers which a sanitary authority have under the Public Health Acts, 1875 to 1907, or the Public Health (London) Act, 1891.

4. The Minister is advised that the latter section enables local authorities to provide infant welfare centres, ante-natal clinics, hospitals for pregnant women, and for sick and ailing children, and convalescent homes for mothers and young children. It will, therefore, not be necessary for the Minister's sanction to be obtained in future to the provision or extension of any institutions of these kinds unless the local authority propose to raise a loan to defray any necessary capital expenditure. Similarly, any arrangements which the local authority propose to make with the managers of voluntary institutions of these kinds, which provide services of the standard required by the local authority, can be made without the sanction of the Minister.

5. The authority for other services commonly provided as part of the arrangements for maternity and child welfare, such for instance as health visiting, a midwifery service, maternity nursing and nursing for expectant mothers and young

(*a*) Repealed by the Public Health Act, 1936, *ante*, p. 732, but see note (*d*) to s. 204 of that Act, *ante*, p. 475.
(*b*) These regulations are set out at p. 3296, *post*.
(*c*) 11 Halsbury's Statutes 742. Repealed; see now Part VII of the P.H.A. 1936, *ante*, p. 470.
(*d*) 13 Halsbury's Statutes 971 Repealed (except s. 6); see now ss. 171 *et seq.* of the P.H.A., 1936, *ante*, p. 438.
(*e*) *Ante*, p. 2472.

children, home helps, day nurseries, and the supply of milk or meals, must be found in section 1 of the Act of 1918, and the Minister is advised that his sanction will still be necessary to the provision of any of these services. But in all cases in which any one of these services has already been provided by a local authority with his approval, he hereby sanctions the extension of that service to such an extent, and in such a manner, as the authority think desirable.

Treatment of Tuberculosis.

6. Under the Public Health (Tuberculosis) Act, 1921, county and county borough councils are required to carry out and continue in operation the schemes of institutional treatment approved by the Minister or his predecessors, and any modifications of those schemes need the Minister's approval. The institutions in which treatment is given, *i.e.*, dispensaries, sanatoria and hospitals, have also to be approved by the Minister. Section 3 of the Public Health (Prevention and Treatment of Disease) Act, 1913, enables local authorities to make such arrangements as may be sanctioned by the Minister for the treatment of tuberculosis.

7. The Minister is advised that it will be necessary for his approval to be obtained to any proposed modification of an approved scheme of institutional treatment which would result in smaller provision being made for treatment, but he hereby sanctions any extension of a scheme which the council may think desirable, so long as the extension provides for treatment being given at institutions approved by the Minister.

8. The formal approval of institutions has been given by the Minister subject, in each case, to certain specified conditions (see section 3 of the Act of 1921), and the Minister hereby varies those conditions in the case of institutions belonging to county and county borough councils, or joint committees of those councils, so as to require only the following conditions to be observed :—

(1) That the institution and the records kept thereat will be open to inspection at any time by any officer of the Ministry.

(2) That such records will be kept and such returns will be made in connection with the institution as the Minister may from time to time require.

And, in the case of an institution in which children are treated, the following further condition :—

(3) That if the Board of Education make any requirements in regard to educational arrangements for the children, those requirements will be satisfactorily met.

It will not in future be necessary for the Minister's approval to be obtained to proposed extensions of these institutions unless the cost is to be defrayed by means of a loan.

9. Under section 3 of the Act of 1913 arrangements have been sanctioned by which local authorities have been enabled to provide certain forms of non-institutional treatment for tuberculosis, such as nursing in the homes of patients and the supply of extra nourishment for patients who are living at home. The Minister is advised that it will be necessary for his sanction to be obtained in any case in which a local authority propose to initiate any such arrangements, but he hereby sanctions any extension which the local authority think desirable of arrangements already approved.

Venereal Diseases.

10. The Public Health (Venereal Diseases) Regulations, 1916, require county and county borough councils to make arrangements for the pathological examination of specimens, for the provision of treatment at hospitals or other institutions, and for the supply of arsenobenzene preparations to medical practitioners. These arrangements are subject to the approval of the Minister, and the regulations also require his approval of the laboratories at which specimens are examined, and of the institutions at which treatment is given.

11. The Minister is advised that it will be necessary, under the regulations, for his approval to be obtained to any proposed modifications of the arrangements already approved which would result in a curtailment of the existing facilities for diagnosis or treatment, but he hereby sanctions any extension of such arrangements

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which the councils may think desirable, provided that the arrangements are made with approved laboratories or institutions. It will also be necessary to obtain his approval of the supply to medical practitioners of any arsenobenzene preparation which is not included in the lists of approved preparations issued from time to time by this department.

12. The Minister's approval of laboratories and institutions has been given subject in each case to certain specified conditions, and he hereby varies the terms of these approvals so as to require only the following conditions to be observed:—

(1) That the laboratory or institution, and the records kept thereat, will be open to inspection at any time by any officer of the Ministry.

(2) That such records will be kept, and such returns will be made, of the work of the laboratory or institution, as the Minister may from time to time require.

(3) That the Wassermann tests at the laboratory will be performed under the personal supervision of the medical officer in charge of the laboratory, and that such tests will conform to the standards of technique approved by the Minister.

And, in the case of a laboratory or institution which is not provided by a local authority, the following further condition:—

(4) That the medical officer in charge of the laboratory or institution possesses the qualifications prescribed in the regulations made by the Minister under section 59 of the Local Government Act, 1929, for a medical officer in charge of a laboratory or for a medical officer in clinical charge of a treatment centre, provided by a local authority, as the case may be.

General.

13. Although the formal approval of the Minister will not in future be required to the establishment or extension of institutions provided under these three services, unless it is proposed to raise a loan to defray the cost, the department will, of course, be prepared at any time to advise on the planning, equipment or staffing of such institutions, or in regard to any proposed extensions. Considerable experience has now been accumulated in the planning of maternity homes, sanatoria and venereal disease clinics. It seems to the Minister essential that the fullest use should be made of this experience and the Ministry will hold itself in readiness to place it at the disposal of local authorities, and to give any other assistance or advice which may be desired.

14. The inspection by the medical officers of the department of these services, and of the institutions and premises in which the services are carried on, will, in future, usually form part of the general inspection of public health services to be undertaken from time to time in each area. These inspections, both general and particular, will be required in order that the Minister may be satisfied that each local authority is maintaining a reasonable standard of efficiency and progress in the discharge of their functions relating to public health services, as defined in the Local Government Act, 1929, regard being had to the standards maintained in other areas whose financial resources and other relevant circumstances are substantially similar.

15. A further communication will be addressed to local authorities in due course relative to the annual returns which the Minister will require in future under section 51 of the Act with respect, *inter alia*, to the three services to which this circular refers.

I am, Sir,
Your obedient Servant,
A. B. MACLACHLAN,
Assistant Secretary.

The Clerk of the Council,
or Joint Committee,
or The Town Clerk.

S. R. & O., 1930, No. 59.

THE DISCONTINUED GRANTS (APPORTIONMENT) ORDER, 1930, DATED JANUARY 14TH 1930, MADE BY THE MINISTER OF HEALTH UNDER SECTION 109 OF THE LOCAL GOVERNMENT ACT, 1929.

Whereas by subsection (2) of section 109 of the Local Government Act, 1929 (*a*), it is provided that where by the rules contained in the Fourth Schedule to that Act the amounts paid or payable to any authority out of the discontinued grants are required to be apportioned the apportionment shall be made in the case of grants other than those mentioned in paragraphs (*a*) or (*b*) of the said subsection on such basis as the Minister of Health may by order direct;

And whereas the grants mentioned in the schedule to this Order are grants to which the provisions aforesaid apply.

Now therefore the Minister of Health in exercise of the powers conferred upon him by section 109 of the Local Government Act, 1929 (*a*), and of all other powers enabling him in that behalf hereby orders and directs as follows:—

1. This Order may be cited as "The Discontinued Grants (Apportionment) Order, 1930."

2. In this Order, the expression "population" means population as estimated by the Registrar General for the calendar year 1928.

Other expressions have the same meaning as in the Local Government Act, 1929.

3. The amount paid or payable in respect of the standard year out of the discontinued grants mentioned in the first column of the Schedule to this Order to the several spending authorities therein mentioned shall, in each case, be apportioned for the purposes of Rule 3 of Part II of the Fourth Schedule to the Local Government Act, 1929 (*a*), on the basis set out in the second column of the said Schedule.

(*a*) See Vol. V, *post*.

SCHEDULE.

Discontinued grants apportionable between Counties or County Boroughs concerned.	Basis on which grants mentioned in the first column are to be apportioned between Counties or County Boroughs concerned.
1. Grants under the Agricultural Rates Acts, 1896 and 1923, applicable to such of the general expenses of the Council of a rural district which is not wholly comprised in one county as are chargeable at a uniform amount in the pound over the whole district.	(*a*) As to such portion of such grants as is estimated in accordance with the provisions of Article 3 (7) of the Local Government (Calculation of Rate-borne Expenditure, &c.) Regulations, 1929, to be income in aid of expenses incurred otherwise than on transferred services, in proportion to the unreduced rateable value of the parts of the rural district within the several counties; and (*b*) As to such portion of such grants as is estimated in accordance with the provisions aforesaid to be income in aid of expenses incurred on transferred services, in the same proportions as those in which the expenditure of the Council during the standard year on the services transferred is to be apportioned between the several counties in accordance with the provisions of section 109 of the Local Government Act, 1929.

SCHEDULE—(*continued*).

Discontinued grants apportionable between Counties or County Boroughs concerned.	Basis on which grants mentioned in the first column are to be apportioned between Counties or County Boroughs concerned.
2. Grants under the Agricultural Rates Acts, 1896 and 1923, applicable to such of the expenses of a Board of Guardians for a union which is not wholly comprised in one county or county borough as are chargeable at a uniform amount in the pound for the whole of the union.	In proportion to the unreduced rateable value of the parts of the union within the several counties and county boroughs.
3 Grants under the Agricultural Rates Acts, 1896 and 1923, applicable to the expenses of the Receiver for the Metropolitan Police District.	In proportion to the unreduced rateable value of the parts of the district within the several counties and county boroughs.
4. Grant to a Joint Authority in respect of Tuberculosis services or services for mental defectives.	In the proportions which the amounts which the several constituent Authorities are required to pay for the standard year bear to one another, subject to the provision that where and in so far as the ascertainment of such amounts is based on values derived from a valuation list reduced rateable value shall be taken as the basis of apportionment under this Order in lieu of any other value which would otherwise be taken.
5. Grant to a Voluntary Association providing services for mental defectives for an area coterminous with that of a Joint Authority.	As if the grant were a grant payable to the Joint Authority.
6. Grant to a Voluntary Association administering Institutions, etc., in several areas in connection with Maternity and Child Welfare services.	According to the amounts of the grants in respect of the Institutions in each area which have been included by the Minister in calculating the total grant payable in respect of the standard year to the Voluntary Association.
7. Grant to a County Nursing Association operating in more than one County or County Borough.	According to the amounts which would have been payable if there were separate Associations for each County or County Borough.
8. Grant to a Voluntary Association providing services for mental defectives in two or more counties or county boroughs in each of which the Mental Deficiency Acts are administered by the council of the county or county borough.	In proportion to the population of the several areas.
9. Grant to a Board of Guardians in respect of Venereal Diseases where the union is not wholly comprised in one county or county borough.	In proportion to the numbers of persons assignable by reason of residence to the parts of the union within the several counties and county boroughs who in the standard year received relief in institutions other than asylums provided under the Lunacy Acts, 1890 to 1922, as estimated for the purposes of paragraph (iii) of Article 20 of the Local Government (Calculation of Rate-borne Expenditure, &c.) Regulations, 1929.
10. Grant to the King Edward the Seventh Welsh National Memorial Association in respect of Tuberculosis services.	In proportion to the population of the several counties and county boroughs in Wales and Monmouthshire.
11. Grant to the British Social Hygiene Council.	In proportion to the population of the several counties and county boroughs in England and Wales.

SCHEDULE—(*continued*).

Discontinued grants apportionable between Counties or County Boroughs concerned.	Basis on which grants mentioned in the first column are to be apportioned between Counties or County Boroughs concerned.
12. Grant to the Central Association for Mental Welfare.	In proportion to the population of the several counties and county boroughs in England and Wales.
13. Any other grant in relation to which the Minister is empowered under section 109 of the Local Government Act, 1929, to give directions as to the basis of apportionment.	In such proportions as are estimated by the Minister to be the appropriate proportions of the grant paid by him having regard to all relevant available information.

Given under the Official Seal of the Minister of Health this fourteenth day of January, in the year One thousand nine hundred and thirty.

(L.S.) MICHAEL HESELTINE,
Assistant Secretary, Ministry of Health.

S. R. & O., 1930, No. 216.

THE ISLES OF SCILLY ORDER, 1930, DATED MARCH 28TH, 1930, MADE BY THE MINISTER OF HEALTH UNDER SECTION 138 (3) OF THE LOCAL GOVERNMENT ACT, 1929.

Whereas by subsection (3) of section 138 of the Local Government Act, 1929 (*a*), it is enacted that the Minister of Health may by order direct that that Act shall, subject to such exceptions, adaptations and modifications, if any, as may be specified in the Order, extend to the Isles of Scilly, but except as so applied the Act shall not apply to the said Isles; and it is further enacted that the Minister may by any such order amend or repeal any provisions contained in the order relating to the Isles of Scilly which was confirmed by the Local Government Board's Provisional Order Confirmation (No. 6) Act, 1890:

Now, therefore, the Minister of Health, in the exercise of the powers so conferred upon him, and of all other powers enabling him in that behalf, hereby makes the following Order:—

1.—(1) This Order may be cited as the Isles of Scilly Order, 1930, and shall come into operation on the 1st day of April, 1930.

(2) This Order and the Isles of Scilly Orders, 1890 to 1929, may be cited together as the Isles of Scilly Orders 1890 to 1930.

2.—(1) The provisions of the Local Government Act, 1929, which are set forth in the first column of the first schedule to this order shall, to the extent specified in the second column of that schedule, apply to the Isles of Scilly.

(2) Such of the provisions of the Local Government Act, 1929, as are referred to in the second schedule to this order shall have effect in the Isles of Scilly subject to the adaptations and modifications set forth in that schedule.

(3) The provisions of the Local Government Act, 1929, as adapted, modified and applied to the Isles of Scilly by this order, so far as they appertain to the powers, duties and liabilities of county councils, shall be read and construed as if the Isles of Scilly were an administrative County and the Council of the Isles of Scilly were the Council of that County.

(*a*) See Vol. V, *post*.

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3.—(1) So much of the Local Government Board's Provisional Order Confirmation (No. 6) Act, 1890, as relates to Articles IV and V and paragraph (1) of Article XXI of the Order relating to the Isles of Scilly thereby confirmed is hereby repealed.

(2) Article XII of the said Order as confirmed as aforesaid, shall be altered by the omission from paragraph (2) thereof of any reference to Section 15 of the Local Government Act, 1888 (*a*), and that section shall no longer apply and have effect in the Isles of Scilly.

FIRST SCHEDULE.

Application of provisions of the Local Government Act, 1929.

Provision of the Act.	Extent of application to the Isles of Scilly.
Part I.	
Sections 1, 2 and 4.	The whole of each section.
Section 6.	The whole section, except all words in sub-section (3) after ". . . rate or borrowing money."
Sections 8, 9, 10, 11, 13.	The whole of each section.
Section 14.	Sub-sections (1) and (2).
Section 16.	The whole section.
Part II.	
Sections 22, 23, 24, 26 and 28.	The whole of each section.
Part IV.	
Sections 51, 52, 61 and 63.	The whole of each section.
Section 53.	Sub-section (2).
Sections 55 and 56.	The whole of each section.
Part VI.	The whole part, so far as not already in force in the Isles of Scilly, but subject to the exceptions and modifications contained in the second schedule to this order.
Part VII.	
Section 113.	Sub-section (1).
Section 115.	The whole section.
Section 119.	The whole section, except paragraph (*b*).
Sections 121, 122 and 123.	The whole of each section.
Section 124.	Sub-sections (1) and (3).
Section 126.	The whole section.
Part VIII.	
Sections 127 and 128.	The whole of each section.
Section 129.	Sub-sections (1) and (4).
Sections 130, 131 and 132.	The whole of each section.
Section 134.	Such of the definitions as may be applicable to the circumstances of the Isles of Scilly.
Section 137.	The whole section.
Schedules.	
The 2nd, 3rd, 4th (Parts I, II and IV), 7th, 8th, 9th (Part I), 10th and 12th Schedules.	The whole of these Schedules so far as they are applicable to the provisions applied by this Order.

(*a*) 10 Halsbury's Statutes 698.

SECOND SCHEDULE.

Adaptations and Modifications.

Provisions.	Adaptation or modification.
Section 4.	For "the commencement of this Act" there shall be substituted "the 1st day of April, 1930."
Section 6.	The Section shall be modified by the addition of the following sub-section:— "(4) The scheme may also provide for the appointment of an executive sub-committee of the public assistance committee consisting wholly or partly of members of the public assistance committee and for the functions of any such committee:" "Provided that— (*a*) A majority of the members of any sub-committee appointed under this sub-section shall be members of the Council; and (*b*) where the scheme provides for the appointment as members of any such sub-committee of persons who are not members of the Council, it shall provide for the inclusion of women as well as men, and regard shall be had to the desirability of including persons who are members of poor law authorities immediately before the 1st day of April, 1930, and other persons of experience in the matters delegated or referred to the sub-committee."
Section 56.	(*a*) for any reference to a rural district or rural district council there shall be substituted a reference to the Isles of Scilly or the Council of the Isles of Scilly as the case may require. (*b*) For "the commencement of this Act" where those words occur there shall be substituted the date on which this Order comes into operation.
Part VI.	(*a*) Section 88 shall apply for the purpose of determining the "county apportionment" of the Isles of Scilly, but such county apportionment shall not be taken into account in making the calculation provided for in Rule 1 of Part IV of the Fourth Schedule to the Act. (*b*) Section 89 shall not apply, but, in lieu thereof, the following provision shall have effect:—"The county apportionment of the Isles of Scilly shall be paid to the Council and shall be called the 'General Exchequer Grant of the Isles of Scilly.'" (*c*) Sections 90, 91, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 106 and 109 shall not apply. (*d*) Section 92 shall not apply, but in lieu thereof the following provision shall have effect:— "The Minister shall certify the sum included in the amount of the losses on account of rates and grants of the Council which represents losses on account of special and parish rates, and such sum shall be applied by the Council to such purposes and in such manner as may be prescribed."
Section 122.	For the words from "the Council to whom the functions . . ." to the end of the Section there shall be substituted the words "the Council of the Isles of Scilly."
Section 134.	In relation to the Isles of Scilly, the expression "weighted population" shall mean that number which bears to the aggregate of the weighted populations of the other counties and the county boroughs the same proportion which the loss on account of rates and grants of the Isles of Scilly bears to the aggregate loss on account of rates and grants of the whole country.

Given under the Official Seal of the Minister of Health this Twenty-eighth day of March, in the year One thousand nine hundred and thirty.

(L.S.)

R. H. H. KEENLYSIDE,
Assistant Secretary, Ministry of Health.

LOCAL GOVERNMENT

S. R. & O., 1930, No. 757.

THE LOCAL GOVERNMENT ACT (APPLICATION TO THE ISLE OF WIGHT) ORDER, 1930, DATED SEPTEMBER 23RD, 1930, MADE BY THE MINISTER OF HEALTH UNDER SECTION 138 (4) OF THE LOCAL GOVERNMENT ACT, 1929, EXTENDING TO THE ISLE OF WIGHT CERTAIN PROVISIONS OF PART III OF THAT ACT AND AMENDING AND REPEALING CERTAIN PROVISIONS OF THE ISLE OF WIGHT HIGHWAYS ACT, 1925.

The Minister of Health, in pursuance of the powers given to him by sub-section (4) of Section 138 of the Local Government Act, 1929 (*a*), and of all other powers enabling him in that behalf, hereby orders as follows :—

1. In this order, unless the context otherwise requires—

" the Act of 1929 " means the Local Government Act, 1929 ;

" the Act of 1925 " means the Isle of Wight Highways Act, 1925 ;

" the County " and " the County Council " mean respectively the Administrative County of the Isle of Wight and the Council of that County ;

" The Urban Districts " means the Boroughs and Urban Districts of the Isle of Wight ; and

" the Urban District Councils " means the Councils of the Urban Districts ;

" the Rural District " means the Rural District of the Isle of Wight.

2. Section 9 of the Act of 1925 shall have effect as if at the end thereof there were added the following new sub-sections, that is to say :—

" (2) Every classified road which is situate in an urban district which is not, immediately before the 1st day of October, 1930, a main road shall as from that date be a main road and any road so situate which on or after that date becomes a classified road shall thereupon become a main road and the provisions of this Act and (subject to those provisions) the Act of 1888 shall apply as if the urban authority had claimed to retain the powers and duties of maintaining such road ;

" (3) Any road situate in an urban district in the County which is not immediately before the 1st day of October, 1930, a classified road shall as from that date cease to be a main road and shall become an ordinary highway repairable by the council of the urban district within which it is situate, and any road so situate which on or after that date ceases to be a classified road shall thereupon cease to be a main road and become an ordinary highway repairable as aforesaid ;

" (4) For the purposes of sub-sections (2) and (3) of this Section the expressions " road " and " classified road " have the same meanings as in the Local Government Act, 1929."

3. Sub-section (3) of Section 117 of the Act of 1929 shall extend to the County subject to the substitution therein of the words " which immediately before the appointed day was a classified road " for the words " in respect of which before the appointed day an urban district council have claimed or are deemed to have claimed to exercise the functions of maintenance and repair."

4. Sub-section (1) of Section 14 of the Act of 1925 shall have effect as if the following proviso were added thereto :—

" Provided that in no case shall the County Council be liable to make a payment towards such costs until they are satisfied by a report of their surveyor or such other person as they may appoint for the purpose that the works of maintenance repair or improvement are being or have been properly executed."

5.—(1) The provisions of sub-section (2) of Section 3 of the Act of 1925 so far as they extend to the County Council the powers duties and liabilities of an urban district council under Sections 146, 147, 148, 149, 150, 151, 154 and 257 of the Public Health Act, 1875, Sections 39, 41 and 43 of the Public Health Acts Amendment Act, 1890, and Section 19 of the Public Health Acts Amendment Act, 1907, are hereby repealed.

(*a*) See Vol. V, *post*.

(2) The proviso to sub-section (2) of Section 3 of the Act of 1925 is hereby repealed.

(3) The provisions of sub-sections (2) and (4) of Section 30 of the Act of 1929 and the first paragraph of the note to the First Schedule of the Act shall extend to the County save that for the purpose of the application of sub-section (2) of Section 30 of the Act of 1929, Section 176 of the Public Health Act, 1875, shall be deemed to be omitted from the First Schedule to the Act.

6. When by virtue of the provisions of Section 15 of the Act of 1925 any of the Urban District Councils have revoked and abandoned their claim to retain the powers and duties of maintaining and repairing a road the County Council and the urban district council shall respectively have with respect to that road the functions conferred on county councils and urban district councils by sub-section (5) of Section 31 of the Act of 1929.

7. The provisions of sub-section (4) of Section 29 of the Act of 1929 shall extend to the County and for the purpose of the application of such provisions "county road" shall mean any road in the rural district and any classified road in an urban district.

8. The provisions of Section 39 of the Act of 1929 shall extend to the County subject to the substitution of the expression "the County Council" for the expression "a county council" and of the words "vested in them by virtue of the Isle of Wight Highways Act, 1925," for the words "vested in them by virtue of this Part of this Act."

9. The provisions of Sections 40, 41, 42 and 43 of the Act of 1929 shall extend to the County subject to the substitution of the date of this Order for the "appointed day" wherever that expression occurs in the said Sections.

10. This Order may be cited as the Local Government Act (Application to the Isle of Wight) Order, 1930, and shall come into operation of the 1st day of October, 1930.

Given under the Official Seal of the Minister of Health this Twenty-third day of September, One thousand nine hundred and thirty.

(L.S.) A. B. MACLACHLAN,
Assistant Secretary, Ministry of Health.

CIRCULAR 1159.

County Councils.
County Borough Councils.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
28th November, 1930.

EXCHEQUER CONTRIBUTION ACCOUNTS.

LOCAL GOVERNMENT ACT, 1888.

LOCAL GOVERNMENT ACT, 1929.

SIR,

1. I am directed by the Minister of Health to refer to subsection (2) of section 85 of the Local Government Act, 1929 (*a*), which provides for the winding up of the Exchequer Contribution Account of every county and county borough in accordance with such directions as the Minister may give, and to enclose copies of the Exchequer Contribution Accounts (Winding-up) Order, 1930, which he has made under that sub-section (*b*).

2. The winding up of the Exchequer Contribution Account will present no difficulty

(*a*) See Vol. V, *post*.
(*b*) While the circular is reproduced for reference, it is not thought necessary to print the order (S. R. & O., 1930, No. 857), which is spent.

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where on the 31st March, 1930, there were no amounts payable out of the Account to a poor law authority. It will only be necessary to make out of the Account any payments to other local authorities and any transfers to other accounts of the Council which should be met out of the Account, and to transfer the balance then remaining in the Account, to the general county account in the county fund or to the general fund, as the case may be.

3. Any sums which immediately before the appointed day were payable out of the Account to a poor law authority are "property" held by or on behalf of the poor law authority, and are therefore subject to the provisions of section 113 or section 116 of the Act of 1929. The Order provides that any such amounts shall be transferred to a separate account in the county fund (or the general fund) to be applied as if the payments had been made immediately before the 1st April, 1930. Where the area of the poor law authority was wholly comprised in the county or county borough, the property will vest in the council of the county or county borough. Where the area of the poor law authority was not wholly comprised in the county or county borough, any amount which was payable out of the Account to a board of guardians in respect of the remuneration of registrar of births and deaths vests in the council to whom the functions of the board of guardians have been transferred under Part II of the Act of 1929. Any other amount which was payable to the poor law authority vests in the council of the county or county borough in which the portion of the poor law area having the larger or largest reduced rateable value is situate, and will be subject to apportionment or adjustment in accordance with section 113 (2) (*d*) (i) of, and the Sixth Schedule to, the Act. The necessary payments to other councils and transfers to other accounts should be made out of the separate account accordingly.

The concluding words of Article 2 (2) of the Order are inserted only for the purpose of ensuring the proper application of the sums to which reference is made, and do not constitute a direction which under Article 3 must be complied with before the balance remaining in the Exchequer Contribution Account is transferred and the Account wound up.

4. The proceeds of the local taxation licence duties levied by the council, which were formerly carried to the Exchequer Contribution Account, will in future be carried to the county fund (and be applicable to general county purposes as directed by section 105 of the Act of 1929) or to the general fund, as the case may be.

5. An additional copy of this circular and of the Order is enclosed for transmission to the Chief Financial Officer of the Council.

I am, Sir,
Your obedient Servant,
R. H. H. KEENLYSIDE.
Assistant Secretary.

The Clerk of the County Council
or
The Town Clerk.

CIRCULAR 1199.

Rural District Councils.
(England and Wales).

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
22nd July, 1931.

THE RURAL DISTRICT COUNCILS (URBAN POWERS) ORDER, 1931.

SIR,

1. I am directed by the Minister of Health to enclose copies of an Order, made by the Minister under section 25 of the Local Government Act, 1894 (*a*), providing

(*a*) See note (*a*) to the Order itself, *post*, p. 3267. A large part of this circular is spent, and is accordingly omitted here.

that Rural District Councils shall have the powers, duties, and liabilities of urban authorities under the enactments which are mentioned in the schedule to the Order.

The Order gives effect, so far as is possible at the present time, to the recommendation in the Final Report of the Royal Commission on Local Government that the statutory powers, as distinct from duties, of Urban and Rural District Councils should be more closely assimilated.

The effect of the Order is set out more fully in the appendix to this circular letter.

2. It will still be necessary to obtain an Order of the Minister if it is desired that the expenses incurred under any enactment mentioned in the schedule to this Order shall be declared to be special expenses (*a*).

* * * * * *

I am, Sir,
Your obedient Servant,
E. H. RHODES.
Assistant Secretary.

The Clerk to the Rural District Council.

APPENDIX.

SUMMARY OF POWERS CONFERRED AND NOTES ON THEM.
PUBLIC HEALTH ACT, 1875.

* * * * * *

Incorporation of certain provisions of the Towns Improvement Clauses Act, 1847 (*b*).

So much of section 160 as incorporates sections 69 and 70 of the Towns Improvement Clauses Act, 1847, is put in force by this Order.

These sections give the Council certain powers with respect to any projection against or in front of any house or building which is an obstruction to the safe and convenient passage along any street.

Public walks or pleasure grounds.

In rural districts generally, Parish Councils (under the parallel power in the Local Government Act, 1894), rather than District Councils, have provided recreation grounds or pleasure grounds, but the powers now given will enable Rural District Councils to do so if they wish.

Section 164 enables the Council to provide public walks or pleasure grounds, and to do any necessary work of improvement or maintenance, to support or contribute to the support of public walks or pleasure grounds provided by other persons, and to make byelaws for the regulation of public walks and pleasure grounds.

Model byelaws have been issued, but byelaws should not be adopted unless found to be essential. They involve some restriction on the public enjoyment and some cost in administration, and it is doubtful whether grounds where many byelaws are in force are better managed, in practice, than those where reliance is placed upon the good feeling of the public.

(Attention is also drawn to sections 44 and 45 of the Public Health Acts Amendment Act, 1890, mentioned later in this memorandum.)

Public clocks.

Section 165 empowers the Council to provide and light public clocks.

By Article 3 of the Order the consent of the County Council must be obtained to the provision of any clock which will overhang a county road.

(Attention is also drawn to the further powers contained in section 46 of the Public Health Acts Amendment Act, 1890, mentioned later in this memorandum.)

Horses, ponies, mules, or asses, and pleasure boats and vessels.

Under the first paragraph of section 172 the Council may license the proprietors, drivers, and conductors of horses, ponies, mules, or asses standing for hire; and may also make byelaws.

(*a*) See now s. 190 of the Local Government Act, 1933, *ante*, p. 1016.
(*b*) See Vol. IV, *post*.

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The second paragraph enables them to license the proprietors of pleasure boats and vessels and boatmen, and to regulate them by byelaw.

[illegible] both these subjects have been issued

GENERAL.

Attention is drawn to the right of appeal to Quarter Sessions contained in section 7 of the Public Health Acts Amendment Act, 1890, which is construed as one with the Act of 1875, by any person aggrieved by any order, judgment, determination, or requirement, of the Council, or by the withholding of any order, certificate, licence, consent, or approval.

* * * * * *

S. R. & O., 1931, No. 580.

THE RURAL DISTRICT COUNCILS (URBAN POWERS) ORDER, 1931, DATED JULY 13TH, 1931, MADE BY THE MINISTER OF HEALTH UNDER SECTION 25 OF THE LOCAL GOVERNMENT ACT, 1894.

Whereas subsection (5) of section 25 of the Local Government Act, 1894 (*a*), provides that rural district councils shall have such powers duties and liabilities of urban sanitary authorities under the Public Health Acts or any other Act and that such provisions of any of those Acts relating to urban districts shall apply to rural districts as the Minister of Health may by general order direct and by subsection (6) of that section every order made by the Minister under the section is forthwith to be laid before Parliament:

Now therefore the Minister of Health in pursuance of his powers under subsection (5) of section 25 of the Local Government Act, 1894 (*a*), and of all other powers enabling him in that behalf hereby orders and directs as follows:—

Short Title and Commencement.

1. This order may be cited as the Rural District Councils (Urban Powers) Order, 1931, and shall come into operation on the first day of September, 1931.

Interpretation.

2.—(1) The Interpretation Act, 1889, applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

(2) In this order unless the context otherwise requires—

"special order" means any order of the Minister of Health or his predecessors declaring any provision of the Public Health Acts or any enactment repealed by those Acts to be in force in any rural district, or in any contributory place therein;

"The Minister" means the Minister of Health.

Extension of powers &c. of rural district councils.

3. Rural district councils shall have the powers duties and liabilities of urban authorities under such of the enactments of the Public Health Act, 1875 (*b*), as are mentioned in Part I of the schedule to this order and under such of the enactments of the Public Health Acts Amendment Act, 1890 (*b*), as are mentioned in Part II of the schedule to this order and all the enactments so mentioned shall apply to every rural district council and every rural district in like manner as they apply to urban district councils and urban districts:

Provided that—

(*a*) any power conferred by an enactment which by this order is extended to a rural district may be exercised by the rural district council in relation to the rural district at large or if so resolved by them in relation to one or more contributory places within the rural district;

(*a*) 10 Halsbury's Statutes 795. The subsection is repealed by the Local Government Act, 1933, *ante*, p. 1286. See note to s. 272 (1) of that Act, *ante*, p. 1153, for the surviving provisions of this order preserved by proviso (iv) to s. 307 (1) of that Act, *ante*, p. 1194.

(*b*) For the applied sections of the Public Health Act, 1875, and the Public Health Acts Amendment Act, 1890, see Vol. IV, *post*.

Provided that two or more rural district councils may arrange for the publication in a local newspaper jointly on their behalf of any such advertisement.

SCHEDULE.

ENACTMENTS APPLIED TO RURAL DISTRICT COUNCILS BY THIS ORDER.

Part I.—Enactments of the Public Health Act, 1875 (38 & 39 *Vict. c.* 55).

Enactment applied.	Subject-matter of applied enactment.
* * *	* * *
Section 160 in so far as it incorporates with the Public Health Act, 1875 the provisions of sections 69 and 70 of the Towns Improvement Clauses Act, 1847 (*a*).	Removal of future or existing obstruction projections &c., obstructing passages along street.
Section 164	Provisions &c. of public walks and pleasure grounds and their regulation by bye-law.
„ 165	Provision &c. of public clocks.
„ 172	Licensing of proprietors drivers and conductors of horses &c. standing for hire. Byelaws.
	Licensing of proprietors and persons in charge of pleasure boats and vessels. Byelaws.
* * *	* * *

Part II.—Enactments of the Public Health Acts Amendment Act, 1890 (53 & 54 *Vict. c.* 59).

Enactment applied.	Subject-matter of applied enactment.
* * *	* * *
Section 34	Erection of hoards &c. during building operations.
„ 35	Repair of cellars &c. under streets.
„ 38	Byelaws for prevention of danger from steam whirligigs and swings and from shooting ranges and galleries.
„ 39	Provision &c. of street refuges &c.
„ 40	Cabmen's shelters.
„ 42	Statues and monuments in streets and public places.
„ 43	Planting &c. by local authority of trees in highways.
Sections 44 and 45	Extension of powers as to public parks walks and pleasure grounds.
Section 46	Repair winding &c. of public clocks.

Given under the official seal of the Minister of Health this 13th day of July nineteen hundred and thirty-one.

(L.S.)

R. H. H. KEENLYSIDE,
Assistant Secretary, Ministry of Health.

(*a*) See Vol. IV, *post.*

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S. R. & O., 1934, No. 972.

THE URBAN DISTRICTS (WARDS AND COUNCILLORS) (NOTICES) REGULATIONS, 1934, DATED AUGUST 31ST, 1934, MADE BY THE SECRETARY OF STATE UNDER SECTION 37 OF THE LOCAL GOVERNMENT ACT, 1933.

In pursuance of the Local Government Act, 1933, I hereby make the following Regulations prescribing the notice to be given of a local inquiry held by a county council under section 37 of the said Act (*a*).

REGULATIONS.

1. At least ten days before the day fixed by the county council for the holding of a local inquiry under subsection (1) of section 37 of the Local Government Act, 1933, the county council shall give public notice of the day, time and place fixed for the inquiry and of the proposals for which they consider that a prima facie case exists, and that the desirability of giving effect to those proposals or any of them will be considered at the inquiry, and the notice shall be given—

(*a*) by advertisement in one or more local newspapers circulating in the urban district;

(*b*) by affixing printed copies of a notice containing the particulars aforesaid to the offices of the urban district council; and

(*c*) by posting printed copies of the notice in conspicuous places within the urban district and in such other manner, if any, as appears to the county council to be desirable for giving publicity to the notice.

2. At least ten days before the day on which the inquiry is to be held, printed copies of the notice containing the particulars aforesaid shall be sent by the county council, in addition to the Secretary of State and the Minister of Health, to the Minister of Agriculture and Fisheries, the Registrar General, and the council of the Urban district concerned.

3.—(1) These Regulations shall be cited as the "Urban Districts (Wards and Councillors) (Notices) Regulations, 1934."

(2) These Regulations shall come into operation forthwith.

JOHN GILMOUR,
One of His Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
31*st August*, 1934.

CIRCULAR 1444.

County Councils
Town Councils
Urban District Councils
Rural District Councils
Joint Boards
*Parish Councils**
(*England and Wales*).

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
31*st December*, 1934.

LOCAL GOVERNMENT ACT, 1933.

Standing Orders.

SIR,

1. I am directed by the Minister of Health to state that after consulting the Associations of Local Authorities he has issued the model standing orders of which

(*a*) *Ante*, p. 771.

* The enclosure is not being sent to Parish Councils. A Parish Council wishing for a copy can obtain one from the Ministry on application.

a copy is enclosed for the guidance of Local Authorities in their proceedings and business. The many requests he has had for such a model series from Local Authorities desirous of making standing orders in pursuance of Part V of the Third Schedule to the Local Government Act, 1933, leave no doubt that one will be helpful.

Parish Councils, and some other Local Authorities whose business does not call for elaborate organisation, may find the full series unnecessary, while some Local Authorities may desire to expand it. The present series has, however, been drawn up after scrutiny of the standing orders adopted under earlier Acts of Parliament in districts of very different types, and it is believed that it will meet all ordinary needs. Where a Local Authority's existing standing orders are found satisfactory in practice and are not in conflict with the Local Government Act, 1933, the Minister is not to be taken as suggesting that they should be superseded by standing orders based on the model series, but the inquiries he has received from Local Authorities show that in many places standing orders have not been revised for many years, while the coming into operation of the Local Government Act, 1933, makes it desirable that every Local Authority shall at least consider whether its standing orders need to be brought up to date.

Extracts from statutes governing the conduct of business have been prefixed to the model series, and it is suggested that a Local Authority adopting standing orders will do well to reprint also the appropriate extracts from the Acts.

2. The opportunity may be taken to mention two points more closely related to the earlier series of model standing orders, namely those issued on the 28th March, 1934, with respect to contracts.

Firstly, the Minister has been consulted on the application of those standing orders to Joint Boards and Joint Committees, since section 266 of the Act does not by itself extend to them. A simple procedure is provided in section 293 of the Act for applying other sections of the Act to Joint Boards or Joint Committees constituted by Order. As regards Joint Committees constituted by agreement, power is given in section 96 of the Act, enabling standing orders to be made by the Local Authorities appointing them. It is plainly desirable that the contracts of Joint Boards or Joint Committees shall be subject to the same requirements as those of their constituent bodies, and the Minister suggests that advantage be taken of the procedure mentioned.

Secondly, it seems that the practice of Local Authorities has differed as to whether deposits paid by contractors on tenders for public works shall be in the custody of the person in charge of the works or of the Clerk of the Local Authority. The Minister thinks it better that tenders should be returnable to the Clerk of the Local Authority who should account for any deposit which is paid and for any security given for performance of the contract.

Further copies of this circular and of the model series of standing orders may be bought, directly or through any bookseller, from His Majesty's Stationery Office at any of the addresses shown below.

I am, Sir,
Your obedient Servant,
E. H. RHODES,
Assistant Secretary.

The Town Clerk
or
The Clerk of the Council or Board.

(ENCLOSURE TO CIRCULAR 1444.)

STANDING ORDERS AND EXTRACTS FROM THE LOCAL GOVERNMENT ACT, 1933, &c.

PART I.

EXTRACTS FROM STATUTES.

[*Under this cross heading there are prefixed to the model standing orders sections, or parts of sections, 3, 4, 5, 7, 18, 19, 20, 22, 33, 34, 49, 75, 76, 85, 91, 95, 96, 123,*

LOCAL GOVERNMENT

266, 283 and 295 of, and the Third Schedule to, the L.G.A, 1933; for these see table of contents in Vol. I, ante, p. xxiii. Then follows the extract, here next printed, from the Local Authorities (Admission of the Press to Meetings) Act, 1908.]

THE LOCAL AUTHORITIES (ADMISSION OF THE PRESS TO MEETINGS) ACT, 1908.

1. Representatives of the press shall be admitted to the meetings of every local authority: Provided that a local authority may temporarily exclude such representatives from a meeting as often as may be desirable at any meeting when, in the opinion of a majority of the members of the local authority present at such meeting, expressed by resolution, in view of the special nature of the business then being dealt with or about to be dealt with, such exclusion is advisable in the public interest.

PART II.

STANDING ORDERS.

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Meetings of the Council.

1. The annual meeting of the Council shall be held at the

(*a*) in the year of election of county councillors, on the [1]first day after the 8th day of March ;

(*b*) in any other year, on the day in {March. / April. / May.}

The annual meeting of the Council shall be held at the[2] on the 15th day of April if that day be a day or on the first day following that day.

or

The annual meeting of the Council shall be held at the on the {[3]third / fourth} day in April.

The statutory meetings of the Council other than the annual meeting shall be held at the on the day in the months of and

In addition to the annual and other statutory meetings of the Council and any meetings called by the {Mayor, / Chairman,} or by members of the Council, meetings shall be held on the day in each month, except and months in which the annual or other statutory meeting is appointed to be held.

In every month not previously mentioned except a meeting shall be held on the day.

All meetings of the Council, except where otherwise fixed by statute, shall be held at o'clock in the {fore / after} noon.

All meetings of the Council, except the annual meeting and meetings the time of which is otherwise fixed by statute shall be held at o'clock in the {fore / after} noon.

[1] If not held on the sixteenth day of March the day fixed should be within fourteen days after the eighth day of March. (See also section 295 of the Local Government Act, 1933.)

[2] Councils of Boroughs are omitted here : see Part II of the Third Schedule to the Local Government Act, 1933.

[3] The date to be inserted should be the fifteenth day of April or as soon after as conveniently may be. The annual meeting of Parish Councils must be held on or within fourteen days after the fifteenth day of April. (See the Third Schedule to the Local Government Act, 1933.)

Chairman of meeting.

2. Any power of duty assigned to the {Mayor / Chairman} in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

[1]*or*

Chairman of the Council or of meeting.

2. In these standing orders the expression "Chairman" means the Chairman of the Council, but any power or duty assigned to the Chairman in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

[1] Local Authorities other than the Councils of Boroughs may prefer to adopt this form in order to avoid repeating the full phrase "Chairman of the Council" which otherwise will have to be inserted in several of the standing orders where the word Chairman is used in this model series.

LOCAL GOVERNMENT

Order of business.

3.—(1) Except where the Council on the ground of urgency vary the order of business in accordance with part (2) of this standing order, the order of business at every meeting of the Council shall be—

(*a*) To choose a person to preside if the {Mayor / Chairman and Vice-Chairman} be absent.

*(*b*) Any business required by statute to be done before any other business.

(*c*) To read and approve as a correct record the minutes of the last meeting of the Council. Provided that, if a copy has been circulated to each member of the Council not later than the date of issue of the summons to attend the meeting, they shall be taken as read.

(*d*) To deal with business expressly required by statute to be done.

(*e*) To receive such communications as the {Mayor / Chairman} may desire to lay before the Council.

(*f*) To answer questions asked pursuant to standing order 6.

(*g*) To dispose of business (if any) remaining from the last meeting.

(*h*) [1]To receive and consider reports [or minutes] of Committees.

(*i*) [1]To receive and consider reports from officers of the Council.

(*j*) To authorise the sealing of documents, so far as the Council's authority is required by statute or these standing orders.

(*k*) [2]To authorise the signing of orders for payment.

(*l*) To consider notices of motion in the order in which they have been received.

(*m*) [1]Other business, if any.

(2) [3]A motion to vary the order of business on the ground of urgency.

(*a*) shall not displace business falling under items (*a*) and (*b*) in part (1) of this standing order;

(*b*) may, at any time when an item of business on the agenda has been disposed of, be proposed either by the {Mayor / Chairman} or by any member;

(*c*) if proposed by the {Mayor / Chairman,} may be put to the vote without being seconded, notwithstanding standing order 8;

(*d*) shall be put to the vote without discussion.

* See the extracts from the Local Government Act, 1933, printed with these standing orders. [*It is suggested that the starred note be printed with the standing orders. The relevant sections are* 4 (1); 7 (1); 19 (1); 22 (1); 33 (2); *and* 49 (2).]

[1] Since the summons must specify the business to be transacted, the reports should where possible be circulated with or clearly referred to in the summons, and business can not be transacted under heading (*m*) unless the subject has been specified in the summons

[2] If a Finance Committee be appointed this will be unnecessary.

[3] Some Local Authorities may prefer this simplified form:

"(2) The Council may at any meeting vary the order of business so as to give precedence to any business which, in the opinion of the {Mayor / Chairman,} is of a special urgency, but such a variation shall not displace business falling under items (*a*) and (*b*) in part (1) of this standing order."

Notices of motion.

4. Except as provided by standing order 5, every notice of motion shall be in writing, signed by the member or members of the Council giving the notice, and delivered, {at least / not later than} {clear days / in the week} before the next meeting of the Council, at the office of the {Town Clerk / Clerk of the Council,} by whom it shall be dated,

numbered in the order in which it is received, and entered in a book which shall be open to the inspection of every member of the Council.

The {Town Clerk / Clerk of the Council} shall insert in the summons for every meeting of the Council all notices of motion duly given in the order in which they have been received, unless the member giving such a notice has, when giving it, intimated in writing that he proposes to move it at some later meeting or has withdrawn it in writing.

If a motion, notice of which is thus specified in the summons, be not moved it shall, unless postponed by consent of the Council, be treated as abandoned and shall not be moved without fresh notice.

Motions for which notice has been duly given, the subject matter of which comes within the province of any Committee or Committees, shall upon being moved and seconded stand referred without discussion to such Committee or Committees, or to such other Committee or Committees as the Council may determine, for consideration and report. Provided that the {Mayor / Chairman} may, if he considers it convenient and conducive to the dispatch of business, allow such motion to be dealt with at the meeting at which it is brought forward.

Every notice of motion shall be relevant to some question over which the Council have power, or which affects the {County. / Borough. / District. / Parish.}

Motions which may be moved without notice.

5. The following motions may be moved without notice :—

Appointment of a Chairman of the meeting at which the motion is made.

Motions relating to the accuracy of the minutes, closure, adjournment, order of business, or next business.

Reference to a Committee.

That the Council do resolve itself into Committee.

That the Council under standing order 17 do resolve to consider otherwise than in Committee a question affecting a person employed by them.

Appointment of Committee or members thereof, so far as arising from an item mentioned in the summons to the meeting.

Adoption of reports and recommendations of Committees or officers and any consequent resolutions.

That leave be given to withdraw a motion.

Amendments to motions.

Authorising the sealing of documents.

Extending the time limit for speeches.

[1]That an item of business specified in the summons have precedence.

[2]Suspending standing orders.

Excluding the press.

Excluding the public.

That a member named under standing order 9 be not further heard or do leave the meeting.

Inviting a member to remain under standing order 20.

Giving consent of the Council where the consent of the Council is required by these standing orders.

[1] This can be deleted if standing order 3 (2) is not included.
[2] See standing order 46 as to the conditions under which this can be moved.

Questions.

6.—(1) A member of the Council may ask the Chairman of a Committee any question upon the proceedings of the Committee then before the Council if the question is put before the Council's consideration of those proceedings is concluded.

LOCAL GOVERNMENT

(2) A member of the Council may—

(*a*) If two clear days' notice in writing has been given to the {Town Clerk / Clerk of the Council} ask the {Mayor / Chairman} or the Chairman of any Committee any question relating to business of the Council, and

(*b*) With the permission of the {Mayor / Chairman} put to him or to the Chairman of any Committee questions relating to urgent business, of which such notice has not been given, but a copy of any such question shall, if possible, be sent to the {Town Clerk / Clerk of the Council} not later than o'clock in the morning of the day of the meeting.

(3) Every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer.

(4) Where a written question is addressed to the {Mayor / Chairman} or to the Chairman of a Committee and the desired information is contained in any of the Council's publications, it shall be deemed a sufficient reply if the publication containing the information is indicated.

(5) Where the reply to any question cannot conveniently be given orally, it shall be deemed a sufficient reply if the answer is circulated to members of the Council with the minutes of the meeting at which the question has been asked.

Minutes.

7. As soon as the minutes have been read, or if they are under standing order 3 taken as read, the {Mayor / Chairman} shall put the question that the minutes of the meeting of the Council held on the day of be signed as a true record.

No motion or discussion shall take place upon the minutes, except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the {Mayor / Chairman} shall sign the minutes.

Rules of debate.

8.—(1) A motion or amendment shall not be discussed unless it has been proposed and seconded, and unless notice has already been given in accordance with standing order 4 it shall, if required by the {Mayor, / Chairman,} be reduced to writing and handed to the {Mayor / Chairman} before it is further discussed or put to the meeting.

(2) A member when seconding a motion or amendment may, if he then declare his intention to do so, reserve his speech until a later period of the debate.

(3) A member shall stand when speaking, and shall address the {Mayor / Chairman}. If two or more members rise, the {Mayor / Chairman} shall call on one to speak.

(4) A member shall direct his speech to the question under discussion or to an explanation or to a question of order. No speech shall exceed[1] minutes except by consent of the Council.

(5) An amendment shall be either—

(*a*) to leave out words;

(*b*) to leave out words and insert or add others;

(*c*) to insert or add words;

but such omission or insertion of words shall not have the effect of introducing a new proposal into or of negativing the motion before the Council.

(6) If an amendment be rejected, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

(7) A further amendment shall not be moved until the Council shall have disposed of every amendment previously moved.

(8) A member shall not speak more than once on any motion except to move a further amendment or on any amendment, except in the exercise of the right of reply given by standing order 11, or in a point of order, or by way of personal explanation, or to move in so many words "That the question be now put."

(9) A member may at the conclusion of a speech of another member move without comment, "That the question be now put," "That the debate be now adjourned," "That the Council proceed to the next business," or "That the Council do now adjourn," on the seconding of which the { Mayor / Chairman } if in his opinion the question before the meeting has been sufficiently discussed shall, subject to the right of reply given by standing order 11, put that motion to the vote and if it is carried the question before the meeting shall be put to the vote or the subject of debate shall be deemed to be disposed of for that day or the meeting shall stand adjourned as the case may be.

(10) A member may rise to a point of order or in personal explanation, but a personal explanation shall be confined to some material part of a former speech by him at the same meeting which may have been misunderstood. A member so rising shall be entitled to be heard forthwith.

(11) The ruling of the { Mayor / Chairman } on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

(12) Whenever the { Mayor / Chairman } rises during a debate a member then speaking or standing shall resume his seat and the Council shall be silent.

(13) A motion or amendment may be withdrawn by the proposer with the concurrence of the seconder and the consent of the Council, which shall be signified without discussion, and it shall not be competent for any member to speak upon it after the proposer has asked permission for its withdrawal, unless such permission shall have been refused.

(14) When a motion is under debate no other motion shall be moved except the following:—

(*a*) to amend the motion;
(*b*) to postpone consideration of the motion;
(*c*) to adjourn the meeting;
(*d*) to adjourn the debate;
(*e*) to proceed to the next business;
(*f*) that the question be now put;
(*g*) that a member be not further heard;
(*h*) that a member do leave the meeting;
(*i*) that the subject of debate be referred back to a Committee.

[1] Some Local Authorities have allowed longer time to the mover of a resolution than to others.

Disorderly Conduct.

9. If at a meeting any member of the Council, in the opinion of the { Mayor / Chairman } notified to the Council, misconduct himself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Council, it shall be competent for a member to move "That the member named be not further heard," or "That the member named do leave the meeting," and the motion if seconded shall be put and determined without discussion.

LOCAL GOVERNMENT

Suspension of sitting.

10. If after a motion under the foregoing standing order has been carried the misconduct or obstruction is continued, and in the opinion of the {Mayor / Chairman} renders the due and orderly dispatch of business impossible, the {Mayor / Chairman,} in addition to any other powers vested in him, may without question put adjourn or suspend the sitting of the Council for such period as he in his discretion shall consider expedient.

Right of reply.

11. The proposer of a motion shall have a right to reply at the close of the debate upon such motion, immediately before it is put to the vote, or before the motion, "That the debate be now adjourned," "That the Council proceed to the next business," or "That the Council do now adjourn," is put. If an amendment is proposed he shall be entitled to reply at the close of the debate upon the amendment. A member exercising a right of reply shall not introduce new matter. After every reply to which this standing order refers a decision shall be taken without further discussion.

Alteration of motion.

12. A member may with the consent of his seconder and of the Council, signified without discussion, alter a motion which he has proposed or of which notice has been given if the alteration is one which could have been moved as an amendment thereto.

Rescission of preceding resolution.

13. No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been negatived within the preceding six months, shall be proposed unless the notice thereof given in pursuance of standing order 4 bears the names of at least[1]
members of the Council. When any such motion has been disposed of by the Council, it shall not be open to any member to propose a similar motion within a further period of six months. This order shall not apply to motions moved in pursuance of the report or recommendation of a Committee.

[1] The figure inserted here should be a substantial proportion of the Council: in Boroughs and in other compact areas one-third of the members of the Council may be suitable.

[1]*Voting.*

14. Every question shall be determined by show of hands, and on the requisition of any member supported by other members who signify their support by rising in their places the voting on any question shall be recorded so as to show how each member present and voting gave his vote.

[1] For District and Parish Councils this is dealt with by the Third Schedule to the Local Government Act, 1933, and they should therefore omit this standing order.

Voting on appointments.

15. Where there are more than two persons nominated for any position to be filled by the Council, and of the votes given there is not a majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.

Power to resolve into Committee.

16. The Council may resolve itself into a Committee of the whole Council.

Motions affecting persons employed by the Council.

17. If any question arises at a meeting of the Council as to the appointment, promotion, dismissal, salary, or conditions of service, or as to the conduct, of any

person employed by the Council, it shall be considered by the Council in Committee unless the Council otherwise resolve.

LOCAL GOVERNMENT

[1]*Motions on expenditure.*

18. Any motion[2] [which is moved otherwise than in pursuance of a recommendation or report of the Finance Committee or of another Committee after the said recommendation or report has been approved by the Finance Committee, and] which if carried would materially increase the expenditure upon any service which is under the management of or reduce the revenue under the management of any Committee, or would involve capital expenditure shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Council, and any Committee affected by such motion shall consider whether it desires to report thereon. [The Finance Committee shall report on the financial aspect of the proposal.]

[1] This standing order is not appropriate to a County Council: see section 86 of the Local Government Act, 1933.

[2] The words in brackets in this standing order will have to be omitted if there is no Finance Committee.

[1]*Admission of the public to meetings.*

19. *The public shall be admitted to all meetings of the Council not being meetings of the Council in Committee so far as there is accommodation, but

(i) at any meeting the Council may temporarily exclude the public from such meeting or any part thereof while, owing to the special nature of the business being dealt with or about to be dealt with, they deem such exclusion advisable in the public interest;

(ii) if a member of the public interrupts the proceedings at any meeting the { Mayor / Chairman } may, after warning, order his removal from the Council Chamber or that the part of the Chamber open to the public shall be cleared.

[1] It may be desirable to print the following footnote with the standing orders.

* This standing order applies to the public the rule which the Local Authorities (Admission of the Press to Meetings) Act, 1908, applies to the press.

Interest of members in contracts and other matters.

20. If any member of the Council has any pecuniary interest direct or indirect within the meaning of section 76 of the Local Government Act, 1933, in any contract, proposed contract, or other matter, such member shall while such contract, proposed contract, or other matter, is under consideration by the Council withdraw from the meeting, unless

(i) the disability imposed upon him by that section has been removed by the Minister of Health under subsection (8) thereof; or

(ii) the Council invite him to remain; or

(iii) the contract, proposed contract, or other matter is under consideration by the Council as part of the report of a Committee and is not itself the subject of debate.

Interest of officers in contracts.

21. The { Town Clerk / Clerk of the Council } shall record in a book to be kept for the purpose particulars of any notice given by an officer of the Council under section 123 of the Local Government Act, 1933 of a pecuniary interest in a contract and the book shall be open during office hours to the inspection of any member of the Council.

Canvassing of and recommendations by members.

22.—(1) Canvassing of members of the Council or any Committee of the Council directly or indirectly for any appointment under the Council shall disqualify the

LOCAL GOVERNMENT

candidate for such appointment. The purport of this paragraph of this standing order shall be included in every advertisement inviting applications for appointments or in the form of application.

(2) A member of the Council shall not solicit for any person any appointment under the Council, or recommend any person for such appointment or for promotion; but this paragraph of this standing order shall not preclude a member from giving a written testimonial of a candidate's ability, experience, or character, for submission to the Council with an application for appointment.

Relatives of members or officers.

23. Candidates for any appointment under the Council shall when making application disclose in writing to the {Town Clerk / Clerk of the Council} whether to their knowledge they are related to any member of or the holder of any senior office under the Council. A candidate who fails so to do shall be disqualified for such appointment and if appointed shall be liable to dismissal without notice. Every member and senior officer of the Council shall disclose to the Council any relationship known to him to exist between himself and a candidate for an appointment of which he is aware. It shall be the duty of the {Town Clerk / Clerk of the Council} to report to the Council or to the appropriate Committee any such disclosure made to him.

Where relationship to a member of the Council is disclosed the standing order headed "Interest of members in contracts and other matters" shall apply.

The purport of this standing order shall be stated either in the advertisement inviting applications for appointment or in any form of application supplied for use by candidates.

For the purpose of this standing order "senior office" and "senior officer" mean those designated as such by the [1]General Purposes Committee, and persons shall be deemed to be related if they are husband and wife or if either of them or the spouse of either of them is the son or daughter or grandson or granddaughter or brother or sister or nephew or niece of the other, or of the spouse of the other.

[1] Or other appropriate Committee: see the first note to standing order 24.

Filling of vacancies and new offices.

24.—(1) When a vacancy occurs in any existing [1]*senior office in the appointment of the Council, or the creation of a new [1]*senior office is proposed, the {Town Clerk / Clerk of the Council} shall inform the [2]General Purposes Committee who, in consultation with any other Committee primarily served, shall consider whether the office (not being an office which by statute the Council are required to fill) is necessary and what shall be the terms or conditions of the office and shall report thereon to the Council at their next meeting.

For the purposes of this standing order it shall be deemed that a Committee has been consulted if there has been consultation with their Chairman, Vice-Chairman if any, and one other member (or if there be no Vice-Chairman, two other members) designated by the Chairman of the Committee.

Where a [3]standing deputy has not been appointed the [2]General Purposes Committee may, if they think fit, appoint some person to carry on temporarily the duties of the office until a successor be appointed and may fix the remuneration to be paid to such person.

(2) All vacancies to be filled in offices in the appointment of the Council not being at a weekly wage, unless they are to be filled by promotion or transfer, shall be publicly advertised. Provided that where, within six months of the filling of a vacancy which has been publicly advertised, a similar vacancy occurs in an office in the appointment of the Council, the [1]General Purposes Committee may recommend the Council to appoint one of the former applicants. A vacancy to be filled in a [1]*senior office which is not to be filled by promotion or transfer shall be advertised

in one or more newspapers or journals circulating primarily among persons who may be expected to possess the necessary qualifications for the office.

[1] The following note might be printed to save repetition:
* For the meaning of this expression see standing order 23.
[2] Or other appropriate Committee: see the Report of the Departmental Committee on Local Government Officers, 1934, as to the appointment of an Establishment Committee.
[3] See section 115 of the Local Government Act, 1933.

[1]*Custody of seal.*

25. The Common Seal of the Council shall be kept in some safe place and shall be secured by two different locks, the keys of which shall be kept respectively by the {Mayor / Chairman} and the {Town Clerk. / Clerk of the Council.} Provided that the {Mayor / Chairman} may entrust his key temporarily to another member of the Council with a written authority to such member to exercise his powers, and similarly the {Town Clerk / Clerk of the Council} may entrust his key temporarily to any standing deputy appointed by the Council.

[1] This standing order is not applicable to Parish Councils.

[1]*Sealing of Documents.*

26. The Common Seal of the Council shall not be affixed to any document unless the sealing has been authorised by a resolution of the Council or of a Committee to which the Council have delegated their powers in this behalf, but a resolution of the Council (or of a Committee where that Committee has the power) authorising the acceptance of any tender, the purchase, sale, letting, or taking of any property, the issue of any stock, the presentation of any petition, memorial, or address, the making of any rate or contract, or any other matter or thing, shall be a sufficient authority for sealing any document necessary to give effect to the resolution.

The seal shall be attested by one at least of the following persons present at the sealing, viz., the {Mayor or Deputy Mayor, / Chairman or Vice-Chairman of the Council,} the {Town Clerk or Deputy Town Clerk, / Clerk or Deputy Clerk of the Council,} and an entry of every sealing of a document shall be made and consecutively numbered in a book to be provided for the purpose and shall be signed by the person or by persons who shall have attested the seal.

[1] Parish Councils adopting this standing order should adopt the following simplified form:

"A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution of the Council."

[1]*Signature of orders for payment.*

27. All orders made by the Council for the payment of money shall be authorised by a resolution of the Council and signed by [three] members present at the meeting, of whom one shall be the Chairman, and shall be countersigned by the Clerk of the Council.

[1] This standing order is suitable for District Councils only. Other Local Authorities are governed by sections 184, 187, and 193 (8) of the Local Government Act, 1933.

Signature of documents.

28. Where any document will be a necessary step in legal proceedings on behalf of the Council it shall, unless any enactment otherwise requires or authorises or the Council shall have given the necessary authority to some other person for the purpose of such proceedings, be signed by the {Town Clerk. / Clerk of the Council.}

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[1]Inspection of documents.

29. *A member of the Council may for purposes of his duty as such member but not otherwise inspect any document which has been considered by a Committee or by the Council, and if copies are available shall on request be supplied for the like purposes with a copy of such document. Provided that a member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he is professionally interested or in which he has directly or indirectly any pecuniary interest within the meaning of section 76 of the Local Government Act, 1933, and that this standing order shall not preclude the {Town Clerk / Clerk of the Council} or the solicitor to the Council from declining to allow inspection of any document which is or in the event of legal proceedings would be protected by privilege arising from the relationship of solicitor and client.

All minutes kept by any Committee shall be open for the inspection of any member of the Council during office hours.

[1] It may be desirable to print the following footnote with the standing orders:

* This standing order does not affect the right of inspection given by section 283 of the Local Government Act, 1933, subsection (3) of which is among the extracts printed with these standing orders.

Inspection of lands, premises, etc.

30. A member of the Council, unless authorised to do so by the Council or a Committee, shall not inspect any lands or premises which the Council have the right or duty to inspect, or enter upon or issue any order respecting any works which are being carried out by or on behalf of the Council.

Appointment of Committees.

31. The Council shall at the Annual Meeting appoint such Statutory and Standing Committees, and may at any time appoint such other Committees as are necessary to carry out the work of the Council but, subject to any statutory provision in that behalf,

(i) shall not appoint any member of a Committee so as to hold office later than the next Annual Meeting of the Council.

(ii) may at any time dissolve or alter the membership of a Committee.

Proceedings in Committee to be confidential.

32. A member of a Committee (including the Council in Committee) shall not disclose a matter dealt with by or brought before the Committee without its permission until the Committee shall have reported to the Council or shall otherwise have concluded action on that matter.

[1]Approval of plans : delegation of powers.

33. The consideration of all plans which in virtue of section 158 of the Public Health Act, 1875, require approval or disapproval by the Council shall stand referred without motion or debate to the Committee, and it shall be the duty of that Committee to consider them accordingly and to meet so often as will ensure exercising the said power within the period prescribed by law.

[1] This standing order is not appropriate to a County Council or a Parish Council. The Council of a Borough, Urban District, or Rural District, should implement this standing order by a resolution under section 85 of the Local Government Act, 1933, formally delegating to the appropriate Committee the power of dealing with such plans.

List of Committees.

34. The following Committees shall be the Standing Committees of the Council and shall consist of the number of members (exclusive of the {Mayor / Chairman of the Council}) respectively set opposite such Committee :—[1]

[1] The Committees and number of members should be inserted. One of these would normally be the Finance Committee : see also the note to clause 1 in the model standing orders for contracts, as to a General Purposes Committee ; and the Report of the Departmental Committee on Local Government Officers as to an Establishment Committee.

Composition of Committees.

35. Except where otherwise provided by statute or a scheme made under statutory authority, the {Mayor / Chairman of the Council} shall be *ex-officio* a member of every Standing Committee appointed by the Council.

Election of Chairman of Committee.

36. Every Committee shall, at its first meeting, before proceeding to any other business, elect a Chairman and if it so desires may elect a Vice-Chairman for the year, in whose absence from a meeting a Chairman for the meeting may be appointed.

Special meetings of Committees.

37. The Chairman of a Committee or the {Mayor / Chairman of the Council} may summon a special meeting of the Committee at any time. A special meeting shall also be summoned on the requisition in writing of a quarter of the members of the Committee. The summons shall set out the business to be considered at the special meeting, and no other business than that set out shall be considered at that meeting.

Sub-Committees.

38. Every Committee appointed by the Council may appoint Sub-Committees for purposes to be specified by the Committee. Except where powers or duties are delegated to a Sub-Committee whose acts in pursuance of any statutory enactment need not be submitted to the Committee for approval, no act of a Sub-Committee shall have effect until approved by the Committee.

The Chairman and the Vice-Chairman, if any, of the Committee shall be *ex-officio* members of every Sub-Committee appointed by that Committee, unless they signify in writing to the {Town Clerk / Clerk of the Council} that they do not wish to service.

Quorum.

39. Except where authorised by statute or ordered by the Council, business shall not be transacted at a meeting of any Committee, and except as aforesaid or otherwise ordered by the Committee which has appointed a Sub-Committee, business shall not be transacted at a meeting of a Sub-Committee, unless at least one-quarter of the whole number of the Committee or Sub-Committee is present. Provided that in no case shall the quorum of a Committee be less than three members.

[1]*Voting in Committee.*

40. *All questions in Committee shall be determined by show of hands by a majority of the members of the Committee present and voting.

[1] It is suggested that the following footnote be printed with the standing orders:
* See section 96 (2) of the Local Government Act, 1933, as to the second or casting vote of the Chairman.

[1]*Standing orders to apply to Committees.*

41. The standing orders of the council as to rules of debate at Council meetings, and the standing order headed "Interest of members in contracts and other matters," shall *mutatis mutandis* apply to Committee and Sub-Committee meetings, except those parts of standing order 8 which relate to standing and to speaking more than once.

[1] Local Authorities adopting this standing order in principle may wish to consider other exceptions. The first fifteen words (and consequently the concluding exception) may not be found necessary by smaller Local Authorities.

Proposer of motion may attend.

42. A member of the Council who has proposed a motion which has been referred to any Committee shall have notice of the meeting of the Committee at which it is

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proposed to consider the motion, and if he attends shall have an opportunity of explaining it.

Accounts and claims.

43.—(1) Except as provided in part (2) of this standing order or where otherwise provided by [1]statute, all accounts for payment by and claims upon the Council shall before being laid before the Council be recommended for payment by the Committee if any having charge of the business to which they relate, or if there is no such Committee or the Council so order by the [2]Finance Committee, and such Committee shall before recommending payment satisfy itself that the accounts or claims have been duly examined and certified as correct by the appropriate officer or officers.

(2) Where it is necessary to make any payment which has not already been specifically laid before the Council under part (1) of this standing order, such payment shall be certified as to its correctness and as to its urgency by the appropriate officer or officers. Unless it has been otherwise authorised by the Council such payment shall, where practicable, be authorised by [3][the Committee if any having charge of the business to which it relates] or by the Chairman or Vice-Chairman of that Committee and by the Chairman or Vice-Chairman of the Finance Committee.

(3) All payments authorised under part (2) of this standing order or made without order of the Council under any statutory enactment shall be separately included in the next schedule of payments laid before the Council, for the information of the Council.

[1] See sections 184 and 187 of the Local Government Act, 1933, which lay it down that with specified exceptions payments shall not be made by the Councils of Counties and Boroughs except in pursuance of an order of the Council. Other Local Authorities adopting this standing order in principle may advantageously follow a similar practice, and then substitute the words " shall be laid before the Council, but before being so laid " for the words " shall before being laid before the Council " in the third and fourth lines.

[2] If there is no Finance Committee, some other appropriate Committee should be inserted in this standing order.

[3] The words in brackets may have to be adjusted to the established practice of the Local Authority: for example, " The Accounts Sub-Committee of the appropriate Committee " might be substituted and " Sub-Committee " for " Committee " where it next occurs.

Submission of estimates.

44. Every Committee having power to incur expenditure defrayed out of rates shall submit to the [1]Finance Committee not later than the week in an estimate, in a form approved by the Council, of the proposed expenditure to be recommended by such Committee for the ensuing year, and as soon as possible after the end of each quarter shall obtain from the chief financial officer of the Council and shall submit to the [1]Finance Committee statements of the revenue received and the expenditure incurred in that quarter. A Committee shall before incurring any expenditure not included in an approved estimate submit to the [1]Finance Committee a supplementary estimate accompanied by a detailed statement in support of the expenditure.

[2]*or*

44. Every Committee shall at each statutory meeting of the Council, or oftener if required to do so by the Council, submit a report of all things done under their control and also of the works and expenditure which they anticipate will be required during the ensuing quarter, and any proposal to incur expenditure which cannot lawfully be incurred except upon a resolution of the Council passed on an estimate submitted by the Finance Committee shall thereupon stand referred without motion or discussion to the Finance Committee.

[1] See the note to the preceding standing order.

[2] County Councils may like to consider the alternative standing order.

Variation and revocation of standing orders.

45. Any motion to vary or revoke these standing orders shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Council.

Suspension of standing orders.

46. Any of the preceding standing orders may be suspended so far as regards any business at the meeting where its suspension is moved, but except upon notice of motion duly given in pursuance of standing order 4 shall not be suspended unless there are present at least [1][one-half of the whole number of members of the Council] [seven members of the Council].

[1] The first alternative can be adopted by any Council other than the Council of an Urban or Rural District which consists of more than fourteen members. The second is the only provision which can be adopted by a Council of the latter class: see the proviso to rule 4 in Part III of the Third Schedule to the Local Government Act, 1933.

Standing orders to be given to members.

47. A printed copy of these standing orders, and of such parts of the Local Government Act, 1933, as govern the procedure at meetings of the Council, shall be given to each member of the Council by the {Town Clerk / Clerk of the Council} upon delivery to him of the member's declaration of acceptance of office.

S. R. & O., 1938, No. 1143.

THE LOCAL GOVERNMENT (ADJUSTMENT OF GRANTS) REGULATIONS, 1938,* DATED SEPTEMBER 2ND, 1938, MADE BY THE MINISTER OF HEALTH UNDER SECTION 108 OF THE LOCAL GOVERNMENT ACT, 1929, FOR SECURING THE ADJUSTMENT OF GRANTS UPON ALTERATIONS OF AUTHORITIES OR BOUNDARIES.

Whereas by subsection (1) of section 108 of the Local Government Act, 1929 (*a*), the Minister of Health is empowered to make regulations for giving effect to the provisions of Part VI of the said Act, and in particular under paragraph (*b*) of that subsection is empowered to make regulations as to the manner in which the amounts of any grants payable under that Part of the said Act are to be adjusted if and so far as any such adjustment is required in consequence of any alterations or combinations of authorities or alterations of boundaries taking effect on or after the appointed day;

And whereas by subsection (2) of section 108 of the said Act (*a*) it is provided that the Local Government (Adjustments) Act, 1913 (*b*), shall as from the appointed day have effect as if, in paragraph (*a*) of subsection (1) of section one thereof, for the reference to the Estate Duty Grant and the residue under section one of the Local Taxation (Customs and Excise) Act, 1890, mentioned in that paragraph there were substituted a reference to the grants payable under Part VI of the Local Government Act, 1929, and as if for the rules contained in Part I of the Schedule thereto there were substituted the regulations made under the said paragraph (*b*) of subsection (1) of section 108 of that Act;

And whereas by regulations intituled the Local Government (Adjustment of Grants) Regulations, 1932 and 1934 (*c*), provision was made under and by virtue of the said paragraph (*b*) of subsection (1) of section 108 of the Local Government Act, 1929, for securing the adjustment of grants upon such alterations of authorities or boundaries as are referred to in that paragraph;

And whereas it is expedient that further provision should be made as hereinafter mentioned:

Now therefore the Minister of Health in the exercise of the powers conferred on him under or by virtue of the said paragraph (*b*) of subsection (1) of section 108 of the Local Government Act, 1929, and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1.—(1) These regulations may be cited as the Local Government (Adjustment of Grants) Regulations, 1938.

* These regulations superseded the provisional regulations which were made, and came into force, on the 25th day of February, 1938.

(*a*) See Vol. V, *post*.

(*b*) 10 Halsbury's Statutes 849.

(*c*) S. R. & O., 1932, No. 161, and S. R. & O., 1934, No. 681.

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(2) The Local Government (Adjustment of Grants) Regulations, 1932 and 1934, are hereby repealed, save in so far as they apply to an alteration which took effect before the 1st day of April, 1937.

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them :—

"the Act of 1929" means the Local Government Act, 1929;

"the Act of 1937" means the Local Government (Financial Provisions) Act, 1937 (*a*);

"Alteration" means any alteration or combination of authorities or alteration of boundaries (including the formation of a new county district and the conversion of a rural district into or so as to form part of an urban district or of an urban district into or so as to form part of a rural district) taking effect on or after the 1st day of April, 1937;

"date of alteration" means in relation to any area the day on which an alteration affecting that area takes effect;

"altered county" "altered county borough" and "altered district" mean respectively in relation to any county, county borough or county district affected by an alteration that county, county borough or county district (including a newly constituted county district) as constituted immediately after the date of alteration;

"diminished district" means, in relation to any alteration, any county district diminished or abolished by that alteration;

"rating area" has the same meaning as in the Rating and Valuation Act, 1925 (*b*);

"transferred area" means any area (being a part or the whole of a rating area) which is added to or taken from a rating area or becomes a new rating area consequent upon an alteration and the expression "transferred" shall be construed accordingly;

"capitation sum" means in relation to any county district the sum which under section 91 of the Act of 1929 is to be calculated on the basis of the estimated population of the district;

"adjusting amount" means in relation to any separately rated area the amount which in any year in accordance with the provisions of subsection (1) of section 94 of the Act of 1929 falls for that year to be added to or but for the proviso to subparagraph (ii) of paragraph (*c*) of that subsection deducted from the capitation sum of the council of a county district in respect of that area;

"compensation" means any sum payable by the Minister to a rural district council under paragraph (*a*) of subsection (1) of section 92 of the Act of 1929 together with any minimum amount payable by the County Council under subparagraph (*b*) of that subsection as amended by section 5 of the Act of 1937;

"rateable value" means rateable value at the date of alteration according to the valuation lists then in force:

Provided that where all the councils affected by an alteration notify the Minister that they have agreed to that effect "rateable value" shall for the purpose of the adjustments upon that alteration be taken to mean rateable value at the date of the alteration as shown on that day in the valuation lists then in force.

(2) The Interpretation Act, 1889, shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. Where an alteration affects the boundary of a county or county borough the following provisions shall have effect :—

(1) The losses on account of rates and grants of each county or county borough affected shall be increased or reduced by such amounts as the Minister may determine having regard to the losses on account of rates and grants respectively estimated by him to be attributable in respect of the standard year to the several areas added to or taken away from the counties or county boroughs affected so however that the aggregate amounts of such

(*a*) See Vol. V, *post*.
(*b*) *Ante*, p. 2113.

losses on account of rates and grants respectively for all the counties and county boroughs affected shall remain unaltered.

(2) The losses on account of rates and grants of each county and county borough affected as increased or reduced in accordance with paragraph (1) of this regulation shall (so far as calculations of grants are under the Act of 1929 to be based on losses on account of rates and grants) be used in the calculations of grants payable in any fixed grant period commencing on or after the date of alteration, and shall be in substitution for the losses on account of rates and grants of that county or county borough as at any time previously determined by the Minister.

(3) For the purpose of the calculation of any Additional Exchequer Grant payable in any fixed grant period commencing on or after the date of alteration in respect of an altered county or county borough the weighted population for the first fixed grant period of that county or county borough as altered shall be deemed to be a number which bears the same proportion to the weighted population as estimated by the Minister of that altered county or county borough for the fixed grant period current at the date of alteration as the weighted population for the first fixed grant period of that county or county borough as unaltered bears to what the Minister estimates would have been its weighted population in the fixed grant period current at the date of alteration if the alteration had not taken place.

(4) Subject as hereinafter provided in the case of any alteration taking effect on a date other than the first day of any fixed grant period the county or county borough apportionment of each county and county borough and the Additional Exchequer Grant (if any) of each county council and county borough council affected by the alteration shall until the termination of the fixed grant period current at the date of alteration only be increased or reduced by such amounts as the Minister may determine having regard to the undermentioned factors viz. :—

(*a*) The amounts calculated in accordance with paragraph (1) of this regulation which the Minister determines to be the losses on account of rates and grants of each of the counties or county boroughs affected ;

(*b*) The weighted population as estimated by the Minister for the fixed grant period in question of each of the altered counties or county boroughs ; and

(*c*) The weighted population for the first fixed grant period of each of the altered counties or county boroughs as estimated by the Minister in accordance with paragraph (3) of this regulation :

Provided that if the aggregate of the amounts of the following items viz. :—

(i) the county and county borough apportionments as so calculated solely by reference to these factors of the several counties and county boroughs concerned ; and

(ii) the Additional Exchequer Grants as so calculated of the councils of those counties and county boroughs

exceeds or is less than the aggregate of the amounts of the following items viz. :—

(iii) the county and county borough apportionments previously determined for those counties and county boroughs ; and

(iv) the Additional Exchequer Grants that would have been payable to the councils of those counties and county boroughs if the alteration had not been effected ;

then each apportionment and grant included in the first-mentioned aggregate as so calculated shall if the first-mentioned aggregate exceeds the second-mentioned aggregate be reduced or if the first-mentioned aggregate is less than the second-mentioned aggregate be increased by a sum bearing the same proportion to such apportionment or grant as the difference between such aggregates bears to the first-mentioned aggregate :

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Provided also that where all the county councils and county borough councils affected by an alteration notify the Minister that they are in agreement that no adjustment under this paragraph is necessary the Minister may if he thinks fit dispense with any such adjustment.

4. Where an alteration affects a county district the following provisions shall as from the date of alteration have effect with regard to the sum to be set aside out of the county apportionment and with regard to the General Exchequer Grant payable to the council of the county district:—

(1) The capitation sum in respect of the district shall be recalculated (or in the case of a newly formed district calculated) as if the date of alteration were the first day of April in the last year of the preceding fixed grant period.

(2) For the purpose of this regulation each separately rated area transferred shall be deemed to be a separately rated area in the rating area to which it is transferred and where a separately rated area is divided so that part thereof is transferred and part thereof is not transferred or where part of a separately rated area is transferred to one rating area and another part to another rating area then each such part shall be deemed to be a separately rated area and an amount bearing the same proportion to the adjusting amount of the undivided separately rated area as the rateable value of such part bears to the rateable value of the undivided separately rated area shall be deemed to be the adjusting amount of such part:

Provided that where the adjusting amount of any separately rated area in a diminished district was in the rating period immediately preceding the date of alteration applied by the council of the district otherwise than wholly to that area the Minister may make the adjustment provided for in this regulation in such manner as shall take account of such application.

(3) The amount which would under paragraphs (*b*) and (*c*) of subsection (1) of section 94 of the Act of 1929 fall to be added to or (but for the proviso to sub-paragraph (ii) of paragraph (*c*) of that subsection) deducted from the capitation sum in respect of any altered district shall be an amount ascertained by taking into account the adjusting amounts of all the separately rated areas included in the altered district and the sum if any payable under the said proviso and the addition or deduction to be made under the said paragraphs after effect has been given to the said proviso shall be calculated accordingly.

(4) Any compensation payable in respect of a transferred area (or any part thereof) shall—

(i) in a case where the transferred area (or part) ceases to form part of a rural district cease to be payable as from the date of alteration; and

(ii) in any other case so far as payable in respect of the year in which the alteration takes effect and of any subsequent year within the then current fixed grant period on account of any area continuing to form part of a rural district be payable as from the date of alteration to the council of the rural district of which the transferred area form part and be applicable as compensation payable to the council of that rural district and the annual amount so applicable shall be taken into account in calculating the compensation payable to that rural district council in subsequent fixed grant periods:

Provided that in the case of a separately rated area which is not wholly transferred from a rural district any compensation payable in respect of that area shall be apportioned between the various parts of that area in proportion to the rateable values of those parts and the amount so apportioned to any part shall for the purposes of these regulations be deemed (in any case where that part continues to form part of a rural district) to be the compensation payable in respect of that part:

Provided also that where the compensation in respect of any separately rated area in a diminished rural district was in the rating period immediately preceding the date of alteration wholly or partially applied by the council

of the district other than to that area the Minister may make the adjustment provided for in this regulation in such manner as shall take account of such application.

(5) Where the council of a county district affected by an alteration is a council carrying out services under section 204 of the Public Health Act, 1936, and the General Exchequer Grant of that council is increased in accordance with a scheme made under section 93 of the Act of 1929 the Minister after consultation with the councils of the county and of the county district may make such modifications of that scheme as he considers necessary.

5. Where the Minister under section 200 of the Public Health Act, 1936 (*a*), has provided from some date after the commencement of any fixed grant period for the transfer of services under section 204 of that Act (*b*), from a county council to the council of a county district the sum to be set aside out of the county apportionment in respect of such district shall from the date of such transfer to the end of that fixed grant period be increased by such amount as the Minister may determine, regard being had to the expenditure upon such services which will be defrayed by the council of the district:

Provided always that the effect of any such changes shall not be taken into account for the purpose of making any calculation or adjustment under section 94 of the Act of 1929.

6. These regulations shall not apply where an alteration affects the boundary of the county of London or of any area within that county or affects the London County Council the Common Council of the City of London or the council of any metropolitan borough or includes the constitution of a new county or county borough.

Given under the official seal of the Minister of Health this second day of September, nineteen hundred and thirty-eight.

(L.S.) F. SLATOR,
Assistant Secretary, Ministry of Health.

MARKETS.

S. R. & O., 1925, No. 1349.

MARKETS, SALES AND LAIRS ORDER, 1925, DATED DECEMBER 23RD, 1925, MADE BY THE MINISTER OF AGRICULTURE AND FISHERIES.

[*As amended by the Markets, Sales and Lairs (Amendment) Order*, 1926, *S. R. & O.*, 1926, *No.* 546.]

The Minister of Agriculture and Fisheries, by virtue and in exercise of the powers vested in him under the Diseases of Animals Acts, 1894 to 1925 (*c*), and of every other power enabling him in this behalf, hereby orders as follows:—

Paving of Markets, Saleyards, etc., used for Animals.

1.—(1) No market, fair, or sale of animals shall be held in or upon any market-place, fairground, highway, saleyard, or other premises on any day until after the expiration of twenty-four days from the date on which the premises or any parts thereof were previously so used, unless the premises or a part thereof sufficient to accommodate the number of animals usually exposed at such market, fair, or sale, are so paved with cement, concrete, asphalt, or other hard material impervious to water, as to permit of the same being effectually cleaned by washing, and are at all times maintained in that condition.

(2) On every occasion of a market, fair, or sale of animals held on premises to which

(*a*) *Ante*, p. 471.
(*b*) *Ante*, p. 475.
(*c*) 1 Halsbury's Statutes, 389.

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this Article applies, the animals shall stand or be penned as far as practicable on the paved accommodation required to be provided under this Order.

(3) This Article shall not be deemed to prohibit the holding of any fair under lawful authority on two or more consecutive days.

Paving of Lairs adjoining Markets and Saleyards, and Regulation of Lairs by Licence.

2.—(1) No lair adjoining premises on which or on any part of which a market, fair, or sale of animals is held at intervals of twenty-four days or less shall be used for the reception or temporary detention of animals before or after their exposure for sale on such adjoining premises, unless

(*a*) the lair is so paved with cement, concrete, asphalt, or other hard material, impervious to water as to permit of the same being effectually cleansed by washing and is at all times maintained in that condition; and

(*b*) the use of the lair for that purpose has been authorised by a licence of the local authority which shall not be granted unless the local authority are satisfied after inquiry that the provisions of this Article with regard to the paving of the lair have been complied with.

(2) A licence granted under this Article may be cancelled at any time by a notice served upon the occupier of the lair (or upon the person to whom the licence was granted) by an officer of the Ministry or of the local authority if the surface of the lair is not, in the opinion of the Minister or of the local authority, as the case may be, maintained in the condition required by this Article.

(3) This Article shall come into operation on the first day of July, nineteen hundred and twenty-seven.

As to paving, cleansing and disinfection of lairs other than those adjoining markets, see the Markets, Sales and Lairs (Amendment) Order, 1927, *post*, p. 3291.

[*Cleansing and Disinfection of Markets, Saleyards, and Lairs.*]

[3.—(1) Any market-place, fairground, highway, saleyard, or other premises in or upon which markets, fairs or sales of animals are habitually held and any lair adjoining such premises which is used for the reception or temporary detention of animals before or after their exposure for sale, shall, as soon as practicable after being used for any such purpose on any day and before being again so used, be cleansed and disinfected as follows:—

(i) The premises or lair or the parts thereof for the purposes of the market, fair or sale shall be thoroughly scraped as far as practicable, and swept, then effectually cleansed by washing; and after such cleansing the said premises or lair or parts thereof shall be thoroughly washed with an approved disinfectant: Provided that in the case of any such premises or lair which are incapable of being cleansed and disinfected in the aforesaid manner, such cleansing and disinfection shall be carried out as far as may be practicable.

(ii) All pens, hurdles, and other fittings used in or in connection with the market, fair, sale, or lair, shall as soon as practicable after being used for such purpose, and before being again so used, be thoroughly cleansed by scraping and washing. After such cleansing the pens, hurdles and other fittings so used shall be thoroughly washed with an approved disinfectant.

(iii) The scrapings and sweepings of the premises, lair, pens, hurdles and other fittings, and all dung, saw-dust, litter and other matter removed therefrom, shall forthwith be well mixed with quicklime and be effectually removed from contact with animals, or be effectually destroyed by fire.

[(2) The cleansing and disinfection required by this Article shall, in the case of a market-place, fairground, saleyard or other premises or lair in the occupation of any person, and any pens, hurdles and other fittings used in or in connection with such

premises or lair, be carried out by and at the expense of that person, and in any other case be carried out by the local authority of the district."]

The original Article 3 was revoked and this Article substituted by the Markets, Sales and Lairs (Amendment) Order, 1926, dated May 14th, 1926, S. R. & O., 1926, No. 546, which came into force on July 1st, 1926.

Local Authority to Enforce Order.

4. The provisions of this Order, except where it is otherwise provided, shall be executed and enforced by the local authority.

Offences.

5.—(1) If a market, fair, or sale of animals is held in contravention of this Order, the person holding the same shall be deemed guilty of an offence against the Act of 1894, and the owner or consignee of each animal exposed thereat, and the person exposing the same thereat, and the purchaser thereat of any animal, knowing the market, fair, or sale to be held in contravention as aforesaid, shall, each according to and in respect of his own acts and defaults, be deemed guilty of an offence against the Act of 1894.

(2) If anything is done or omitted to be done in contravention of this Order, the owner and the lessee and the occupier of the place or thing in respect of which anything is so done or omitted (as the case may be) shall, each according to and in respect of his or their own acts or omissions, be deemed guilty of an offence against the Act of 1894.

Interpretation.

6. In this Order, unless the context otherwise requires :—

"Animals" means cattle, sheep, goats, and swine.

"Lair" means a building, erection, pen, yard, or other enclosure used for the reception or temporary detention of animals before or after their exposure for sale, but does not include a grass enclosure.

"An approved disinfectant" means a disinfectant approved for the purposes of the Diseases of Animals (Disinfection) Order of 1925.

"Local Authority" means the local authority of the district for the purposes of the Act of 1894.

"Minister" and "Ministry" mean the Minister and Ministry of Agriculture and Fisheries.

"Person" includes persons or any body corporate or unincorporate.

"The Act of 1894" means the Diseases of Animals Act, 1894.

Other terms have the same meaning as in the Act of 1894.

Revocation.

7. The Markets and Sales Order of 1910 and all licences issued under that Order or continued in operation by that Order, are hereby revoked.

Commencement.

8. This Order (except Article 2) shall come into operation on the first day of February, nineteen hundred and twenty-six.

S. R. & O., No. 982.

MARKETS, SALES, AND LAIRS (AMENDMENT) ORDER, 1927, DATED OCTOBER 6TH, 1927, MADE BY THE MINISTER OF AGRICULTURE AND FISHERIES UNDER THE DISEASES OF ANIMALS ACTS, 1894 TO 1927.

Amendment of the Markets, Sales, and Lairs Order of 1925.

1. The Markets, Sales, and Lairs Order of 1925 (hereinafter referred to as the principal Order), is modified in the manner hereinafter provided.

MARKETS

Power to require Paving, Cleansing, and Disinfection of Lairs other than those adjoining Markets, etc.

2. An inspector or other officer of the Ministry acting under the direction of the Minister may by notice served upon the occupier of any lair used for the temporary reception or detention of animals before or after their exposure for sale—other than any lair to which Article 2 of the principal Order applies—

(i) prohibit the use of any such lair for the temporary reception or detention of animals before or after their exposure for sale unless the lair is so paved with cement, concrete, asphalt, or any other hard material impervious to water as to permit of the same being effectually cleansed by washing and is at all times maintained in that condition; and

(ii) require that the lair shall as soon as practicable after being used for the purpose aforesaid on any day, and before being again so used, be cleansed and disinfected in the manner prescribed in Article 3 of the principal Order as amended by the Markets, Sales, and Lairs (Amendment) Order of 1926, as if the said lair were a lair referred to in that Article.

Interpretation.

3. For the purposes of the principal Order as amended by the Markets, Sales, and Lairs (Amendment) Order of 1926 and this Order, the expression "an approved disinfectant" means a disinfectant approved for the purposes of the Diseases of Animals (Disinfection) Order of 1926 if used at the dilution at which such disinfectant is so approved.

Short Title, etc.

* * * * * *

S. R. & O., 1938, No. 1597.

THE MARKETS AND FAIRS (DELEGATION OF FUNCTIONS RELATING TO WEIGHING OF CATTLE) ORDER, 1938, DATED DECEMBER 19TH, 1938, MADE BY THE MINISTER OF AGRICULTURE AND FISHERIES UNDER PART IV OF THE LIVESTOCK INDUSTRY ACT, 1937.

In exercise of the powers conferred upon him by Section 21 of the Livestock Industry Act, 1937 (*a*) the Minister of Agriculture and Fisheries hereby Orders as follows:—

1. All those functions exercisable in relation to markets by the said Minister which by virtue of the said Section of the said Act may by order be delegated to the Livestock Commission are hereby delegated to the said Commission.

2. This Order shall come into operation on the first day of January, nineteen hundred and thirty-nine.

3. This Order may be cited as the Markets and Fairs (Delegation of Functions relating to Weighing of Cattle) Order, 1938.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this nineteenth day of December, nineteen hundred and thirty-eight.

(L.S.) DONALD FERGUSSON,
Secretary.

(*a*) 30 Halsbury's Statutes 19.

MATERNITY, CHILD WELFARE, AND MIDWIVES.

Note.—A Circular and the Regulations issued by the Local Government Board in August, 1918, were reprinted at p. 3548 of the tenth edition, for convenience of reference, although the grants formerly payable under the Regulations were among those discontinued by Sched. II of the L. G. A., 1929. The Circular included some paragraphs which despite changes in the law may still be valuable, but considerations of space have compelled the omission of the whole from this edition.

CIRCULAR 1072.

County and County Borough Councils.
Other Maternity and Child Welfare Authorities.
Tuberculosis Joint Committees.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
February 12th, 1930.

LOCAL GOVERNMENT ACT, 1929.

SIR,—1. I am directed by the Minister of Health to refer to Section 59 of the Local Government Act, 1929 (*a*), and to enclose copies of the regulations made under that Section prescribing the qualifications of Medical Officers and Health Visitors appointed by Local Authorities under the Maternity and Child Welfare Act, 1918 (*b*), the Public Health (Tuberculosis) Act, 1921 (*c*), and the Public Health (Venereal Diseases) Regulations, 1916 (*d*). These Regulations will come into operation on April 1st next, and on and after that date it will not be necessary for Local Authorities to obtain the approval of the Minister to individual appointments of any officers appointed to carry out duties under the Acts of 1918 and 1921, or the Regulations of 1916.

2. The Minister has had under consideration the general question of the extent to which the statutory provisions now governing the administration by Local Authorities of the maternity and child welfare, tuberculosis, and venereal diseases services, will necessitate his approval being obtained after March 31st next to developments of these services. He is advised that these provisions generally require his approval or sanction to the arrangements made by Local Authorities for discharging the functions in question. The principle underlying the Local Government Act, 1929, is that Local Authorities should have as much freedom as possible in administering the health services. The Minister has caused the existing statutes and regulations to be examined from that standpoint, and instructs me to make the following observations as to each of the three specified services.

Maternity and Child Welfare.

3. Section 1 of the Maternity and Child Welfare Act, 1918, enables Local Authorities to make such arrangements as may be sanctioned by the Minister for attending to the health of expectant and nursing mothers, and of children under the age of 5 years who are not being educated in schools recognised by the Board of Education; and Section 2 of the Notification of Births (Extension) Act, 1915 (*e*), empowers Local Authorities, for the purpose of the care of expectant and nursing mothers, and young children, to exercise any powers which a Sanitary Authority have under the Public Health Acts, 1875 to 1907, or the Public Health (London) Act, 1891.

(*a*) 10 Halsbury's Statutes 922. Since repealed; see note (*f*) on s. 106 (1) of the L. G. A., 1933, *ante*, p. 882, for the substituted provisions and the continuance of the regulations of 1930. The regulations are printed, *post*, p. 3296, as amended by regulations of 1933, as to which see Circular 1336, dated May 13th, 1933, *post*, p. 3317.
(*b*) 11 Halsbury's Statutes 742. Now repealed, see *ante*, p. 470.
(*c*) 13 Halsbury's Statutes 971. Now repealed, except s. 6, see P. H. A., 1936, ss. 171–175, *ante*, p. 438.
(*d*) *Ante*, p. 2472.
(*e*) 15 Halsbury's Statutes 767. Now repealed, see *ante*, p. 470.

MATERNITY, CHILD WELFARE, AND MIDWIVES

4. The Minister is advised that the latter Section enables Local Authorities to provide Infant Welfare Centres, Ante-natal Clinics, Hospitals for pregnant women, and for sick and ailing children, and Convalescent Homes for mothers and young children. It will, therefore, not be necessary for the Minister's sanction to be obtained in future to the provision or extension of any institutions of these kinds unless the Local Authority propose to raise a loan to defray any necessary capital expenditure. Similarly, any arrangements which the Local Authority propose to make with the managers of voluntary institutions of these kinds, which provide services of the standard required by the Local Authority, can be made without the sanction of the Minister.

5. The authority for other services commonly provided as part of the arrangements for Maternity and Child Welfare, such for instance as health visiting, a midwifery service, maternity nursing and nursing for expectant mothers and young children, home helps, day nurseries, and the supply of milk or meals, must be found in Section 1 of the Act of 1918, and the Minister is advised that his sanction will still be necessary to the provision of any of these services. But in all cases in which any one of these services has already been provided by a Local Authority with his approval, he hereby sanctions the extension of that service to such an extent, and in such a manner, as the Authority think desirable.

Treatment of Tuberculosis.

6. Under the Public Health (Tuberculosis) Act, 1921, County and County Borough Councils are required to carry out and continue in operation the schemes of institutional treatment approved by the Minister or his predecessors, and any modifications of those schemes need the Minister's approval. The institutions in which treatment is given, *i.e.*, dispensaries, sanatoria and hospitals, have also to be approved by the Minister. Section 3 of the Public Health (Prevention and Treatment of Disease) Act, 1913 (*a*), enables Local Authorities to make such arrangements as may be sanctioned by the Minister for the treatment of tuberculosis.

7. The Minister is advised that it will be necessary for his approval to be obtained to any proposed modification of an approved scheme of institutional treatment which would result in smaller provision being made for treatment, but he hereby sanctions any extension of a scheme which the Council may think desirable, so long as the extension provides for treatment being given at institutions approved by the Minister.

8. The formal approval of institutions has been given by the Minister subject, in each case, to certain specified conditions (see Section 3 of the Act of 1921), and the Minister hereby varies those conditions in the case of institutions belonging to County and County Borough Councils, or Joint Committees of those Councils, so as to require only the following conditions to be observed :—

(1) That the institution and the records kept thereat will be open to inspection at any time by any officer of the Ministry.

(2) That such records will be kept and such returns will be made in connection with the institution as the Minister may from time to time require.

And, in the case of an institution in which children are treated, the following further condition :—

(3) That if the Board of Education make any requirements in regard to educational arrangements for the children, those requirements will be satisfactorily met.

It will not in future be necessary for the Minister's approval to be obtained to proposed extensions of these institutions unless the cost is to be defrayed by means of a loan.

9. Under Section 3 of the Act of 1913 arrangements have been sanctioned by which Local Authorities have been enabled to provide certain forms of non-institutional treatment for tuberculosis, such as nursing in the homes of patients and the supply of extra nourishment for patients who are living at home. The Minister is advised that it will be necessary for his sanction to be obtained in any case in which

(*a*) 13 Halsbury's Statutes 953. Now repealed, see P. H. A., 1936, s. 173, *ante*, p. 441.

a Local Authority propose to initiate any such arrangements, but he hereby sanctions any extension which the Local Authority think desirable of arrangements already approved.

Venereal Diseases.

10. The Public Health (Venereal Diseases) Regulations, 1916, require County and County Borough Councils to make arrangements for the pathological examination of specimens, for the provision of treatment at hospitals or other institutions, and for the supply of arsenobenzene preparations to medical practitioners. These arrangements are subject to the approval of the Minister, and the Regulations also require his approval of the laboratories at which specimens are examined, and of the institutions at which treatment is given.

11. The Minister is advised that it will be necessary, under the Regulations, for his approval to be obtained to any proposed modifications of the arrangements already approved which would result in a curtailment of the existing facilities for diagnosis or treatment, but he hereby sanctions any extension of such arrangements which the Councils may think desirable, provided that the arrangements are made with approved laboratories or institutions. It will also be necessary to obtain his approval of the supply to medical practitioners of any arsenobenzene preparation which is not included in the lists of approved preparations issued from time to time by this Department.

12. The Minister's approval of laboratories and institutions has been given subject in each case to certain specified conditions, and he hereby varies the terms of these approvals so as to require only the following conditions to be observed :—

(1) That the laboratory or institution, and the records kept thereat, will be open to inspection at any time by any officer of the Ministry.

(2) That such records will be kept, and such returns will be made, of the work of the laboratory or institution, as the Minister may from time to time require.

(3) That the Wassermann tests at the laboratory will be performed under the personal supervision of the medical officer in charge of the laboratory, and that such tests will conform to the standards of technique approved by the Minister.

And, in the case of a laboratory or institution which is not provided by a Local Authority, the following further condition :—

(4) That the medical officer in charge of the laboratory or institution possesses the qualifications prescribed in the Regulations made by the Minister under section 59 of the Local Government Act, 1929, for a medical officer in charge of a laboratory or for a medical officer in clinical charge of a Treatment Centre, provided by a Local Authority, as the case may be.

General.

13. Although the formal approval of the Minister will not in future be required to the establishment or extension of institutions provided under these three services, unless it is proposed to raise a loan to defray the cost, the Department will, of course, be prepared at any time to advise on the planning, equipment or staffing of such institutions, or in regard to any proposed extensions. Considerable experience has now been accumulated in the planning of maternity homes, sanatoria and venereal disease clinics. It seems to the Minister essential that the fullest use should be made of this experience and the Ministry will hold itself in readiness to place it at the disposal of Local Authorities, and to give any other assistance or advice which may be desired.

14. The inspection by the Medical Officers of the Department of these services, and of the institutions and premises in which the services are carried on, will, in future, usually form part of the general inspection of public health services to be undertaken from time to time in each area. These inspections, both general and particular, will be required in order that the Minister may be satisfied that each Local Authority is maintaining a reasonable standard of efficiency and progress in the discharge of their functions relating to public health services, as defined in the

MATERNITY, CHILD WELFARE, AND MIDWIVES

Local Government Act, 1929, regard being had to the standards maintained in other areas whose financial resources and other relevant circumstances are substantially similar.

15. A further communication will be addressed to Local Authorities in due course relative to the annual returns which the Minister will require in future under section 51 of the Act with respect, *inter alia*, to the three services to which this circular refers.

I am, Sir,
Your obedient Servant,
A. B. MACLACHLAN,
Assistant Secretary.

The Clerk of the Council, or
Joint Committee, or
The Town Clerk.

S. R. & O., 1930, No. 69.

THE LOCAL GOVERNMENT (QUALIFICATIONS OF MEDICAL OFFICERS AND HEALTH VISITORS) REGULATIONS, 1930, DATED FEBRUARY 6TH, 1930, MADE BY THE MINISTER OF HEALTH UNDER SECTION 59 OF THE LOCAL GOVERNMENT ACT, 1929.

The Minister of Health, in pursuance of his powers under Section 59 of the Local Government Act, 1929 (*a*), and of all other powers enabling him in that behalf, hereby makes the following regulations, that is to say :—

Interpretation and Commencement.

1.—(1) These regulations may be cited as the Local Government (Qualifications of Medical Officers and Health Visitors) Regulations, 1930, and shall come into operation on the first day of April, 1930.

(2) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

2. In these regulations, unless the context otherwise requires—

"Local authority" means, as the case may be, the mayor, aldermen and commons of the City of London, in common council assembled, the council of a metropolitan borough, the council of an administrative county or county borough, the council of a non-county borough or other urban district, or the council of a rural district;

"Medical Officer of health" means the medical officer of health of a local authority;

"Minister" means the Minister of Health;

"Tuberculosis officer" means a medical officer in clinical charge of a tuberculosis dispensary provided by a local authority under their arrangements for the treatment of tuberculosis;

"Medical superintendent" means a medical officer in clinical charge of a residential institution for the treatment of patients suffering from tuberculosis in the early or curative stages of the disease, which contains not less than 75 beds;

"Venereal diseases pathologist" means a medical officer in charge of a laboratory provided by a local authority for the purposes of Article I of the Public Health (Venereal Diseases Regulations, 1916 (*b*);

"Venereal diseases officer" means a medical officer in clinical charge of a treatment centre provided by a local authority for the diagnosis and treatment of venereal diseases in pursuance of Article II of the Public Health (Venereal Diseases) Regulations, 1916;

(*a*) See note (*a*) to paragraph 1 of circular 1072, *ante*, p. 3293.
(*b*) S. R. & O., 1916, No. 467.

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"Senior maternity and child welfare officer" means a medical officer (other than a medical officer of health) who is in charge of the work of a local authority under the Maternity and Child Welfare Act, 1918 (*a*), subject to the administrative supervision of the medical officer of health, and who has responsibility for the work of other medical officers employed by the local authority under that Act;

"Medical officer of an ante-natal clinic" means a medical officer in charge of a clinic provided by a local authority for the purpose of giving advice to, and supervising the health of, pregnant women;

"Health visitor" means a woman appointed by a local authority as a whole-time officer whose duties include the visiting of women and children in their homes for the purpose of giving advice as to the nurture, care and management of young children, and as to the health of expectant and nursing mothers;

"Tuberculosis visitor" means a woman appointed by a local authority being the council of a county, county borough or metropolitan borough as a whole-time officer whose duties include the visiting of the homes of persons suffering from tuberculosis for the purpose of giving advice as to the care and hygiene of such persons and as to the measures necessary to prevent the spread of infection.

Tuberculosis Officer or Medical Superintendent.

3. Any person appointed by the Council of a County, County Borough or Metropolitan Borough, or by a Joint Committee of any such Councils, to be a tuberculosis officer or medical superintendent shall be a registered medical practitioner who, prior to April 1st, 1930, has held the appointment of tuberculosis officer or medical superintendent with the approval of the Minister, or who, subsequent to qualification, (1) has had at least three years' experience in the practice of his profession, (2) has spent in general clinical work a period of not less than eighteen months of which not less than six months have been spent in a hospital as resident officer in charge of beds occupied by general medical or surgical cases, and (3) has received special training, for a period of not less than six months, in the diagnosis and treatment of tuberculosis.

Venereal Diseases Pathologist.

4. Any person appointed by the Council of a County or County Borough to be a venereal diseases pathologist shall be a registered medical practitioner who, prior to April 1st, 1930, has held the appointment of venereal diseases pathologist with the approval of the Minister, or who (1) has had at least three years' experience in the practice of his profession subsequent to qualification, and (2) is in possession of a certificate, given by a pathologist in charge of a laboratory approved by the Minister under the Public Health (Venereal Diseases) Regulations, 1916, testifying that, under his supervision, the medical practitioner, within the preceding two years, (*a*) has personally carried out not less than 500 serum tests for syphilis by a method approved by the Minister, and is competent to perform such tests, and (*b*) has personally examined microscopically not less than 300 specimens from lesions suspected to be syphilitic, gonorrhoeal or chancroidal, and is competent to conduct such examinations.

Venereal Diseases Officer.

5. Any person appointed by the Council of a County or County Borough to be a venereal diseases officer shall be a registered medical practitioner who, prior to April 1st, 1930, has held the appointment of venereal diseases officer with the approval of the Minister, or who (1) has had at least three years' experience in the practice of his profession subsequent to qualification, and (2) is in possession of a certificate, given by the venereal diseases officer of a treatment centre at which not less than 500 patients attended for the first time during the 12 months preceding the issue of the certificate, testifying that he has attended at the treatment centre for a period of not less than three months and has received during that period not less than 130 hours' instruction in the modern methods of diagnosis and treatment of venereal diseases.

(*a*) 11 Halsbury's Statutes 742. Now repealed, see *ante*, p. 470.

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Senior Maternity and Child Welfare Officer.

6. Any person appointed by a local authority to be a senior maternity, and child welfare officer shall be a registered medical practitioner who, prior to April 1st, 1930, has held the appointment of senior maternity and child welfare officer with the approval of the Minister, or who, subsequent to qualification, (1) has had at least three years' experience in the practice of his profession, (2) has had special experience in midwifery and child welfare work, and (3) has been employed by a local authority under the Maternity and Child Welfare Act, 1918.

Medical Officer of an Ante-Natal Clinic.

7. Any person appointed by a local authority to be a medical officer of an ante-natal clinic shall be a registered medical practitioner who, prior to April 1st, 1930, has held the appointment of medical officer of an ante-natal clinic with the approval of the Minister, or who, subsequent to qualification, has had at least three years' experience in the practice of his profession and special experience of practical midwifery and ante-natal work.

Health Visitor.

8. Any person appointed to be a health visitor shall be a woman who, prior to April 1st, 1930, has held the appointment of health visitor with the approval of the Minister, or who has obtained the health visitors' certificate issued by the Royal Sanitary Institute under conditions approved by the Minister, or the diploma issued under the Board of Education (Health Visitors' Training) Regulations, 1919 (*a*), [or the health visitors' certificate issued by the Royal Sanitary Association of Scotland, under conditions approved by the Department of Health for Scotland, and duly endorsed by the Association as rendering the holder eligible for appointment as a whole-time health visitor in England and Wales as well as in Scotland (*b*)].

Tuberculosis Visitor.

9. Any person appointed to be a tuberculosis visitor shall be a woman who, prior to April 1st, 1930, has held the appointment of tuberculosis visitor with the approval of the Minister, or who has obtained the health visitors' certificate issued by the Royal Sanitary Institute under conditions approved by the Minister, or the diploma issued under the Board of Education (Health Visitors' Training) Regulations, 1919, or who is a fully-trained nurse and has had at least three months' special experience at a sanatorium or hospital for the treatment of tuberculosis, or at a tuberculosis dispensary.

General.

10. The Minister may dispense with any of the requirements of these regulations in any case in which it appears to him desirable so to do, on such terms and conditions as he thinks fit, and such dispensation may be given at any time provided that the Minister is satisfied that the interests of any person will not be prejudiced thereby.

Given under the Official Seal of the Minister of Health this sixth day of February, in the year One thousand nine hundred and thirty.

(L.S.) R. H. H. KEENLYSIDE,
Assistant Secretary, Ministry of Health.

Memo. 153/M.C.W.

BIRTH CONTROL.

NOTE.—This memorandum is substantially modified by circulars 1208 and 1408, *post*, pp. 3305, and 3318.

(*a*) S. R. & O., 1919, No. 1293.

(*b*) The words in square brackets were added by the Local Government (Qualifications of Medical Officers and Health Visitors) (Amendment) Regulations, 1933, dated May 8th, S. R. & O., 1933, No. 408, which are to be construed as one with the principal regulations. The principal regulations printed as so amended may be cited as "The Local Government (Qualifications of Medical Officers and Health Visitors) Regulations."

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1. The Minister of Health is authorised to state that the Government have had under consideration the question of the use of institutions which are controlled by Local Authorities for the purpose of giving advice to women on contraceptive methods.

2. So far as Maternity and Child Welfare Centres (including Ante-Natal Centres) are concerned, these Centres can properly deal only with expectant mothers, nursing mothers and young children, and it is the view of the Government that it is not the function of the Centres to give advice in regard to birth control and that their use for such a purpose would be likely to damage the proper work of the Centres. At the same time the Government consider that, in cases where there are medical grounds for giving advice on contraceptive methods to married women in attendance at the Centres, it may be given but that such advice should be limited to cases where further pregnancy would be detrimental to health, and should be given at a separate session and under conditions such as will not disturb the normal and primary work of the Centre. The Minister will accordingly be unable to sanction any proposal for the use of these Centres for giving birth-control advice in other cases.

3. The Government are advised that Local Authorities have no general power to establish birth-control clinics as such, but that under the Notification of Births (Extension) Act, 1915 (*a*), which enables Local Authorities to exercise the powers of the Public Health Acts for the purpose of the care of expectant mothers and nursing mothers, it may properly he held that birth control clinics can be provided for these limited classes of women. Having regard to the acute division of public opinion on the subject of birth control, the Government have decided that no Departmental sanction which may be necessary to the establishment of such clincis for expectant and nursing mothers shall be given except on condition that contraceptive advice will be given only in cases where further pregnancy would be detrimental to health.

4. Under the Public Health Acts, Local Authorities have power to provide clinics at which medical advice and treatment would be available for women suffering from gynaecological conditions. But the enactments governing the provision of such clinics limit their availability to sick persons, and the Government have decided that any Departmental sanction which may be necessary to the establishment of such clincis shall be given only on the following conditions: (1) that the clinics will be available only for women who are in need of medical advice and treatment for gynaecological conditions, and (2) that advice on contraceptive methods will be given only to married women who attend the clinics for such medical advice or treatment, and in whose cases pregnancy would be detrimental to health.

Ministry of Health.
July, 1930.

CIRCULAR 1167.

Maternity and Child Welfare Authorities.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
11*th December*, 1930.

MATERNAL MORTALITY.

SIR,—I am directed by the Minister of Health to draw the attention of the Council to the Interim Report of the Departmental Committee on Maternal Mortality and Morbidity which has recently been published by H.M. Stationery Office.

The Government have considered the recommendations made by the Committee for removing the causes of preventable maternal death, and have decided to undertake the necessary negotiations with the various authorities concerned, with a view to formulating a scheme on a national basis for the care of maternity which would provide the services suggested by the Committee. But the Report makes it clear

(*a*) 15 Halsbury's Statutes 767. Repealed; see now s. 204 of the P. H. A., 1936, *ante*, p. 475.

MATERNITY, CHILD WELFARE, AND MIDWIVES

that two of the essential measures for securing a reduction in maternal mortality are (1) general and sustained efforts to enlighten the women of the country as to the importance of ante-natal supervision, and (2) the improvement and expension, where necessary, of the maternity services of Local Authorities, which must form an important part of any national scheme.

The Minister recognises that in many areas the Local Authorities and Voluntary Associations have already realised the importance of fully exercising their powers for the care of maternity, but there is still much to be done if the preventable maternal deaths are to be prevented. He desires to commend to the earnest attention of all Councils the suggestions in the accompanying Memorandum for improving and developing their maternity services, and for securing that the women most in need of these services are persuaded to make use of them (*a*).

The Minister feels sure that the Council will be anxious to do all that is reasonably possible in this matter. The additional expenditure involved in any area will be small in comparison with the advantages that would result from the provision of the necessary facilities, and their full use by those for whose benefit they are provided, and I am to remind the Council that the development of the maternity and child welfare services is one of the extensions of local services in consideration of which an additional amount of £5,000,000 was included in the General Exchequer Contribution for each year in the first fixed grant period under the Local Government Act, 1929.

I am also to point out that the Act provides that the amount of the General Exchequer Contribution shall be revised periodically, and that at each revision it shall, subject to the necessary provision by Parliament, be fixed by reference to the total amount of the rate and grant expenditure incurred by all local authorities in the last year for which particulars are available as compared with the amount of that expenditure in the year 1930–31.

The Minister will be glad to be informed as early as practicable of the action which the Council decide to take after consideration of this Circular and the enclosed Memorandum.

A further copy of the Circular and Memorandum are enclosed, which should be handed to the Financial Officer.

I am, Sir,
Your obedient Servant,

A. B. MACLACHLAN,
Assistant Secretary.

The Clerk of the Council,
or
The Town Clerk.

Memo. 156/M.C.W.

MATERNITY AND CHILD WELFARE.

I. ANTE-NATAL SERVICES.

1. The Department Committee on Maternal Mortality and Morbidity, which was appointed by the Minister of Health in June, 1928, have submitted an Interim Report which was published in July of the present year. This Report has furnished both the Government and the public with many new facts and conclusions in regard to the subject. As a result of their investigation into 2,000 deaths of women in childbirth during the two years, the Committee came to the conclusion that there were *four primary avoidable causes* in the train of events which led up to a fatal issue. First, there was absence of ante-natal care in 17 per cent. of the deaths; secondly, there were errors of judgment in practice or treatment by doctors or midwives in another 17 per cent.; thirdly, there was lack of reasonable facilities available for effective medical care in 5 per cent. of the cases; and fourthly, in 9 per cent. there was negligence of the patient, or her friends, to adopt or carry out medical advice offered to them. Thus not less than 48 per cent. of the total deaths from childbirth into which

(*a*) See also paragraph 5 of circular 1433, *post*, p. 3319.

inquiry was made seemed to the Committee to have been avoidable. In the remaning 52 per cent. of the records of death examined no preventable factor actually emerged, but in some cases, owing to incompleteness of the records, it was not possible to come to a definite conclusion.

In summary, the Committee found that of the cases of death brought to their notice *not less than one-half were directly preventable* under suitable conditions. These findings not only confirm previous impressions that much mortality and morbidity associated with childbearing might be prevented, but indicate the kind of unsatisfactory conditions which must be removed or ameliorated if we are to secure, as we must, a reduction in the relatively high maternal mortality rate of the country, not only in those districts where the maternal mortality has been highest over a number of years, and in which little decline, if any, has occurred, but in the country as a whole.

Generally speaking, it is clear from cumulative experience of the work of the maternity services in their present form that the solution of this complex problem is most likely to be found in an all-round tightening up as well as strengthening of each link in the chain of obstetric supervision, and an increased watchfulness over all stages of pregnancy and labour rather than in any single arresting or comprehensive remedy. Much of this improved supervision will come about gradually if the education and training of the medical student and the midwife are designed to equip them to appreciate more closely the extreme importance of painstaking attention to detail, as well as to understand and apply the scientific methods of sound treatment. Moreover, the influence of a better informed public opinion, and the effective education of the mother herself, whether through direct instruction, or through the action of voluntary organisations, or the indirect effect of a readily available and adequate maternity service, should also prove beneficial in securing a higher and safer standard of practical midwifery.

"*It is certain,*" the Committee say, "*that an excessive maternal mortality can be prevented, for in some lying-in institutions, and in large groups of women in confinement at home, it is already being prevented by these very means. What is being done for some women can, and should, be done for all.*" Some examples of such successful midwifery may be mentioned. From the years 1924–1928 inclusive, the hospital and district cases of the *British Hospital for Mothers and Babies at Woolwich* numbered 4,221, and the maternal mortality rate was 0·71 per thousand births; at the *East End Maternity Hospital* (1921–1928) the hospital and district cases numbered 17,525, and the maternal mortality rate was 0·68; at the *General Lying-in Hospital* in Lambeth (1920–1929) the hospital and district cases numbered 25,906, and the maternal mortality rate was 1·31; in the year 1928 the *Queen's Institute Nurses* were responsible for 65,077 district midwifery cases, and the maternal mortality rate was 1·9; and the *Plaistow Maternity Hospital* (1910–1929) undertook 87,749 district cases and the maternal mortality rate was 0·77 per thousand. These figures compare very favourably with a total mortality rate for England and Wales in 1929 of 4·33 per thousand. The urgent, and indeed vital, importance of Local Authorities directing renewed attention to the matter is therefore obvious. Many Local Authorities have provided facilities for ante-natal supervision by the establishment of Ante-natal Clinics; but the Report shows that it is not sufficient to organise these Clinics and encourage doctors and midwives to use them. If a Clinic is to render the best possible service to the women for whom it is provided, it is desirable to associate the doctors and the midwives practising in the area much more directly with the Clinic and its staff.

2. The Ante-natal Clinic has a two-fold function:—

   (*a*) *Medical and nursing*, including the examination and routine supervision of such women as ask for it; assistance in the supervision of the patients of doctors and midwives referred by them for this purpose, and the examination of patients referred by doctors for the advice of an obstetric specialist.

   (*b*) *Educational and social*, including the practical teaching and advice given to the mother in regard to her own health and that of the infant, and the systematic following up of all women in attendance throughout their pregnancy.

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The Ante-natal Clinic should therefore be established and equipped as an *Ante-natal Centre* for all the maternity work of the area, to be in fact a place for advice and helpfulness for any expectant mothers who are in need of social and medical assistance from doctors, midwives or nurses. The staffing, equipment and management of the Ante-natal Centre are dealt with in the memorandum which was circulated to Local Authorities in July, 1929. Many of the existing Centres do not at present reach the standard described in the memorandum, and it is important that efforts should be made, not only to establish further Centres where they are needed, but to secure that the present Centres are fully efficient.

3. The Ante-natal Centre has, however, the obvious disadvantage that the doctor in charge of the Centre seldom, if ever, actually delivers the patient, or is the doctor called in by the midwife in an emergency. In some cases this disadvantage can be overcome to a certain extent by keeping the patient's doctor fully informed of the findings at the Centre, but in many cases the medical officer of the Centre is not aware of the name of the doctor who may attend the confinement. It is, therefore, clearly desirable to encourage closer co-operation between the Centre and the doctors practising in the area which it serves.

4. In the case of women who engage a doctor for the confinement the necessary ante-natal supervision will be undertaken by him, and in the case of women who are insured persons the insurance practitioner is responsible for medical attendance during pregnancy. For these women the Ante-natal Centre should be available for any additional care the doctor considers necessary. But many uninsured women who engage midwives for the confinement are unable also to pay the fee of a doctor for ante-natal supervision, and for such women the necessary provision should be made through the maternity and child welfare service.

5. This can be done at an Ante-natal Centre if it is reasonably accessible to the patients, and they are willing to attend there. But in sparsely populated areas it is impracticable to provide Centres within a reasonable distance of the homes of most of the women concerned, and in towns there are many women who cannot be persuaded to attend the Centres. In some rural areas the County Councils are making arrangements with private medical practitioners whereby the latter undertake the routine ante-natal examination of uninsured women who have engaged midwives for the confinement. Arrangements of this kind might well be made by Local Authorities, not only in rural areas, but also in towns to meet the needs of those uninsured women who are reluctant to visit a Centre for the purpose of ante-natal examination.

6. It is suggested that a list might be prepared by the Authority of those doctors practising in the area who are willing to undertake this service for uninsured women who engage midwives. The latter should be urged to explain to their patients the advantages of consulting a doctor during pregnancy, and, if they are unwilling to attend at the Centre, encourage them to select one of the doctors on the list, who should be the doctor to be called in by the midwife if any emergency should arise. The doctor would arrange to conduct the ante-natal examination either at the patient's home or at his surgery, and he should be offered the facilities of the Centre, including the services of the nurse or the health visitor, for the necessary following up of the case and subsequent supervision. In some cases arrangements might be made for the doctor to conduct the examination at the Centre with the patient's consent. The midwife engaged by the mother should be kept fully informed and encouraged to undertake as much of the ante-natal care as she is in a position to do. It is essential that the full co-operation of the midwives should be secured, and it should be made clear to them that these arrangements are designed in their interests as well as those of their patients.

7. Experience has shown that unless ante-natal supervision is adequately performed it may not only fail to benefit the patient, but may even involve additional risk by giving her a false sense of security. Under the Local Government (Qualifications of Medical Officers and Health Visitors) Regulations, 1930, the Medical Officer of an Ante-natal Centre is required to have had special experience of practical midwifery and ante-natal work, and it is suggested that there are definite advantages

in securing for these posts the part-time services of private practitioners who possess the special qualifications prescribed by the Regulations. If possible, facilities should also be provided for other doctors to see their patients at the Centre if they so desire.

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8. It is considered that arrangements on the above lines, co-ordinating the work of the Ante-natal Centres with that of the doctors and midwives, should prove to be one of the most helpful ways of teaching women to accept ante-natal supervision as part of the normal preparation for a confinement, rather than an emergency measure implying some dangerous or unusual condition. Such arrangements should also do much to secure medical advice for women expecting their first confinement, with its exceptional risks.

II. Supply of Midwives.

1. It is now generally recognised that the services of a qualified midwife should be available for every confinement, whether she acts as a midwife in charge, or as a maternity nurse under the direction of a doctor. The employment of a midwife to carry out maternity nursing not only secures for both mother and child the advantages of skilled attention, but also obviates the risks associated with the employment of a handywoman or untrained "nurse."

2. In most rural areas both midwifery and maternity nursing can only be carried out satisfactorily by midwives employed by District Nursing Associations, and in many areas this is already done with financial assistance from the County Council. But there are still a number of rural parishes without midwives, and these are generally sparsely populated areas which cannot support a nurse-midwife without substantial assistance from the County Council. In such areas there is usually a special need for the services of a midwife if skilled attendance is to be available for the mothers, but there is often a difficulty in attracting a well-qualified and keen midwife owing to the paucity of both nursing and midwifery cases. This difficulty might be overcome with the assistance of the County Council by the formation of new District Nursing Associations covering a wide area, or by an extension of the areas served by existing Associations, if such facilities as a motor-car and a telephone service were provided for the midwife. In some cases it might be found possible to secure for a more limited area the services of a midwife who has already had considerable experience, and who would welcome the opportunity of lighter work and greater leisure. It is hoped that this matter will receive careful consideration by the Councils of those Counties in which there are any areas without a supply of midwives.

3. In many urban districts there is a need for a better distribution of midwives, and for a greater use of their services for maternity nursing. Some Local Authorities already employ either whole-time or part-time municipal midwives, and there would be advantage in an extension of these arrangements. It is of course necessary to avoid the displacement of competent independent midwives already in practice in the district by other midwives appointed by the Local Authority, and to maintain the right of the mother to employ the midwife she prefers; but by the judicious support of midwives already in practice, and by placing midwives in areas where they would be unable to make a living without assistance, the Local Authority can ensure ready access to a midwife by all women requiring her services, and can also do much to improve the conditions of practice for the midwives.

4. The employment of handywomen is still a common practice in some urban districts, and it is not unusual to find that the midwives in these districts are by no means fully occupied and have difficulty in earning a living. In many cases a woman who engages a doctor for her confinement is unable also to pay the fee of a midwife to act as maternity nurse, and it is suggested that Local Authorities should encourage the employment of midwives in these cases by contributing to the fee of the midwife. It will be essential to secure the co-operation of the doctors practising in the district in persuading their patients to accept the services of a trained midwife for the maternity nursing.

III. Consultants.

Many Local Authorities already provide the services of a consultant in cases of puerperal fever and, in some instances, for cases of difficult labour. It is desirable that in each area the Local Authority should satisfy themselves that a consultant is

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available for any doctor who needs assistance in difficulties or complications arising during pregnancy, or at or after confinement. It will generally no doubt be found desirable to engage for this purpose the consultant at the Maternity Hospital or Ante-natal Centre serving the area.

IV. HOSPITAL BEDS.

In some areas there is still a need for further provision of hospital accommodation (1) for cases needing institutional treatment, including not only complications of labour and the puerperium, but also patients suffering from abnormal ante-natal conditions and intercurrent diseases, and (2) for patients whose home conditions are unsuitable for a confinement. In Counties and County Boroughs, the Councils may be able to provide the necessary beds by the adaptation of accommodation in institutions transferred to them under the Local Government Act, 1929.

It is suggested that Local Authorities should consider, wherever practicable, the desirability of affording facilities to private practitioners to attend their own patients in maternity institutions.

V. PROVISION OF ANCILLARIES.

Some or all of the following services have already been provided in many areas, and it is suggested that Local Authorities should consider the desirability of making provision through the Centres for such of these services as are not already available in their districts.

(1) Sterilised maternity outfits for patients for whom either the doctor or the midwife considers that this provision is desirable.

(2) Home helps for domestic assistance during the lying-in period, and also during pregnancy in those cases in which there are abnormal conditions rendering it dangerous for the woman to continue her usual household work.

(3) Supply of milk for expectant and nursing mothers.

(4) Provision of laboratory facilities for the examination of pathological material submitted by doctors.

VI. EDUCATION.

Whatever provision is made for the care of maternity, it is clear that further efforts are necessary to persuade women to take advantage of the facilities provided. This is especially true of ante-natal supervision, and there is a need in every area for a campaign of enlightenment on this subject. Local Authorities are in the best position to organise such a campaign with the assistance of their Medical Officers and Health Visitors, but it will be essential to secure the co-operation of the doctors and midwives practising in their areas, and of suitable voluntary organisations concerned with the welfare of women. It is hoped that all Local Authorities will give special consideration to the importance of educating public opinion on this vital matter.

Officers of the Department will gladly confer with Authorities who are desirous of improving or extending their existing arrangements and do anything in their power to facilitate progress.

Ministry of Health,
London, S.W.1.
December, 1930.

CIRCULAR 1208.

MATERNITY, CHILD WELFARE, AND MIDWIVES

Maternity and Child Welfare Authorities.

MINISTRY OF HEALTH,
WHITEHALL, LONDON, S.W.1.
14*th July*, 1931.

BIRTH CONTROL (*a*).

SIR,—I am directed by the Minister of Health to refer to Memorandum 153/M.C.W., which was issued in March last on the above subject. The Minister finds that certain misconceptions have arisen in regard to the views expressed in that Memorandum, and he desires to bring the following points to the notice of Local Authorities.

1. It is necessary to emphasise the statement in the Memorandum that the Government are advised that Local Authorities have no general power to establish birth control clinics as such. The Memorandum was issued solely for the purpose of explaining the views of the Government on the use of institutions controlled by Local Authorities for the purpose of giving advice to women on contraceptive methods, and it should be understood that the question of providing facilities for giving such advice within the limits laid down in the Memorandum is a matter entirely within the discretion of the Local Authority.

2. Under the Maternity and Child Welfare Act, 1918 (*b*), the powers of Local Authorities are limited, so far as women are concerned, to making arrangements for attending to the health of expectant mothers and nursing mothers. If an authority decides to provide facilities for giving birth control advice at a Maternity and Child Welfare Centre in accordance with paragraph 2 of the Memorandum, the use of these facilities must be strictly incidental to the purpose for which the centre is established, and they can be made available only for married women who are either expectant or nursing mothers already in attendance at the Centre and in whose cases further pregnancy would be detrimental to health.

3. If action is taken under the Public Health Acts to establish a clinic at which medical advice and treatment would be available for women suffering from gynaecological conditions, the use of any facilities provided at the clinic for giving advice on contraceptive methods must be strictly incidental to the purpose for which the clinic is established, viz., the treatment of sick persons. Only women who need medical advice and treatment for gynaecological conditions can properly be admitted to the clinic, and contraceptive advice can properly be given only to married women in attendance at the clinic in whose cases pregnancy would be detrimental to health. It is obviously desirable for a Local Authority to obtain the services of a medical officer specially experienced in the clinical advice and treatment needed at a gynaecological centre of this sort.

4. The Minister does not consider it desirable that a gynaecological clinic should be established at a Maternity and Child Welfare Centre, and if an Authority is satisfied that there is need for such a clinic it should be provided in separate premises or at a hospital. Expectant mothers and nursing mothers in attendance at Maternity and Child Welfare Centres who are found to need medical advice and treatment for gynaecological conditions could then be referred to the clinic.

5. The Minister considers it important that no existing officer of a Local Authority should be prejudiced in any way by a decision of the Authority to provide facilities for birth control advice within the limits laid down in the Memorandum. He is of opinion that this work should not be regarded as falling within the scope of the normal duties of the medical officers of a Local Authority, who should be free to undertake it or decline it.

I am, Sir,
Your obedient Servant,
A. B. MACLACHLAN,
Assistant Secretary.

The Clerk to the Local Authority.

(*a*) See also circular 1408 of May 31st, 1934, *post*, p. 3318.
(*b*) 11 Halsbury's Statutes 742. Now repealed, see *ante*, p. 470.

MATERNITY, CHILD WELFARE, AND MIDWIVES

CIRCULAR 1285.

Maternity and Child Welfare Authorities (England).

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
29th August, 1932.

MATERNAL MORTALITY.

SIR,—I am directed by the Minister of Health to inform you that in the Final Report of the Departmental Committee on Maternal Mortality, which has recently been issued, attention is directed to the great importance of continuing arrangements for a confidential investigation into maternal deaths similar to that which has been carried out during the last four years in accordance with the procedure outlined in the Minister's Circulars of April 23rd, 1928, and October 24th, 1928 (Nos. 888 and 934).

The Minister warmly appreciates the assistance which has been rendered by Medical Officers of Health and their staffs in making these investigations in the past, and he trusts that arrangements will be made to continue this work in all parts of the country. He is confident that the Local Authority will wish to facilitate investigations which aim at a progressive reduction in maternal mortality, and that he can rely on the co-operation of the Local Authority in making such arrangements as will enable the Medical Officer of Health to carry out this work.

A Memorandum is enclosed for the guidance of the Medical Officer of Health, indicating the lines on which it is suggested that these investigations should be continued.

I am, Sir,
Your obedient Servant,
J. C. WRIGLEY,
Assistant Secretary.

The Clerk to the Local Authority.

Memo. 164/M.C.W.

(Covering Form 97/M.C.W.)

MATERNAL MORTALITY.

The Final Report of the Departmental Committee on Maternal Mortality and Morbidity was issued in August, 1932, and has been published by H.M. Stationery Office. The Report contains the results of an examination of 5,800 inquiries into maternal deaths, and the conclusions and recommendations of the Committee are based to a large extent on a careful consideration of this valuable, and indeed unique investigation. The inquiries were made in accordance with the procedure outlined in the Minister's Circulars of April 23rd, 1928, and October 24th, 1928 (Nos. 888 and 934).

The Committee were deeply impressed with the practical uses of the investigation and recommended that local inquiries into maternal deaths should not be allowed to lapse, but should be continued on similar though less detailed lines.

The opinion of Medical Officers of Health who have been responsible for these inquiries is generally favourable to a continued investigation. The Medical Officers appreciate the opportunity afforded of discussing these cases with general practitioners, and the experience gained in this way enables them to estimate the adequacy and elasticity of the local organisation for maternal welfare. The inquiries have also a direct educational value.

It is recognised that the detailed inquiries made for the Maternal Mortality Committee occupied a considerable amount of time. In order to save time and to facilitate the tabulation of findings, a new and simpler report form has been drafted which, it is hoped, will prove convenient to use. Copies of the form are enclosed with this

Memorandum, and further copies of the form sufficient to meet the local requirements will be supplied on application to this Office (*a*).

Experience has shown that the most informative portions of these reports are usually contained in the history and description of the case. Space has therefore been provided in the revised form for an account of ante-natal care and for a brief description of the labour and puerperium. Neither of these can be dealt with satisfactorily by means of question and answer, but certain points to which attention should be paid have been noted on the form for the convenience of the investigator. These are not exhaustive, but are matters of special practical importance. Many other points of interest have been omitted for the sake of brevity and clearness, but it is hoped that comments will be made on any subjects which have a bearing on the case, such as the previous record of the woman, the domestic circumstances, the dietary, the effect of employment during pregnancy, overcrowding, the suitability of the lying-in room, the employment of a handywoman or home help, etc. The remainder of the form consists mainly of questions which it is hoped will all be answered definitely whenever possible, as this materially facilitates the tabulation of results.

Among the cases investigated it is desirable to include deaths following abortion, as available knowledge of the causation of abortion is limited; and also death primarily due to intercurrent disease, such as nephritis, tuberculosis, heart disease and so forth.

The investigations should be continued on the lines which have already proved successful and which may be recapitulated briefly. The Medical Officer responsible for the inquiry should be the Medical Officer of Health either of the Local Supervising Authority or of the Maternity and Child Welfare Authority of the area in which the woman resided. He should not be engaged in private practice. He may be assisted by members of his staff or by an obstetric specialist. Domestic inquiries should be made by the Health Visitor or Inspector of Midwives in the course of her ordinary duties. Care should be taken to safeguard the susceptibilities of relatives. As the inquiry is solely for scientific and public health purposes, the information obtained should be regarded as *strictly confidential*. The name of the deceased woman need not be given and the report should not be utilised for any inquiry which might be called for locally in regard to a particular case. The report should be sent direct to the Chief Medical Officer at the Ministry of Health, and no copy should be retained.

Ministry of Health,
Whitehall, S.W.1.
August, 1932.

CIRCULAR 1291.

London County Council.
Common Council of the City of London.
Maternity and Child Welfare Authorities (outside London).

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
4th November, 1932.

MATERNITY AND CHILD WELFARE.

INFANT LIFE PROTECTION.

SIR,—I am directed by the Minister of Health to draw the attention of the Council to the Children and Young Persons Act, 1932, and to state that under subsection (3)

(*a*) The form is not reproduced here.

MATERNITY, CHILD WELFARE, AND MIDWIVES

of Section 90 of that Act (*a*) the Secretary of State has appointed January 1st, 1933, as the date upon which the provisions of the Act relating to Infant Life Protection are to come into operation. The provisions in question comprise Part V of the Act and the provisions in the Second and Fourth Schedules to the Act which relate to Part I of the Children Act, 1908 (*b*), and their effect is set out in the enclosed Memorandum (Memo. 165/M.C.W.).

It is important that all persons who undertake, or propose to undertake, the reception of children for reward should be informed of their duties under the new Act, as well as reminded of the provisions of Part I of the Act of 1908 which are still applicable (*c*) and it is suggested that the Council should issue advertisements, warning foster parents that the intended reception for reward of children under the age of nine years must now be notified before reception, and inviting them to apply to the Council for further particulars. A form of advertisement will be found at the end of the Memorandum, together with the draft of a leaflet of advice to foster parents, comprising a brief statement of the provisions which it is necessary for foster parents to know and observe.

It is also necessary for Infant Protection Visitors to be familiar with the whole of the law of Infant Life Protection, as it is now to be found in Part I of the Act of 1908 (*b*) as amended by the Act of 1932 (*a*), and a second Memorandum (Memo. 165A/M.C.W.) containing a summary of the statutory provisions is enclosed herewith.

The Minister hopes that these Memoranda will receive the careful attention of the Council and of the officers who are concerned with the administration of the law relating to Infant Life Protection. The Memoranda have been placed on sale, and additional copies may be obtained from the Stationery Office at any of the addresses shown below.

I am, Sir,
Your obedient Servant,
A. B. MACLACHLAN,
Assistant Secretary.

The Clerk of the Council,
or
The Town Clerk.

Memo. 165/M.C.W.

(Enclosure to Circular 1291.)

INFANT LIFE PROTECTION.

CHILDREN AND YOUNG PERSONS ACT, 1932.

In a memorandum (L.G.A. 28) dated November 26th, 1929, Maternity and Child Welfare Authorities were advised of the powers and duties in relation to the protection of infant life contained in Part I of the Children Act, 1908, which were transferred to them by section 2 (a) of the Local Government Act, 1929. Reports which have since been made to the Minister suggest that certain Maternity and Child Welfare Authorities and their staffs are not yet wholly conversant either with the memorandum or with the provisions of Part I of the Act of 1908 (*d*).

In particular the Minister understands that it is not generally recognised that it is the duty of Authorities under section 2 (1) of the Children Act (*e*) to make inquiry from time to time whether there are any persons residing in their districts who undertake the nursing and maintenance of infants notifiable under the Act, and the

(*a*) 25 Halsbury's Statutes 263.
(*b*) 9 Halsbury's Statutes 795. Repealed by the P. H. A., 1936, *ante*, p. 732. See the general note, *ante*, p. 470.
(*c*) See now s. 206 of the P. H. A., 1936, *ante*, p. 476.
(*d*) See the notes on the covering circular, *supra*.
(*e*) Now s. 209 of the P. H. A., 1936, *ante*, p. 479.

suggestion made in paragraph 12 of the memorandum, that the requirements of Part I should be advertised from time to time has not been adopted by all Authorities. In drawing the attention of Authorities to the amendments to Part I of the Act which are included in the Children and Young Persons Act, 1932 (*a*) it is suggested that the previous memorandum, which was issued at a time when the attention of Authorities may have been diverted to other matters of more general importance, should be carefully reconsidered. Copies of the memorandum may be obtained from the Stationery Office (price 1*d*.).

The provisions of the Children and Young Persons Act, 1932, which relate to Infant Life Protection are contained in sections 65 to 69 and the Second and Fourth Schedules to the Act (*b*) and the Secretary of State has, under section 90 (3) of the Act, appointed January 1st, 1933, as the date upon which those provisions are to come into operation. The main provisions of the new Act so far as they relate to Infant Life Protection are summarised in the following paragraphs, and as they contain substantial alterations of the existing law Authorities should take immediate steps to make them known throughout their districts.

1. *Extension of Age of Notifiable Children.*

The age under which the reception of children for reward must be notified is raised by section 65 (1) from seven to nine years (*b*). Authorities should accordingly not only retain on their Registers and continue to supervise children who attain the age of seven after January 1st next, but also replace on the Register and resume the supervision of any notifiable children who before that date have attained the age of seven but have not attained the age of nine, and ascertain whether any children who on January 1st next are between the ages of seven and nine are being received for reward in their districts. These classes of children must, by section 65 (3), be notified within one month after the appointed date (*i.e.*, before February 1st, 1933) unless they have already been notified.

2. *Period of Notification.*

Notification of the reception of a child, instead of being given within 48 hours *after* reception, must by section 65 (1) be given—

(*a*) in the case of the first child proposed to be received, not less than seven days *before* its reception ;

(*b*) in the case of any other child, not less than 48 hours *before* reception ; and

(*c*) in the case of a child already received without reward within 48 hours after the undertaking to receive for reward.

Where, however, a child is received in an emergency, proof that notice was given within 12 hours thereafter constitutes a valid defence.

Notification of change of residence, instead of being within 48 hours must, under the Second Schedule, be given at least seven days *prior to the change*, except in an emergency, when notice may be given at any time within 48 hours after the change of residence.

Notification of the death or transference of a child, instead of being given within 48 hours, must by that Schedule be given within 24 hours.

3. *Additional Notification.*

Notification of the death or transference of a child must by section 65 (2) be given not only to the Local Authority but also to the person from whom the infant was received.

4. *Manner of Notification.*

[The Second Schedule to the Act of 1932, hereunder set out in the memorandum, was repealed by the P. H. A., 1936. As to notices under that Act, see note (*b*) to s. 206 of that Act, *ante*, p. 476.]

* * * * * *

Local Authorities should when advertising this change indicate what, if any, officer other than the clerk is duly authorised to receive notices.

(*a*) See the general note, *ante*, p. 470.

(*b*) See now notes to ss. 205–207 of the P. H. A., 1936, *ante*, pp. 476–478.

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5. *Definition of "Reward."*

An undertaking is by section 65 (1) (*a*) to be deemed to be an undertaking for reward if there is any payment or gift of money or money's worth, or any promise to pay or give money or money's worth, irrespective of whether there is any intention of making a profit.

6. *Time Limit for Prosecutions for Failure to Notify.*

Difficulty has been experienced in the past in bringing cases before Courts of Summary Jurisdiction within the six months' limit prescribed for such proceedings, since the six months was held to date from the beginning of the period of failure to notify, and the failure might not be discovered until after the six months had expired. By the Second Schedule such failure is made a continuing offence, so that the six months may run from the end of the period.

7. *Women Infant Protection Visitors.*

The Second Schedule also provides that at least one of the Infant Protection Visitors of each Authority, or of the persons authorised to act as such, must be a woman. Authorities should take immediate steps to conform to this requirement if they have not already done so. It is assumed that in most cases the Health Visitors of the Authority have already been appointed to these posts.

8. *Scope of Visits.*

A further effect of the Second Schedule is to amend the wording of section 2 of the 1908 Act (*b*) so as to make it clear that the scrutiny, advice and direction of the Visitor should extend not only to the nursing but also to the general health and well-being of the child. The work of Infant Protection is thus more closely assimilated to the Authority's child welfare services.

9. *Prevention of Overcrowding.*

By section 66 (*c*), the power of the Authority to limit the number of children in a foster-home has been extended to enable them to impose conditions to be complied with so long as the total number of children kept in the dwelling exceeds a specified number. Power to enforce a limitation by legal action is similarly extended to enforce conditions so imposed.

10. *Unsuitability of Premises, Foster-parents or Environment.*

By section 67 (*d*), the powers of the Authority to secure the removal of children kept on unsuitable premises or by unsuitable persons are extended to prevent their reception in such premises or by such persons. The class of persons described as unfit to have care of such children is also extended to cover unfitness by reason of old age, infirmity or ill-health; and detrimental environment, as well as unsuitable premises or foster-parents, is recognised as a ground for action both before and after reception. By the Second Schedule, persons who have been convicted under the Prevention of Cruelty to Children Act, 1904, are required to obtain the written sanction of the Authority to keep a foster-child only if they have been convicted of an offence of cruelty under that Act.

11. *Legal Action.*

The Authority, in place of the Visitor, will by section 67 (*d*) in future be directly responsible for applying to a Court of Summary Jurisdiction for an order for the removal of a child to a place of safety, and the Authority's power to issue an order on the application of a Visitor is rescinded. It is, however, provided that upon proof that there is imminent danger to the health or well-being of the child concerned,

(*a*) See now s. 206 (1) of the P. H. A., 1936, *ante*, p. 476.
(*b*) For the present position, see s. 209 (1) of the P. H. A., 1936, *ante*, p. 479.
(*c*) See now s. 211 of the P. H. A., 1936, *ante*, p. 481.
(*d*) See now s. 212 of the P. H. A., 1936, *ante*, p. 482.

a single Justice may make an order on the application of a Visitor or other appointed or authorised person and, if need be, may exercise that power *ex parte*.

12. *Prohibition of Anonymous Advertisements for Children.*

Section 68 (*a*) makes it an offence to publish any advertisement, whether of a person or a society, for children within the scope of the Acts which does not state truly the name and the residence or office of the person or society respectively. The Authority should make arrangements for the scrutiny of local newspapers and for investigating relevant advertisements in order to enforce this section.

13. *Exemptions.*

Section 69 limits the exemption (*b*) of hospitals, convalescent homes and institutions specified in section 11 (1) of the 1908 Act to such establishments as are :—

(*a*) maintained by a Government Department, Local Authority or any other Authority or Body constituted by special Act of Parliament or Royal Charter ; or

(*b*) exempted by a certificate from the Authority ; or

(*c*) voluntary homes supervised by the Home Office ; or

(*d*) institutions, houses or homes certified or approved by the Board of Control under the Mental Deficiency Acts, 1913 to 1927, and in which there are no children or young persons who are not mental defectives.

Mental defectives who are, with the consent of the Board of Control, under care elsewhere than in an institution, a certified home or an approved home, are also exempted.

FORM OF ADVERTISEMENT (*c*).

.....COUNCIL.

MATERNITY AND CHILD WELFARE.

INFANT LIFE PROTECTION.

Children Act, 1908, *and Children and Young Persons Act*, 1932.

Every person other than a grandparent, brother, sister, uncle or aunt who proposes to undertake for payment the nursing and maintenance of any child under the age of nine years, apart from its parents or having no parents, must give notice thereof to :—

.....

.....

.....

from whom a leaflet giving full particulars may be obtained.

WARNING.

Any person neglecting to give notice is liable to be sent to prison for six months or to be fined £25.

BY ORDER

(Signature).....

Clerk of the Council.

(*a*) See now s. 215 of the P. H. A., 1936, *ante*, p. 483.
(*b*) See now s. 219 of the P. H. A., 1936, *ante*, p. 484.
(*c*) These forms will need adapting to the P. H. A., 1936 : see the foregoing notes.

MATERNITY, CHILD WELFARE, AND MIDWIVES

ADVICE TO FOSTER-PARENTS.

..... COUNCIL.

MATERNITY AND CHILD WELFARE.

INFANT LIFE PROTECTION.

1. Every person who undertakes for the first time to keep for payment a child under the age of nine years, either apart from its parents or having no parents, must give notice, in writing, at least seven days before receiving the child, to

at

either personally or by registered letter. This notice must state :—

(i) the name of the child ;
(ii) its sex ;
(iii) the date of its birth ;
(iv) the place of its birth ;
(v) the name and address of the person from whom it is to be received ;
(vi) the name of the person who is to keep it ;
(vii) the premises in which it is to be kept.

2. Every person who is keeping for payment a child who will be under the age of nine years on January 1st, 1933, must give a similar notice before February 1st next, unless notice has already been given.

3. Every person who undertakes to keep an additional child for payment must give a similar notice to the Authority at least 48 hours before receiving that child.

4. If a child is received in an emergency which makes it impossible for so long a notice to be given, the Authority must be notified at the earliest possible moment, not later than 12 hours after the emergency.

5. Every person who is keeping a child without payment and then enters into an undertaking to keep it for payment must give a similar notice not later than 48 hours after entering into the undertaking.

6. Every person keeping a child for payment who intends to move to another house must give notice of the intended removal to the Authority at least seven days before removing. On removing to a district administered by another Maternity and Child Welfare Authority, notice must also be given to that Authority at least seven days before the removal, giving the information set out in paragraph 1. (The Visitor will be able to give the address of the new Authority if the postal address of the new house is given to her.) If an emergency makes it impossible to give these notices before removal, they must be sent, with an explanation of the circumstances, not later than 48 hours after the emergency.

7. If a child kept for payment is handed over to another person, notices giving the name and address of the person to whom it is given must be sent within 24 hours (*a*) to the Authority, and (*b*) to the person at his last known address from whom the child was received.

8. On the death of a child kept for payment, notices must be sent within 24 hours (*a*) to the Authority, (*b*) to the person from whom the child was received, and (*c*) to the Coroner of the district within which the body of the child lies.

The name of the Coroner for this district is

and notices addressed to him should be sent to

9. Every person keeping a child for payment must, unless exempted by the Authority, allow the Infant Protection Visitor, or other person duly authorised by the Authority, to visit or examine the child and the premises where it is kept, in order to satisfy the

Authority as to the proper nursing and maintenance and general health and well-being of the child, and to give any necessary advice or directions.

10. The Authority may fix the total number of children under the age of nine years who may be kept in any one house. They may also lay down conditions which must be observed if more than a fixed number of such children are kept. It is a punishable offence to keep more children than the number fixed by the Authority or to fail to observe any such conditions.

11. It is a punishable offence for a child to be received for payment without the written sanction of the Authority :—

(*a*) by a person from whose care any child has been removed under the Acts relating to Infant Life Protection ; or

(*b*) if it is being kept in any home from which any child has been removed under those Acts by reason of the premises being dangerous or insanitary or so unfit as to endanger the child's health ; or

(*c*) if the foster parent has been convicted of any offence of cruelty under the Acts relating to the prevention of cruelty to children and young person.

12. No advertisement which indicates that a person or society will undertake or arrange for the nursing and maintenance of children under the age of nine years may be published unless the name and address of the person or society are truly stated in the advertisement.

13. No person may directly or indirectly insure the life of a child received for payment, or may claim payment of insurance on its death.

14. These requirements do not apply to persons keeping children for payment if the children are :—

(*a*) under their legal guardianship, or are related to them as grandchildren, brothers, sisters, nephews or nieces ; or

(*b*) received under the Poor Law ; or

(*c*) certified mental defectives under guardianship ; or

(*d*) in certain hospitals, convalescent homes or institutions. (Details may, if required, be had from the Visitor.)

15. Payment means any payment, either in money, gifts or money's worth, or any promise to pay or give money or money's worth, whether there is any intention of making a profit or not. This includes, therefore, the receipt of lump sums as well as of payments at intervals.

16. Persons who fail to carry out the above requirements, or who wilfully make, or cause to be made, false statements in the notices required to be given, are liable to be punished by imprisonment for six months, or by a fine of £25. Persons who do not notify are committing a continuing offence, which may be punished at any time during which the child is in their care or within six months after.

MINISTRY OF HEALTH,
November, 1932.

Memo. 165A/M.C.W.

(*Enclosure to Circular* 1291.)

SUMMARY OF THE LAW RELATING TO INFANT LIFE PROTECTION FOR THE GUIDANCE OF INFANT PROTECTION VISITORS (*a*).

The law relating to Infant Life Protection, which, since the passing of the Local Government Act, 1929, has been administered by the Maternity and Child Welfare Authorities, is now contained in Part I of the Children Act, 1908, as amended by Part V of the Children and Young Persons Act, 1932, and the Second and Fourth Schedules to that Act (*b*).

The Minister's Memorandum L.G.A. 28 set out the main provisions of Part I of the Act of 1908 (*c*). The present Memorandum summarises those provisions together with the alterations effected by the new Act.

(*a*) It is understood that this Summary is still on sale in this form, despite the changes in the law (chiefly in arrangement) indicated in the footnotes to circular 1291, *ante*, p. 3308, and memorandum 165/M.C.W., *ante*, p. 3308. An attempt has accordingly been made for purposes of the present publication to indicate those changes. Local authorities who buy the Summary for issue to the staff engaged on this work will no doubt arrange for copies to be altered with the aid of the following notes.

(*b*) For the present position, see the general note, *ante*, p. 470.

(*c*) Repealed by the P. H. A., 1936, *ante*, p. 732, but see last note.

MATERNITY, CHILD WELFARE, AND MIDWIVES

Notification of Children.

1. Under the Act of 1908 all children under the age of seven kept for reward, apart from their parents or having no parents, for more than 48 hours had to be notified to the Authority within 48 hours of reception.

By Section 65 (1) and consequential amendments in the new Act (*a*), the age has been raised to nine years, the minimum period of 48 hours had disappeared, and a notice, giving the name and sex of the child, the date and place of its birth, the name of the person undertaking its maintenance, the dwelling where it is to be kept, and the name of the person from whom it is received, must be given :—

(*a*) in the case of the first child received, not less than seven days before its reception ;

(*b*) in the case of any other child, not less than 48 hours before its reception ;

(*c*) in the case of a child already received without reward, within 48 hours after the undertaking to receive for reward.

Where, however, a child is received in an emergency, proof that notice was given within 12 hours after reception constitutes a valid defence.

The new Act defines an undertaking to be an undertaking for reward if there is any payment or gift of money or money's worth, or any promise to pay or give money or money's worth, irrespective of whether there is any intention of making profit.

Section 65 (1)–(3) of the Act (*b*) ensures that all the provisions of the Act of 1908 relating to Infant Life Protection apply to children who will be under the age of nine years on January 1st, 1933, and provides for the notification of any who have not already been notified not later than February 1st, 1933.

2. Under Section 1 (4) of the Act of 1908, change of residence must be notified to the Authority, and if it involves removal to the area of another Authority, notice must be given to that Authority as on the first reception of a child. Amendments in the Second Schedule of the new Act provide that these notices must be given at least seven days before removal, or, in case of emergency, within 48 hours after (*c*).

3. Under Section 1 (5) of the Act of 1908, the death of a child, or its removal from the care of the foster-parent, must be notified to the Authority. Amendments in the Second Schedule to the new Act provide that this notice must be given within 24 hours after the death or removal (instead of within 48 hours), and that a similar notice must also be sent within the same time to the person from whom the child was received (*c*).

4. Under Section 1 (7) of the Act of 1908 a person who fails to give notice before the latest time specified is guilty of an offence under that part of the Act, and where the consideration for the nursing of the child is, in whole or in part, a lump sum, this sum, or a part of it, is liable to be forfeited in addition to any other penalty, such sums to be applied for the child's benefit as directed by the Court. Amendments in the Second Schedule to the new Act now ensure that an offence under this subsection shall be deemed to continue so long as the child remains in the care of the offender without notice being given, so that failure to notify is punishable summarily until six months thereafter (*c*).

Duties of Local Authorities and Visitors (d).

Under Section 2 of the Act of 1908, every Maternity and Child Welfare Authority must provide for the administration of the Act in their area, and, whenever children are being kept for reward, they must appoint one or more persons as Infant Protection Visitors. They may also, in addition to, or in lieu of these Visitors, authorise one or more persons to exercise the same powers. Amendments in the Second Schedule to the new Act provide that where one person only is so appointed or

(*a*) See now s. 206 of the P. H. A., 1936, *ante*, p. 476.
(*b*) The Children and Young Persons Act, 1932 (25 Halsbury's Statutes 252), but see now the notes to ss. 206–208 of the P. H. A., 1936, *ante*, pp. 476–478.
(*c*) See now ss. 206–208 of the P. H. A., 1936, *ante*, pp. 475–478.
(*d*) See now s. 209 of the P. H. A., 1936, *ante*, p. 479.

authorised, that person shall be a woman, and if two or more persons are so appointed or authorised, one of them shall be a woman.

The Visitors are to satisfy themselves as to the health and well-being of the children and to give any necessary advice or directions as to the care of their health and their nursing and maintenance. The wider terms "health and well-being" in the Second Schedule to the new Act replace the narrower words of Section 2 of the Act of 1908, "nursing and maintenance." The rest of Section 2 remains unchanged and gives the Authority power to exempt from being visited any premises which appear to them to be so conducted that it is unnecessary that they should be visited. Moreover, if a Visitor or other authorised person is refused admittance to premises where children are being kept for reward, or suspects that such children are being kept, she may apply to a Justice of the Peace, who, if satisfied that there is reason to believe that an offence under the Acts has been committed, may grant a warrant authorising an entry.

Persons Prohibited from Receiving Children (a).

Section 3 of the Act of 1908 provides that children may not be received for reward without the Authority's written sanction in certain circumstances, namely:—

(a) by persons from whose care children have been removed under the Acts relating to Infant Life Protection;

(b) in premises from which children have been removed under those Acts, by reason of their being dangerous or insanitary or so unfit as to endanger the children's health;

(c) by persons convicted of offences under Part II of the Children Act, 1908, or the Prevention of Cruelty to Children Act, 1904.

Amendments in the Second Schedule to the new Act now limit class (c) to those persons only who have been convicted of an offence of cruelty under the Acts mentioned.

Numbers of Children Kept (b).

Section 4 of the Act of 1908 gave to the Authority the power to limit the number of children under the age of seven who might be kept in one house. Section 66 of the new Act substitutes for this the power to fix the maximum number of children under the age of nine who may be kept in any dwelling in which there is a child who is to be notified, and in addition power is given to the Authority to impose conditions to be complied with so long as the number of children kept in a dwelling exceeds a specified number. A person who exceeds such a maximum or fails to comply with conditions so laid down is guilty of an offence under the Acts.

Removal of Children (c).

Section 5 of the Act of 1908 laid down the circumstances in which an Order could be obtained either from a Justice or from a Local Authority for the removal of a child to a place of safety if it was kept by unfit persons or in unfit premises. This has now been replaced by Section 67 of the new Act which provides that, normally, such an order is to be obtained from a Court of Summary Jurisdiction, on the complaint of the Local Authority; although, upon proof that there is imminent danger to the health or well-being of the child concerned, a Visitor or other authorised person may apply to a single Justice for a like order, which may be issued *ex parte*. Section 67 further provides that such an order can be obtained to prevent the reception of a child as well as to remove it when it has been received, and the circumstances in which an order can be applied for are laid down as follows:—

(a) in any premises which are overcrowded, insanitary, or dangerous; or

(b) by any person who, by reason of old age, infirmity, ill-health, ignorance, negligence, inebriety, immorality, or criminal conduct, or for any other reason, is unfit to have care of it; or

(a) See now s. 210 of the P. H. A., 1936, *ante*, p. 480.
(b) See now s. 211 of the P. H. A., 1936, *ante*, p. 481.
(c) See now s. 212 of the P. H. A., 1936, *ante*, p. 482.

(*c*) in any premises or by any person in contravention of any of the provisions of Part I of the Act of 1908; or

(*d*) in any environment which is detrimental to the infant.

The words " old age, infirmity, ill-health " in (*b*) and the condition (*d*) have been added by the new Act.

Notices to the Coroner.

Section 6 of the Act of 1908 remains unaltered (*a*). It provides that, on the death of a child, the person who has had care of it must give notice to the Coroner of the district within which the body lies within 24 hours after the death. The Coroner is required to hold an inquest unless a satisfactory certificate of a duly qualified medical practitioner is produced and he is satisfied that there is no ground for holding an inquest.

Insurance.

Section 7 of the Act of 1908 remains unaltered (*b*). It provides that no person keeping children who require to be notified may have an insurable interest in the life of such a child, and that any insurance or attempt at insurance of a child's life is an offence on the part of the person insuring and of the company or agents issuing the policy.

Provision as to Notices (c).

By Section 8 of the Act of 1908 any person who knowingly or wilfully makes or causes to be made any false statement in any notice required to be given is guilty of an offence under the Acts. Amendments in the Second Schedule to the new Act provide that the notices required to be given to a Local Authority may be sent by post in a registered letter addressed to them, or their clerk at their offices, or to some other officer duly authorised in that behalf. Notices required to be given to a Coroner may similarly be sent by registered letter addressed to him at his office or at his place of residence. Notices required to be given to any other person may be sent by registered letter addressed to the last known place of residence or permanent address.

Prohibition of Anonymous Advertisements (d).

Section 68 of the new Act creates a new offence under Part I of the Act of 1908, namely, the publication of any advertisement indicating that a person or society will undertake or will arrange for the nursing and maintenance of a child under the age of nine, unless the name and address of the person or society are truly stated in the advertisement.

Prosecution of Offences.

Section 9 of the Act of 1908 remains unaltered (*e*) and applies to all offences whether under the original provisions of the Act of 1908 or under the new provisions. By that Section persons guilty of offences against these provisions are liable, on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding £25.

Exemptions (f).

The provisions of the Acts do not apply to relatives or legal guardians who take children for reward, and relatives are defined in Section 11 (1) of the Act of 1908 as " grand-parents, brothers, sisters, uncles and aunts," including, in the case of illegitimate children, the persons who would be so related if the children were legitimate. Nor do they apply to persons taking infants for reward under any Poor Law provisions.

(*a*) Now repealed and replaced by s. 213 of the P. H. A., 1936, *ante*, p. 482.
(*b*) Now repealed and replaced by s. 214 of the P. H. A., 1936, *ante*, p. 483.
(*c*) See para. 4 of memo. 165, *ante*, p. 3309.
(*d*) See now s. 215 of the P. H. A., 1936, *ante*, p. 483.
(*e*) Now repealed and replaced by s. 217 of the P. H. A., 1936, *ante*, p. 484.
(*f*) See now s. 219 of the P. H. A., 1936, *ante*, p. 484.

The other exemptions contained in the Act of 1908 have been altered by Section 69 of the new Act and are now limited to hospitals, convalescent homes and institutions, which are :—

(*a*) maintained by a Government Department, Local Authority or any other Authority or Body constituted by a special Act of Parliament or Royal Charter ; or

(*b*) exempted by a certificate of the Authority ; or

(*c*) voluntary homes supervised by the Home Office ; or

(*d*) institutions, houses or homes certified or approved by the Board of Control under the Mental Deficiency Acts, 1913 to 1927, and in which there are no children or no persons who are not mental defectives.

Section 69 of the new Act also exempts mental defectives who are, with the consent of the Board of Control, under care elsewhere than in an institution, a certified house or an approved home.

MINISTRY OF HEALTH,
November, 1932.

CIRCULAR 1336.

Maternity and Child Welfare Authorities.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
13*th May*, 1933.

LOCAL GOVERNMENT ACT, 1929.

APPOINTMENT OF HEALTH VISITORS.

SIR,—I am directed by the Minister of Health to refer to Circular 1072 of February 12th, 1930 (*a*), with which were enclosed copies of the Local Government (Qualifications of Medical Officers and Health Visitors) Regulations, 1930, made by him under Section 59 of the Local Government Act, 1929.

I am to state that arrangements have now been made for the examinations for Health Visitors trained in Scotland to be conducted by the Royal Sanitary Association of Scotland, and for Health Visitors' Certificates to be issued by that Association, under conditions approved by the Department of Health for Scotland. These conditions have been designed with a view to ensuring a uniform standard of training and certification in this country and in Scotland, and the arrangements require that Certificates issued by the Association to candidates who are eligible for appointment as whole-time Health Visitors in England and Wales shall be endorsed to that effect.

Regulations, of which a copy is enclosed, have accordingly been made by the Minister, amending Article 8 of the Regulations of 1930 referred to above, and attention is directed to Article 2 of the amending Regulations (*b*).

Copies of this Circular and of the Regulations have been sent to the Medical Officer of Health, and further copies may be obtained at any of the addresses shown below.

I am, Sir,
Your obedient Servant,
A. B. MACLACHLAN.

(*a*) *Ante*, p. 3293. See note (*f*) to s. 106 (1) of the L. G. A., 1933, *ante*, p. 882, for the continuance of the regulations of 1930 and 1933.

(*b*) See the Regulations of 1930, printed as so amended, *ante*, p. 3298.

MATERNITY, CHILD WELFARE, AND MIDWIVES

CIRCULAR 1408.

Maternity and Child Welfare Authorities.

MINISTRY OF HEALTH,
WHITEHALL,
LONDON, S.W.1.
31*st May*, 1934.

BIRTH CONTROL.

SIR,—1. I am directed by the Minister of Health to refer to Memorandu 153/M.C.W. dated March, 1931 (*a*), and Circular 1208 of July 14th, 1931 (*b*), an more particularly to paragraph 4 of the Memorandum and paragraph 3 of the Circula which deal with the provision under the Public Health Acts of clinics for wome suffering from gynæcological conditions. It was stated in paragraph 4 of th Memorandum that the Government had decided that any Departmental sanctio which might be necessary to the establishment of such clinics should be given onl on condition :—

(1) that the clinics will be available only for women who are in need of medic advice and treatment for gynæcological conditions, and (2) that advice on contra ceptive methods will be given only to married women who attend the clinics for suc medical advice or treatment, and in whose cases pregnancy would be detrimental t health.

2. The Authority will be aware that the Departmental Committee on Matern Mortality and Morbidity, in their Final Report published in 1932, called speci attention to the importance of the avoidance of pregnancy by women suffering fro organic disease such as tuberculosis, heart disease, diabetes, chronic nephritis, et in which childbearing is likely seriously to endanger life. The Committee considere that advice and instruction in contraceptive methods should be readily available f such women.

3. It was pointed out in the Memorandum and Circular of 1931 that the powe which the Public Health Acts confer upon Local Authorities for the provision clinics limit their availability to sick persons, but the Minister is advised that the is nothing to prevent the Local Authority from rendering such a clinic availab for women suffering from forms of sickness other than gynæcological condition After careful consideration of the recommendation made by the Departmenta Committee, the Minister is of opinion that where a Local Authority has provided clinic at which medical advice and treatment are available for married wome suffering from gynæcological conditions, and at which contraceptive advice is afforde to married women so suffering in whose cases pregnancy would be detrimental t health, it would be proper also for married women who are suffering from oth forms of sickness, physical or mental, such as those mentioned in the Report of th Departmental Committee, which are detrimental to them as mothers, to be afforde contraceptive advice at the clinic if it is found medically that pregnancy would b detrimental to health. What is, or is not, medically detrimental to health must b decided by the professional judgment of the registered medical practitioner in charg of the clinic.

I am, Sir,
Your obedient Servant,
A. B. MACLACHLAN,
Assistant Secretary.

The Clerk to the Local Authority.

(*a*) *Ante*, p. 3298.
(*b*) *Ante*, p. 3305.

CIRCULAR 1433.

Maternity and Child Welfare Authorities.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
10th October, 1934.

MATERNAL MORTALITY.

SIR,—1. I am directed by the Minister of Health to refer to Circular 1167 of December 11th, 1930, and the accompanying Memorandum 156/M.C.W. on the subject of Maternal Mortality (*a*). The Memorandum contained various suggestions for improving and developing the maternity services of Local Authorities, and the Circular urged the importance of each Authority doing all that is reasonably possible to provide a satisfactory service for their area.

2. The Minister has recently reviewed the action which has been taken throughout the country to give effect to the suggestions in the Memorandum and he recognises that on the whole there has been a widespread response. In the important matter of ante-natal supervision, the number of ante-natal clinics has increased from 1,048 at December, 1930, to 1,340 at the end of 1933, while 16 County Councils and 14 other Authorities have made arrangements for the ante-natal examination of uninsured women by private medical practitioners. The proportion of expectant mothers who avail themselves of the ante-natal service is also steadily increasing, having risen from 27·3 per cent. of the total notified births in 1930 to 42·2 per cent. in 1933.

3. There has also been some increase in the amount of maternity accommodation provided or subsidised by Local Authorities, the total number of beds available for this purpose being 7,245 at the end of 1933 as compared with 7,070 in December, 1930. A satisfactory feature of this service has been the tendency in some areas to concentrate the maternity work at the institutions transferred to County and County Borough Councils under the Local Government Act, 1929, by modernising the maternity wards and their equipment and by strengthening the medical and nursing staff employed for this work. It will be remembered that the Departmental Committee on Maternal Mortality and Morbidity, in their Final Report, recommended that new maternity accommodation should, where practicable, be associated with general hospitals. This recommendation was made on grounds of efficiency, as well as to facilitate specialist treatment of non-obstetric conditions associated with pregnancy and childbirth, and the Minister is advised that recent experience has shown that it is in general undersirable to provide small maternity homes as separate units.

The Minister would remind Local Authorities of the power which they possess of assisting expectant and nursing mothers by the supply of milk. This power is used in varying degrees and it appears to the Minister that greater use might well be made of it in appropriate cases.

4. In spite of what has been done during the past three years to improve and develop the maternity services, the maternal mortality rate has not yet begun to fall. The Minister recognises that it could not be expected that the full effect of the measures which have been taken would so soon be reflected in the mortality statistics. At the same time, he finds that there are still many areas in which the maternity service is neither complete not satisfactory, and there are few, if any, in which there is not scope for further improvement. In all areas there is probably need for more intensive efforts to educate women as to the importance of ante-natal supervision and to persuade them to make use of the facilities provided for this purpose.

5. The Minister trusts therefore that each Local Authority will forthwith review the position in their area by reference to the suggestions made in Memorandum 156/M.C.W. (*a*), and will take such steps as are necessary to complete the local organisation, and ensure its effective working. In particular, he wishes to urge the Authorities of those areas in which, as he regrets to observe, the maternal mortality

(*a*) *Ante*, p. 3300.

MATERNITY, CHILD WELFARE, AND MIDWIVES

rate is persistently high to give consideration to further efforts to reduce the avoidable risks of child-bearing.

6. It appears to the Minister that it would be desirable in all such areas for the Local Authority to call for a special report on this subject from their Medical Officer of Health showing to what extent effect has already been given to the suggestions made in the Memorandum, and in the Recommendations of the Maternal Mortality Committee in their Final Report in 1932, for (1) improving the ante-natal service (2) ensuring that the services of a trained midwife are available for all confinements (3) securing the provision of maternity beds for complicated cases and for patients with unsuitable home conditions, such beds to be associated where practicable with general hospitals, preferably in small units readily supervised, and for which prompt specialist services for serious cases may be made available; (4) providing facilities for the adequate isolation and separate nursing of cases of puerperal sepsis; and (5) obtaining the services of a consultant for doctors needing assistance in difficult or complicated cases.

7. The Minister desires me to add that, in order to assist in a more intensive study of the problem in such areas, he proposes to instruct suitable medical officers to make special visits to them in the near future. These visits could most appropriately be made when the special local reports above mentioned are available and the Minister accordingly trusts that the Authorities concerned will call for these reports forthwith and inform him when they are available. Arrangements will be made for the official visits to be then undertaken and the Minister confidently hopes that a plan of action will be jointly devised which will be of great value to the Local Authority in the effective carrying out of their duty and will result in a material reduction of the avoidable maternal mortality.

8. The Minister has on more than one occasion expressed the view that there is a clear case for *development* of the maternity service on urgent grounds of public health and he considers that it would be true economy for each Authority to do what is needed to provide a service for their area which is both effective and comprehensive. If there are any questions relating to this service on which it is thought that the advice or assistance of officers of the Department would be useful, the Minister will be glad to arrange for a discussion of these questions with representatives of the Authority either at this office or locally, and he requests that he may be informed as soon as possible of the action which the Authority decide to take in order to render their maternity service fully effective.

I am, Sir,
Your obedient Servant,
A. B. MACLACHLAN,
Assistant Secretary.

The Clerk of the Council,
or
The Town Clerk.

CIRCULAR 1538.

County and County Borough Councils.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
20th April, 1936.

1. LOCAL GOVERNMENT ACT, 1929.
2. MATERNITY AND CHILD WELFARE.
3. VOLUNTARY ASSOCIATIONS.

SIR,—I am directed by the Minister of Health to refer to the memorandum L.G.A.5 issued on April 18th, 1929, and to remind you that in accordance with the

MATERNITY, CHILD WELFARE, AND MIDWIVES

provisions of Section 101 of the Local Government Act (*a*), 1929, it will be necessary for the Council, six months at least before the beginning of the next fixed grant period, that is by September 30th next at latest, to prepare and submit to the Minister for his approval a further scheme for securing the payment by the Council of annual contributions towards the expenses of voluntary associations, if any, providing maternity and child welfare services in or for the benefit of the Council's area. The scheme will come into operation on April 1st, 1937, and continue in force until March 31st, 1942.

Copies of model schemes for use by County Councils and County Borough Councils, respectively, are enclosed herewith (*b*), and it is suggested that the Council might take the existing scheme as approved with or without any modification by the Minister, and any amending scheme subsequently made and approved, as the basis for their new scheme.

The scheme should be prepared after consultation with the voluntary associations named in the existing scheme, and when the scheme is submitted it should be accompanied by a full statement of the reasons for any omission of a voluntary association included in the existing scheme, or any proposed variation of the amount of an annual contribution specified in that scheme.

There is no provision in the Act enabling the Minister to extend the time for the submission of these schemes, and if in any case the scheme is not ready for adoption by a Council at their meeting before the summer vacation it will be necessary to hold a meeting of the Council in August or September for the purpose of adopting the scheme.

The Minister appreciates that, in the event of the Midwives Bill now before Parliament becoming law, it may be necessary for certain Councils to reconsider the amounts of the annual contributions which they propose to pay to voluntary associations in respect of domiciliary midwifery services. As, however, these schemes have to be submitted by September 30th next, any variations in the amounts of these contributions consequent on the passing of the Midwives Bill must, if necessary, be dealt with by subsequent modification or alteration of the schemes. It is desirable that contributions for domiciliary midwifery services should be specified separately in the Schedules to the schemes, and an additional column (2) has been included in the *Schedule to the enclosed model scheme in order that in the case of each Association the particular service or services (*e.g.*, domiciliary midwifery, health visiting, etc.) in respect of which a contribution is to be made under the scheme may be stated, and the amount of the contribution in respect of each such service entered separately in column (3).

The Minister desires to be furnished with three copies of every scheme submitted under Section 101 of the Act, of which at least two should be sealed, signed and dated in the usual way as evidence that the scheme has been adopted by the Council.

I am, Sir,
Your obedient Servant,
A. B. MACLACHLAN,
Assistant Secretary.

The Clerk of the Council,
or
The Town Clerk.

(*a*) See Vol. V, *post.*
(*b*) Not here reproduced.
* *First* Schedule in the case of the model scheme for the use of County Councils.

MATERNITY, CHILD WELFARE, AND MIDWIVES

CIRCULAR 1550.

(*England.*)

Maternity and Child Welfare Authorities.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
29th May, 1936.

CHILDREN UNDER SCHOOL AGE.

SIR,—1. I am directed by the Minister of Health to say that he has had under consideration the arrangements made by Local Authorities for the supervision of the health of children not in attendance at school. He is convinced that in general these arrangements are satisfactory in so far as they apply to children up to the age of 18 months or 2 years, and the striking fall in the infant mortality rate, which last year was the lowest on record, namely 57 per 1,000 births, testifies to the value of the work performed under Maternity and Child Welfare schemes for the benefit of children in the first year of life.

2. The Minister is, however, concerned to find that in many areas insufficient attention is being given to the health of young children between the ages of 18 months and 5 years. He understands that more than 16 per cent. of the children entering school are found to require treatment for some disease or defect, and it is clear that in many cases these conditions could have been prevented from developing, or could have been quickly cured, if adequate supervision of the health of the children had been exercised throughout the pre-school years.

3. The policy of the Government in regard to the provision of Nursery Schools, and the admission of children under 5 years of age to the infants' departments of Elementary Schools, was explained in the Board of Education's Circular 1444 which was issued on January 6th last (*a*). It is, however, clear that whatever provision is made on the lines there suggested, very considerable numbers of children under the age of 5 will remain at home, and in the interests of their health it is essential that in all areas there should be systematic periodical health visiting of those young children who are not in attendance at school.

4. It should be the duty of the Health Visitor to see these children at regular intervals, to make inquiries as to their state of health and to be on the look-out for any signs or symptoms which suggest a departure from normal health. In all cases where there is ground for suspecting disease or defect, the mother should be advised to consult the family doctor, or to take the child to the appropriate clinic for medical examination, without any delay.

5. In some areas special arrangements have been made for the holding of "toddlers' clinics" at the Infant Welfare Centres, and there is much to be said for these arrangements if the mothers can be persuaded to bring the toddlers periodically to the clinic for examination by the doctor. But the success of these clinics will depend to a great extent on the regular visiting of the homes by the Health Visitor and on the relations which she is able to establish with the mothers.

6. In many areas the School Clinic is available for the treatment of minor ailments and of special defects in young children, and it is desirable that such arrangements should be more generally made. It is also clearly desirable, wherever possible, that the Medical Officer who will supervise the health of these children after they enter school should be responsible for this supervision during the pre-school years. In those areas in which the Maternity and Child Welfare Authority is not also the Local Education Authority it may be possible to secure this desirable arrangement by agreement between the two Authorities, but it can most readily be effected if the Maternity and Child Welfare service is in the hands of the Local Authority responsible for the School Medical Service. There is in fact no doubt that, in general, the adequate supervision of the health of the pre-school child will be best secured if the

(*a*) Not here reproduced.

MATERNITY, CHILD WELFARE, AND MIDWIVES

responsibility for attending to the health of children, from birth up to school-leaving age, is concentrated in the hands of one and the same Authority. It will of course be necessary to apportion the expenditure between the Education service and the Maternity and Child Welfare service.

7. In those districts in which this responsibility is still divided between two Authorities, there is provision in Section 60 of the Local Government Act, 1929, whereby representations may be made to the Minister by the Council which is the Local Education Authority that it is desirable that the Maternity and Child Welfare services should be transferred to them. In a number of cases this transfer has already been made by order of the Minister under that Section, but in each case the Minister, before issuing an order, has to be satisfied that the transfer will conduce to the more efficient administration in the district of the functions relating to public health and education.

8. It is clear that the success of any efforts to secure adequate supervision of the health of young children will depend to a large extent on the efficiency of the health visiting staff, and that in many areas it may be necessary to increase that staff. The Minister regrets to find that in some areas the salaries offered for these posts are inadequate. It appears to him that Local Authorities cannot expect to secure or retain the services of women properly qualified to discharge the important duties attached to the post of Health Visitor unless they offer salaries commensurate with the long and specialised training these women have to undergo in order to fit them for this work.

9. In certain areas Day Nurseries have been provided for the care of young children whose mothers go out to work, or whose home conditions are such that their health would benefit by the daily supervision which can be secured in this way. Children can be admitted to these Nurseries at an earlier age than that at which they are eligible for admission to Nursery Schools, and they are usually kept for longer hours each day than is possible in the case of children attending Nursery Schools. If therefore there are in the area of the Council any considerable number of mothers who are regularly employed away from home, it would be well for the Council to consider the desirability of establishing a Day Nursery.

10. The Minister will be glad if the Council will review their arrangements for supervising the health of young children, and inform him as soon as possible of the result of their consideration of this Circular.

11. A copy of this Circular should be handed to the Financial Officer of the Authority.

I am, Sir,
Your obedient Servant,
A. B. MACLACHLAN,
Assistant Secretary.

The Clerk of the Council
or
The Town Clerk.

CIRCULAR 1569.

Local Supervising Authorities under the Midwives Acts.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
18th September, 1936.

MIDWIVES ACT, 1936.

SIR,—I am directed by the Minister of Health to draw the attention of the Council to the provisions of the Midwives Act, 1936 (*a*), which came into operation on July 31st, 1936.

(*a*) *Ante*, p. 1556.

MATERNITY, CHILD WELFARE, AND MIDWIVES

1. The principal object of the Act is to secure the organisation throughout th country of a domiciliary service of salaried midwives under the control of local supervising authorities as an important step in the improvement of the maternity service and in the campaign for reducing maternal mortality. At the same time, th whole status of the midwifery profession will be raised by providing adequat salaries and secure prospects for those midwives who enter the new service, and by compensating those who retire within a specified period and so reducing the present overcrowding in the ranks of the profession.

The Act provides for the establishment by local supervising authorities of a salaried midwives' service ; the payment by those authorities of compensation to midwives who voluntarily retire from practice and to those who are required to retire owing to old age or infirmity ; the payment by the Exchequer of grants towards the cost of the new service and towards the amounts expended in compensation ; the prohibition of maternity nursing by unqualified persons in any area by order of the Minister as soon as he is satisfied that the new service in that area is adequate ; and the periodical attendance at post-certificate courses of all practising midwives.

The opportunity has also been taken to make a number of amendments of the existing law relating to midwives.

2. The Minister desires to urge local supervising authorities at once to take steps to formulate their proposals for establishing a service of salaried midwives so that, as required by the Act, they may be submitted to the Minister not later than January 30th, 1937, and be brought into operation not later than July 30th, 1937. Whilst the Minister is empowered to extend these periods, he does not consider that any extension should be necessary in the case of the great majority of local authorities, but he will be prepared to grant an extension if he is satisfied that, owing to exceptional circumstances, it is not practicable for the necessary action to be taken within the prescribed periods.

3. As the authority are no doubt aware, where domiciliary midwifery services are provided on a properly organised basis by the salaried midwives of voluntary hospitals and Nursing Associations the maternal mortality rate is well below the national rate, and the establishment in all areas of a service of salaried midwives, working under close and sympathetic supervision, should do much to secure a reduction in that rate. Under the Act local supervising authorities are required, before submitting their proposals to the Minister, to consult voluntary organisations which employ, or are willing to employ, salaried midwives in their areas, and to furnish the organisations with copies of their proposals when or before they are submitted to the Minister. Any voluntary organisation which already employs salaried midwives for domiciliary work may make representations to the Minister if the authority does not propose to make arrangements with them or if they are dissatisfied with the authority's proposals.

4. As already stated, one of the main objects of the Act is to improve the status of the midwifery profession. Accordingly the Minister regards it as of the utmost importance that the midwives employed in the new service should be adequately remunerated. The work to be carried out by them is in his view at least as important as the work carried out by health visitors, and he feels confident that local authorities will in respect of the midwives appointed by them adopt scales of salaries which are comparable with those applicable to health visitors employed in the same district, together with appropriate allowances for travelling expenses, and that their contributions to voluntary organisations will be sufficient to enable those organisations to pay adequate salaries to all the midwives they employ.

5. In the case of the midwives first employed by local supervising authorities under the Act, those authorities which have superannuation schemes will be empowered, when any of these midwives retire in accordance with the provisions of the schemes, to add years up to 10 for the purpose either of determining whether a pension is payable to the midwife or of calculating the amount of the pension. This special provision has been included in the Act because it is anticipated that many of the midwives first employed by local authorities will at the date of their appointment be approaching middle age or be even older. The Minister trusts therefore that local authorities will be prepared freely to exercise this power where the occasion arises.

MATERNITY, CHILD WELFARE, AND MIDWIVES

6. The Minister feels sure that the local supervising authorities will appreciate the importance of the full use by them of the power conferred on them by the Act to direct midwives practising in their areas to surrender their certificates if they are incapable, owing to age or infirmity of mind or body, of efficiently performing their duties as midwives. This power must be exercised within three years of the coming into operation of the Act.

7. It is, of course, important that as many as possible of the independent midwives at present in practice should be absorbed into the new service, and local authorities, when making their first appointments of salaried midwives, will naturally desire to give preference to the most efficient of the independent midwives practising in their areas. The Minister is aware that some local authorities have adopted rules which require their female officers to retire on marriage, but there is nothing in the Act to prevent the employment of married midwives, and the Minister trusts that any authority whose rules would prevent their employment will so revise the rules as to enable the authority, when first selecting midwives for salaried posts, to have regard only to their efficiency as midwives subject, of course, to their ability to undertake whole-time employment. The Minister has been in consultation on this matter with the Association of Municipal Corporations and the County Councils Association, and he is glad to be able to state that those Associations share his view that local authorities should make no sort of discrimination against married women in inaugurating the new service.

8. The appended Memorandum explains the general scope of the Act, and of the financial arrangements made by it.

A copy of this Circular is being forwarded to the Medical Officer of Health and an additional copy is enclosed for the use of the Financial Officer of the Authority. Further copies may be purchased through any bookseller or directly from His Majesty's Stationery Office at any of the addresses given below.

I am, Sir,
Your obedient Servant,
A. B. MACLACHLAN,
Assistant Secretary.

The Clerk of the Council,
or
The Town Clerk.

MIDWIVES ACT, 1936.

MEMORANDUM 200/M.C.W.

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Memo. 200/M.C.W.

MIDWIVES ACT, 1936.

This memorandum is divided into three parts :—

Part I (paragraphs 1 to 7) contains a brief summary of the provisions in the Act under certain main headings.

Part II (paragraphs 8 to 12) explains the financial arrangements of the Act.

Part III (paragraphs 13 to 20) describes the administrative procedure which will be necessary.

PART I.

1. *The New Service.*—Section 1 of the Act requires each local supervising authority under the Midwives Acts to secure the whole-time employment of a sufficient number of midwives for attendance on women in their own homes, not only as midwives, but also as maternity nurses during childbirth and from time to time thereafter during a period not less than the "lying-in period," as defined in the rules for the time being made by the Central Midwives Board under Section 3 of the Midwives Act, 1902. The period is at present defined to be not less than ten days, but the Minister understands that the Board will shortly submit for his approval amended rules which will extend this period to a minimum of 14 days. A midwife acts as such when she has been engaged to deliver a woman, and as a maternity nurse when she is employed to assist a medical practitioner who has been so engaged.

Local supervising authorities may either themselves employ salaried midwives or secure their employment by Welfare Councils, *i.e.*, Councils which, not being local supervising authorities, have established Maternity and Child Welfare Committees under the Maternity and Child Welfare Act, 1918, or by voluntary organisations, *i.e.*, organisations which are substantially supported by voluntary subscriptions.

Before submitting their proposals to the Minister, local supervising authorities are required to consult with all voluntary organisations which to their knowledge employ or are willing to employ salaried midwives in the authority's area, and with such local organisations, if any, of registered medical practitioners and midwives, respectively, as appear to the authority effectively to represent the opinions of practitioners and midwives practising in the authority's area on the questions relating to the proposals. In Counties where a County Nursing Association has been set up to co-ordinate the services provided by the District Nursing Associations in the County, the County Council may consult the County Association instead of consulting each of the District Associations separately. In the case of the London County Council, the Council must also consult with any Association or Committee which appear to them to represent the Metropolitan Borough Councils, whilst other County Councils must consult every District Council within the County which is a Welfare Council.

The detailed proposals of the local supervising authorities must be submitted to the Minister and must include particulars (*a*) of the arrangements proposed to be made with welfare councils and voluntary organisations, and (*b*) the number of midwives to be employed by, and the parts of the authority's area to be served,

whether exclusively or jointly, by the authority, welfare councils and voluntary organisations, respectively. The proposals do not require the Minister's approval, but each local supervising authority must send a copy of its proposals to every welfare council, organisation or other body which it has consulted in accordance with the requirements of the Act, and to every voluntary organisation which employs salaried midwives for service in the area of the authority, whether or not it has been consulted. Any welfare council or voluntary organisation which employs salaried midwives in the area of the authority may, if the authority does not propose to make arrangements with them or if they are dissatisfied with the authority's proposals, make representations to the Minister within two months after the authority's proposals have been submitted to him. The Minister, after considering any such representations and consulting the authority, is empowered to direct it to enter into such arrangements with a welfare council or a voluntary organisation as he thinks fit, or to vary the arrangements proposed to be made and to alter its proposals accordingly.

Unless the Minister allows longer periods, the proposals of the local supervising authorities must be submitted to him within six months, and the new service must be brought into operation within twelve months, from the commencement of the Act.

Under Section 2 of the Act local supervising authorities are required before first engaging midwives under the Act to give notice, both in the Press and individually to each midwife who, on or after January 1st next but one before the date on which the notice was given, has given notice of her intention to practice in the area.

The Act requires that midwives employed in the new service, whether by local supervising authorities, welfare councils or voluntary organisations, shall be the whole-time servants of these bodies, but it does not require that they shall devote the whole of their time to midwifery and maternity nursing.

Section 2 enables those local supervising authorities which have superannuation schemes to add years up to ten for the purpose (i) of calculating the amount of the pension of a midwife who is first employed by them under the Act within three years from its commencement and is not already in the local government service; and (ii) if the case requires it, of ascertaining whether a pension is payable. The section also provides that any expenditure incurred following the exercise of this power shall be met in the case of a County Council out of the County fund, in the case of the London County Council as expenses for general County purposes, and in other cases out of the general rate fund.

2. *Fees.*—Section 3 requires every local supervising authority employing midwives under the Act to fix scales of fees payable for their attendance as midwives and maternity nurses, respectively, and to recover the fee from the woman attended or from the husband or other person liable to maintain her, but the authority is empowered to remit the whole or part of the fee in cases where it is satisfied that the patient or the person liable to maintain her cannot pay any part, or can pay only a part, of the fee, as the case may be.

3. *Financial Assistance.*—The financial arrangements of the Act, which are contained in Section 4 and in subsection (6) of Section 5 of the Act, are explained in detail in Part II of this Memorandum. Briefly, the Act provides for the payment to local supervising authorities by the Exchequer of one-half of their actual expenditure on the payment of compensation to midwives, and for an *ad hoc* Exchequer grant towards the estimated additional cost, as compared with the financial year 1935–6, of the new service during each year of the third fixed grant period (1937–42) under the Local Government Act, 1929. Subsequently the grant will be merged in the General Exchequer Contribution payable under that Act which will be increased by reason of the additional expenditure by such amount as may be determined by Parliament. The *ad hoc* grant payable to a local supervising authority during each year of the third fixed grant period will be one-half of the net amount of the authority's estimated additional expenditure on the new service, scaled up or down in proportion to the extent to which the relative needs of the area, as measured by the grant formula for weighted population at present used for the calculation of grants under the Local Government Act, 1929, are respectively greater or less than the average needs of all Counties and County Boroughs in England and Wales as determined by that formula. In order to minimize detailed control and examination,

MATERNITY, CHILD WELFARE, AND MIDWIVES

and to simplify the grant arrangements in respect of local authorities' direct expenditure, the grant in respect of the cost of the employment of midwives by local supervising authorities themselves will be calculated on a "unit" basis, this unit representing the estimated average annual cost for the country as a whole of the salary and expenses of a municipal midwife, less the estimated average annual receipts from fees.

As regards midwives employed by voluntary organisations, the additional expenditure to be taken into account for the purposes of grant will be the excess of the amount of the annual contributions made by each authority to such organisations for domiciliary midwifery and maternity nursing over the contributions which were made to them by the authority or by welfare councils during the financial year 1935–6 in respect of those services in the area of the authority.

4. *Compensation.*—Section 5 of the Act provides that every midwife who, between the first day of January, 1935, and March 18th, 1936, has given notice to an authority of her intention to practise, and who, within a period of three years from the comment of the Act, surrenders her certificate to the local supervising authority in whose area she is practising at the time of the surrender, shall be entitled to be paid compensation by that authority. The Section also provides that within the same period a local supervising authority may require any midwife who, on or after January 1st, 1936, has given notice to that authority of her intention to practise, to surrender her certificate if she is incapable, by reason of age or infirmity, of efficiently performing her duties. Each surrendered certificate must be forwarded by the authority to the Central Midwives Board who will cancel the certificate by endorsing it and return it to the midwife and remove her name from the Roll of Midwives. Restoration to the Roll of the name of a midwife who has received compensation is prohibited, and it is made a penal offence for a midwife whose name has been so removed to receive remuneration for attending as a nurse on a woman in childbirth or at any time during the ten days immediately after childbirth.

The compensation to be paid to midwives who surrender their certificates under the Act will be equivalent, in the case of voluntary retirement, to three times and, in the case of compulsory retirement, to five times the average net annual emoluments derived by the midwife from her practice as midwife or maternity nurse during the preceding three years of the period of her practice, whichever is the shorter. Any midwife who is aggrieved by the refusal of an authority to pay her compensation, by the amount of the compensation paid, or by a direction to her to retire, may appeal to the Minister whose decision will be final. In the case of a midwife who is directed to surrender her certificate, the appeal to the Minister must be made one month from the date of the direction. Section 5 also empowers a local authority, where it decides that it is in the interests of the midwife to do so, to lay out either the whole or part of the compensation in the purchase of an annuity terminable on the midwife's attaining the age of 70 or dying before attaining that age, but a midwife who is aggrieved by a decision of the authority to purchase an annuity for her may appeal to the Minister. In the case of a midwife who at the time of the surrender of her certificate is practising in the area of more than one authority, the compensation is payable by the authority to whom the certificate is surrendered. That authority may recover from the other authorities concerned their share of the compensation in the manner indicated in the Second Schedule to the Act, the provisions of which are explained in greater detail in Part III of this Memorandum.

5. *Prohibition of Unqualified Persons.*—Under Section 6 of the Act the Minister may, by Order, apply the Section to the area of any local supervising authority or to any county district contained therein when he is satisfied that that authority has secured the provision of an adequate service of salaried midwives under the Act in its area, or in the county district, as the case may be. After the date of such an Order, it will be a penal offence for a male person or any person who is neither certified under the Midwives Act, 1902, nor registered in the general part of the Register of Nurses required to be kept under the Nurses Registration Act, 1919, to receive any remuneration for attending in the area or district to which the Order applies as a nurse on a woman in childbirth or at any time during the ten days immediately after childbirth. Exceptions are, however, made as regards (*a*) persons who are undergoing training as part of a midwifery course recognised by the General Medical

Council or by the Central Midwives Board with a view to becoming duly qualified general practitioners or certified midwives; (*b*) any person who attends on a woman in a Nursing Home registered, or exempt from registration, under the Nursing Homes Registration Act, 1927, or in Hospitals or Institutions excepted from the definition of Nursing Home in that Act; and (*c*) women who before January 1st, 1937, have been certified by the authorities of a hospital or other institution to which the Minister has, by Order, applied the proviso to subsection (1) of the Section, to have been trained in obstetric nursing, provided that such women give notice in writing to the authority of the area that they have been so certified.

6. *Post-Certificate Courses.*—Section 7 of the Act confers on the Central Midwives Board the power to frame rules requiring midwives to attend periodically courses of instruction approved by the Board, and local supervising authorities are required to provide, or arrange for the provision of, the necessary courses for midwives practising in their areas.

7. Attention should also be drawn to the provisions of Section 9 which empower (*a*) the Minister—

(i) to fix by regulations the scale of fees payable to registered medical practitioners under subsection (1) of Section 14 of the Midwives Act, 1918 (*a*), and to prescribe in such regulations the conditions subject to which the fees are to be payable;

(ii) to make regulations prescribing the qualifications of persons appointed by a local supervising authority under Section 8 of the Act of 1902 (*b*) to exercise supervision over midwives practising within its area, and

(*b*) the Central Midwives Board to frame rules—

(i) regulating the grant by the Board of diplomas in the teaching of midwifery;

(ii) applying to the proceedings before the Board for the removal of the name of a midwife from the Roll of Midwives, the provisions of the Arbitration Act, 1889, relating to the summoning, attendance and examination of witnesses, etc.

PART II.

FINANCE.

8. *Exchequer Grants.*—The Act makes Exchequer grants available in respect of (*a*) expenditure incurred by local supervising authorities in the payment of compensation to midwives who retire, and (*b*) additional expenditure incurred by them either in the employment of midwives direct or by way of contributions made to welfare councils and voluntary organisations who employ midwives by arrangement with the local authority.

Expenditure in respect of compensation is purely temporary, as compensation is payable only to midwives who surrender their certificates within a period of three years from the commencement of the Act, and Section 5 (6) provides for the payment from the Exchequer of fifty per cent. of the aggregate payments made by each local authority.

The expenditure to be incurred by local authorities in employing or securing the employment of salaried midwives under Section 1 of the Act is in respect of a permanent obligation. Section 4 (subsections (1) and (3)) makes it clear that for the fourth and every subsequent grant period under the Local Government Act, 1929, *i.e.*, from April 1st, 1942, Exchequer assistance will be given by way of an addition to the General Exchequer Contribution from which are derived the General Exchequer grants payable to local authorities under that Act.

To meet the views expressed by Associations of Local Authorities, namely that during the stage in which the service is being set up the Exchequer assistance to each

(*a*) *Ante*, p. 1549.
(*b*) *Ante*, p. 1543.

MATERNITY, CHILD WELFARE, AND MIDWIVES

authority should be related to the expenditure of that authority, provision should be related to the expenditure of that authority, provision is made (subsection (2) of section 4 and the First Schedule) for a temporary grant for the five years of the third grant period, namely 1937–42. This grant will be directly related to the expenditure of each authority, and at the same time to its relative capacity to meet that expenditure. It will be calculated in a manner designed to minimise detailed control and examination of expenditure.

9. *Calculation of Exchequer Grants.*—The expenditure of local supervising authorities may be of two kinds :—

(*a*) salaries and expenses of salaried midwives employed on domiciliary midwifery by the authority less the fees collected, and

(*b*) contributions payable under arrangements made with welfare councils or voluntary organisations for the employment by them of salaried midwives.

Expenditure under both of these heads will rank for grant in so far as it is additional to expenditure incurred in the year 1935–6 in respect of domiciliary midwifery and maternity nursing services.

As regards (*a*) the Act provides that for the purpose of calculating the Exchequer grant the expenditure on midwives directly employed by the local supervising authority shall be estimated on a unit basis (in accordance with directions given by the Minister after consultation with the Associations of Local Authorities) in respect of each midwife so employed, representing the average annual cost for the country as a whole of the salary and expenses of a municipal midwife, less the average annual receipts from fees. From the total so obtained will be deducted the expenditure, if any, incurred by the authority and by welfare councils in employing domiciliary midwives in the year 1935–6. The amount so calculated will be taken as the additional expenditure in respect of the employment of midwives by the authority.

The Minister proposes to discuss with local authorities the amount which should be fixed as a unit for this purpose, and its application to midwives employed by local authorities who perform other duties besides domiciliary midwifery and maternity nursing.

As regards (*b*), the salaried midwives employed by voluntary organisations will, in many cases, act also as district nurses or in some other capacity, and the expenditure of the authorities will be represented by annual contributions to the voluntary organisations or to welfare councils in respect of their domiciliary midwifery and maternity nursing work, the amount of which will be a matter of negotiation and will no doubt vary according to the circumstance of the particular case. The additional expenditure on the new service will be represented by the excess of the annual contributions to be made by authorites to those organisations or councils for domiciliary midwifery and maternity nursing over those paid in the year 1935–6 by the authority and by welfare councils in the area of the authority.

The amount represented by the total of the additional expenditure under (*a*) and (*b*) calculated above will be halved, and the result in each case will be scaled up or down in proportion to the extent to which the relative needs of the area—as measured by the formula for weighted population used in the calculation of the General Exchequer grants under the Local Government Act, 1929—are respectively greater or less than the average needs of all counties and County Boroughs in England and Wales as determined by the aggregate of the weighted populations for all Counties and County Boroughs. In those cases in which the councils of county districts are local supervising authorities, the factor for the county as a whole will be taken both for the calculation for the county council and for that of the district council.

This method can more conveniently be illustrated by the following specimen case :

The aggregate of the weighted populations for all Counties and County Boroughs in England and Wales, as calculated for the second grant period under the Local Government Act, is equivalent to the ordinary population multiplied by 2·7. If it is assumed that the additional expenditure calculated as above is £1,000 per annum, for each of three Authorities "A," "B" and "C," and that for those Authorities the weighted population is equivalent to the ordinary

population multiplied respectively by 3·6, 2·5 and 1·8, the grants payable in each case (which are to be calculated to the nearest pound) will be as follows:

"A" . . . $\frac{1,000}{2} \times \frac{3·6}{2·7}$ or £667

"B" . . . $\frac{1,000}{2} \times \frac{2·5}{2·7}$ or £463

"C" . . . $\frac{1,000}{2} \times \frac{1·8}{2·7}$ or £333

10. *Conditions of grant approved by the Treasury.*—The Act provides that the Exchequer grants towards the expenses incurred by local authorities under the Act shall be subject to such conditions as to records, certificates, audit or otherwise as the Minister, with the approval of the Treasury, may determine. The formal conditions as approved by the Treasury will be communicated to local authorities at a later date.

11. *Payment of Exchequer Grants.*—With the approval of the Treasury, payments on account of Exchequer grants due may be made to local authorities on application each half-year. Ordinarily, these advances will be about 90 per cent. of the amount estimated to be due and the balance will be paid after audit.

Forms will be supplied to local authorities for the purpose of claiming grants.

12. *Default of Local Authority.*—By subsection (7) of Section 4 of the Act the grants payable under the Section are for the purposes of Section 104 of the Local Government Act, 1929, to be deemed to be made under Part VI of that Act, and the functions of an authority under the new Act to be functions relating to public health services within the meaning of that Section. Section 104 of the Local Government Act, 1929, will therefore empower the Minister to reduce the grant payable to an authority under Part VI of the Act of 1929 or under the new Act if the authority fail to show reasonable efficiency and progress in the establishment and maintenance of an adequate service of salaried midwives or otherwise in giving effect to the provisions of the Act.

PART III.

PROCEDURE.

13. The regulations to be made by the Minister under subsections (1) and (2) of Section 9 of the Act are under consideration, and it is understood that the Central Midwives Board are proceeding with the preparation of rules under the powers conferred on them by Sections 7 (1) and 9 (4). Further communications on these matters will be addressed to local authorities in due course.

14. *Time-table.*—The proposals of local supervising authorities should, unless in view of exceptional circumstances the Minister approves of a longer period, be submitted to him not later than January 30th, 1937. It is essential that the proposals of local authorities should be submitted promptly if they are to be brought into operation by July 30th, 1937, as under Section 1 (5) of the Act two months are allowed in which voluntary organisations or welfare councils which employ salaried midwives may make representations to the Minister, and under Section 2 of the Act it is necessary for authorities to give one month's notice of their intention first to engage midwives in the new service.

15. *Formulation of proposals.*—The first step is for each local supervising authority to estimate by reference to existing statistics the number of *domiciliary* confinements which are likely to be attended in their area each year (*a*) by midwives, and (*b*) by medical practitioners, and the number which will take place in institutions. The local authority will not, of course, be concerned for the purposes of the new service with the last-mentioned type of case, but in arriving at their estimates under (*a*) and (*b*) they will, no doubt, consider whether the establishment of the new service may not result in a diminution in the number of cases confined in hospital. As it is no part of the local authority's obligation to provide maternity nurses for residence in the homes of patients, it may also be necessary to make some reduction for those

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women who, besides engaging a medical practitioner, normally employ also a resident maternity nurse.

The number of cases per annum likely to be dealt with under the new service having been ascertained, it will be necessary for the authority to calculate the number of whole-time midwives who will be required for attendance on such cases either as midwives, or as maternity nurses during a period of at least 14 days. The report of the Joint Council of Midwifery suggests that each whole-time midwife might reasonably be expected to attend 80 cases per annum, while the Departmental Committee on Midwives suggested a figure of 100 cases a year. The Minister is advised that for the purposes of their calculations local authorities might assume that in populous districts each midwife should usually be capable of attendance on 70 cases as a midwife and 30 cases as a maternity nurse during the year. The figures for sparsely populated areas where considerable time will be spent in travelling will, of course, be lower.

It will be necessary for the authority, in considering the number of midwives who must be employed, to allow for annual and sick leave, and for emergencies, such as the suspension of a midwife in order to prevent the spread of infection.

Wherever possible, the authority should frame their proposals in such a way as to allow a choice of midwife to the women who avail themselves of the new service.

The next step will be to consult with the bodies specified in Section 1 (2) of the Act and to decide the extent to which the number of midwives considered to be necessary shall be employed by the local supervising authority or by welfare councils or voluntary organisations and the areas for which they should be responsible. Where arrangements are proposed to be made with a voluntary hospital which has an extern midwifery practice, the authority should consider whether it is desirable that midwives employed by the authority should also be made available for attendance in the same district in order that mothers in that district may be able to choose whether they will be attended by a midwife employed by the hospital or by one directly in the service of the authority.

In making arrangements with voluntary institutions which employ salaried midwives for extern practice it is important to remember that these midwives may be engaged in the practical teaching of medical students and pupil midwives, and the arrangements made should, if possible, be such as to secure that the districts served by the salaried midwives of the institutions are sufficiently extensive to provide the necessary cases for teaching. If in certain cases this is not practicable, arrangements might be made between the authorities and the institutions whereby certain of the salaried midwives employed by the authorities, if approved for the purpose, are used as teachers.

County Councils will no doubt appreciate the importance, if undue expenditure is to be avoided, of arranging if possible for Nursing Associations to provide a service to cover the whole of the rural parts of the Counties. This will in a number of cases involve an extension of the activities of the Associations to areas not previously served by them, and as the midwives employed by the Associations normally devote a substantial part of their time to district nursing, and as the contributions made by local authorities under the Act will relate only to midwifery and maternity nursing, the Nursing Associations will require additional funds in order to pay that part of the salaries of the additional midwives appointed by them which relates to other than midwifery and maternity nursing work. It may be necessary, therefore, for a County Council to consider the question of a fuller exercise of the power conferred upon them by Section 67 of the Poor Law Act, 1930 (*a*), to subscribe, with the consent of the Minister, towards the funds of Nursing Associations. Such subscriptions would not, of course, rank for grant under the Midwives Act. In those cases in which the midwives appointed by the Nursing Associations undertake health visiting or school nursing duties by arrangement with the County Council, the latter will of course make additional contributions to the Nursing Associations in respect of that work.

If it is not possible to arrange in this way for the necessary service in certain rural areas, a County Council may be able to arrange for midwives employed by them in urban areas to work also in adjacent rural areas. In the last resort, a County Council

(*a*) 12 Halsbury's Statutes, 1001.

may have to employ their own midwives in certain rural areas, but in such cases it will be desirable to engage midwives who are qualified also to undertake health visiting, school nursing and other public health work in those areas.

Model forms of agreement are appended for the assistance of local supervising authorities when entering into arrangements with Nursing Associations and other voluntary organisations. It will be seen that the agreements provide, amongst other matters, for the fixing of the salaries and other emoluments paid to the midwives employed and of the fees charged for their services. It is thought that a County Council will prefer to make one agreement with the County Nursing Association instead of separate agreements with each of the affiliated District Nursing Associations. The model agreement "A" has been drafted accordingly, but when this form of agreement is used it will be necessary for the County Council to satisfy themselves that each of the District Associations has, by formal resolution or otherwise, authorised the County Association to make arrangements on its behalf with the Council. Model agreement "B" will be suitable for use when arrangements are made with a voluntary hospital, or where arrangements are made directly with a District Nursing Association.

Where a welfare council is already employing salaried midwives the County Council will no doubt consider whether it should arrange for the employment by that council of the necessary number of midwives for service in its district, or for the transfer of the midwives employed by the welfare council, with the consent of that council, to the service of the County Council. In the former event the authority would no doubt enter into an agreement with the welfare council whereby an annual lump sum payment would be made to that council.

16. *Submission of proposals.*—The Act requires that the proposals submitted by the authority shall include particulars of any arrangements proposed to be made with welfare councils and voluntary organisations, and of the number of midwives to be employed in the parts of the area of the authority to be served, whether exclusively or jointly, by the authority, welfare councils and voluntary organisations, respectively. The proposals should be accompanied by drafts of any agreements proposed to be entered into with voluntary organisations, and, where the local authority itself proposes to employ midwives, by particulars of the proposed scale of salaries, and of the scale of fees proposed to be fixed by the authority under Section 3 of the Act.

A copy of the local supervising authority's proposals should be forwarded, not later than the date on which they are submitted to the Minister, to every council, organisation or other body which it has consulted under subsection (2) of Section 1, and to every voluntary organisation which employs, or is willing to employ, domiciliary midwives, whether or not that organisation has been consulted.

Whilst the Minister's formal approval of the proposals is not required, he would propose in view of the provisions of Section 4 (7) and Section 6 of the Act to suggest to local authorities any modifications which appear to him to be desirable. Where representations are made to him under Section 1 (5) by a voluntary organisation or a welfare council which employs salaried midwives, the Minister will of course consult the local authority and then decide in the light of that consultation whether he should direct it to alter its proposals.

17. *Notice of employment.*—Notice of the local supervising authority's intention first to appoint midwives under the Act must be given in the Press and sent individually to each midwife who has given notice of intention to practise in the authority's area on or after the specified date. The notice must state that applications for employment in the new service are about to be considered and must give information as to the salary and other conditions of service. Local supervising authorities will be aware from their records of the midwives to whom individual notice must be sent.

18. *Fees.*—Separate scales of fees must be fixed by the local supervising authority in the case of midwives employed by the authority under the Act in respect of their services as midwives, and their services as maternity nurses, respectively. These fees will no doubt be fixed by reference to the fees normally charged by midwives practising in the area, and it should be borne in mind (i) that the great majority of

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the patients who will employ the services of the authority's midwives will be in receipt of Maternity Benefit, and (ii) that where a midwife is engaged to act as maternity nurse the patient has also to pay the doctor's fee. It is assumed that when fixing the fees authorities will also adopt a scale of income for their guidance in determining the cases in which remissions or rebates should be made, and the extent of such rebates, under the proviso to subsection (1) of Section 3 of the Act.

19. *Compensation.*

(a) *Voluntary surrender.*—In the case of the voluntary surrender of a certificate the first step must be taken by the midwife. A midwife eligible for compensation on the voluntary surrender of her certificate must have given notice on or after January 1st, 1935, and before March 18th, 1936, of her intention to practise, she must surrender her certificate before the expiration of three years from the commencement of the Act, *i.e.*, by July 30th, 1939, and she must be practising in the area of the authority at the time of surrender. Whilst the amount of compensation payable will be determined by reference to the average net emoluments of the midwife during the preceding three years or during the period of her practice, whichever is the shorter, only the authority or authorities in whose area or areas she is practising at the time of surrender will be concerned in the payment of compensation. Where the midwife is practising in the area of more than one authority, the whole of the compensation to which she is entitled will be payable by the authority to whom she surrenders her certificate, but that authority will be entitled to recover from the other authorities their share of the compensation on the following basis: As half of the compensation is reimbursed to the paying authority by the Exchequer, the contributions payable by the other authorities will be their shares of half of the compensation so paid. The share of each authority will be determined by the relation of the amount of the average annual net emoluments of the midwife in its area (calculated on the period of three years or the period of practice in that area, whichever is the shorter) to the total of her average annual net emoluments in all the areas in which she is practising at the time of surrender.

In the event of disagreement, any authority concerned may refer the question to the Minister whose decision will be final.

The following is an example of the apportionment of compensation in a case in which the midwife is practising in the area of more than one authority.

A midwife at the date of the surrender of her certificate is practising in the areas of three Authorities "A," "B" and "C." Details of her practice are as follows:

Authority.	Net Emoluments.				Average net annual Emolument for each Authority.
	3rd year before	2nd year surrender of	Last year certificate.	Total 3 years.	
1.	2.	3.	4.	5.	6.
	£	£	£	£	£
A. . .	70	80	60	210	70
B. . .	—	(6 mths.) 20	40	60	40
C. . .	—	—	(6 mths.) 10	10	20
Total .	70	100	110	280	130

Average net annual emoluments of midwife . . . . . £$\frac{280}{3}$

Compensation payable to midwife £280

Amount recoverable by Authority "A"

from Authority "B" (Col. 6) . . . . $\frac{40}{130} \times £140 = £43.$

from Authority "C" . . . . . $\frac{20}{130} \times £140 = £21\ 10s.$

leaving the sum of £75 10*s.*, *i.e.*, . . . $\frac{(70}{130}$ £140)

to be borne by the rates of Authority "A."

The general effect of this arrangement is that while the compensation for a midwife practising in more than one area is the same as that for a midwife earning the same total income in one area during the three years, the apportionment of liability between the Authorities is based on the compensation which would have been payable by each Authority if a different midwife had practised in each area.

(b) *Compulsory surrender.*—In the case of compulsory surrender the initiative must be taken by the local supervising authority who may, within a period of three years from the commencement of the Act, direct any midwife who, after January 1st, 1936, has given notice of her intention to practise in the authority's area, to surrender her certificate if in their view she is incapable by reason of age or infirmity of mind or body of efficiently performing her duties as a midwife. As action by the local authority is limited to a period of three years it is important that they should take steps to secure at the earliest possible date the retirement of all midwives to whom Section 5 (2) of the Act applies. In the first place the local authority will no doubt instruct their Medical Officer of Health to obtain from the Inspectors of Midwives reports on all midwives practising in the area in whose cases there is any doubt as to their capacity to perform their duties efficiently. These reports will be considered by the Medical Officer of Health and the authority will then be in a position, in the light of the recommendations made by him, to decide in which cases they should give directions for the surrender of certificates.

Where the midwife is practising in the area of more than one authority the whole of the compensation must be paid by the authority to whom she is directed to surrender her certificate. The financial liability in connection with such payment only extends to those authorities which join in giving the direction. Under the Act it is left to the local authorities concerned to agree among themselves as to the proportion in which the compensation shall be borne by each of them. If they are unable to agree, the matter will be determined by the Minister.

(c) *Annuities.*—Whether the certificate is surrendered voluntarily or compulsorily, the local authority is empowered, if it considers that such a course is in the interests of the midwife, to lay out the whole or part of the compensation in the form of an annuity terminable at the age of 70, when the non-contributory old age pension is payable subject to the conditions of the Old Age Pensions Acts, or on the death of a midwife if she dies before that age. Local authorities should, therefore, in each case in which compensation is payable, consider whether or not they should in the midwife's own interest purchase an annuity.

(d) *Appeals.*—All appeals by aggrieved midwives are to the Minister, whose decision is final. Appeals may be made by midwives who are aggrieved by—

(i) the authority's refusal to pay compensation;

(ii) the amount of the compensation;

(iii) the authority's direction to surrender a certificate; or

(iv) the authority's decision to purchase an annuity.

(i), (ii) and (iv) relate to voluntary as well as to compulsory retirement, while (iii) deals only with compulsory retirement. The Minister will of course consult the local authority concerned in any appeal, and if necessary he will instruct one of his officers to make inquiries locally.

With regard to (ii), the Minister thinks it will be of assistance to local authorities if he informs them of the general considerations which it appears to

him should be borne in mind in determining the net annual emoluments of a midwife.

As regards receipts, it appears to the Minister that outstanding fees in respect of which there is a reasonable prospect of payment might properly be taken into account. There may be some cases in which the midwife has not kept any complete record of her earnings, and it may therefore be necessary to assess her income by reference to the number of cases attended and her average receipts per case.

As regards the expenses of a midwife incidental to her practice, it seems to the Minister that where midwives have themselves done the necessary laundry work in connection with their uniforms, this item need not be taken into account, whilst in many cases the travelling expenses of the midwife will have been merely nominal. On the other hand there may be some cases in which the amount of travelling involved has been considerable, and a few cases in which a motor car will have been maintained by the midwife. The expenditure of a midwife on the equipment required for her practice is of the nature of capital expenditure, and the cost of replacement of such equipment might properly be ignored in the calculation of her compensation. The expenses of a midwife on the provision of necessary disinfectants or drugs will have to be taken into account, but a midwife is under no obligation to provide dressings for her patients, and if in certain cases a midwife has in fact made such provision the cost should not be included in the necessary expenses of her practice.

Cases of difficulty will be those in which a midwife has combined domiciliary practice with attending to a few cases in her own home for a charge which includes board, lodging and attendance. It will be necessary in such cases to apportion the charge so that compensation is based only on that part of it which represents the midwife's fee for her services as a midwife or maternity nurse.

(e) *Surrendered certificates.*—These should be forwarded by the authority to the Central Midwives Board, whose duty it is under the Act to cancel them by endorsement, to return them to the midwives, and to remove the midwives' names from the Roll. The Board will inform the appropriate local authority or authorities when this action has been taken.

20. *Prohibition.*—The provisions of Section 6 with regard to the prohibition of the attendance of unqualified persons on maternity patients do not become operative until an Order has been made by the Minister applying the provisions of the Section to the area of a particular authority or a county district. The Minister is not empowered to make the necessary Order until he is satisfied that an adequate service has been established. One of the main objects of the Act is to prevent at the earliest possible date the attendance on women in childbirth of unqualified persons, and it is therefore of vital importance that an adequate service should be established in the area of every local authority at the earliest possible date.

It will be necessary for the Order in respect of any particular area to be given the widest possible publicity throughout that area, and provision for this will be made in the Order.

As regards paragraph (c) of the proviso to subsection (1) of Section 6, the Minister will inform all local supervising authorities from time to time of the institutions to which he has by Order applied the proviso, and of the steps which should be taken to ensure that the provisions of the Order receive the necessary publicity to enable the persons concerned to be aware of their position.

Ministry of Health,
London, S.W.1.
September, 1936.

APPENDIX.

MODEL AGREEMENT "A."

Heads of Agreement in pursuance of the Midwives Act, 1936, for the provision of a domiciliary service of salaried midwives, between a County Council (hereinafter referred to as "the Council") the County Nursing Association (hereinafter referred to as "the

County Association ") and the District Nursing Associations named in the first column of the First Schedule (acting for the purpose of entering into this Agreement by the County Association and hereinafter collectively referred to as " the District Associations.")

1. Each of the District Associations undertakes to employ for the area indicated in the second column of the said Schedule opposite to its name the number of certified midwives specified in relation thereto in the third column of the Schedule.

2. The County Association undertakes to employ such number of certified midwives as may be necessary to provide for the temporary replacement of such of the midwives provided under Clause (1) as may from time to time be rendered unavailable for service.

3. The County Association and the District Associations will make such arrangements as will secure, so far as practicable, that the number of midwives specified in the First Schedule in relation to any area are always available for service in that area.

4. The midwives provided under this Agreement shall be the whole-time servants of the County Association or the District Association, as the case may be, which employs them.

5. The midwives so employed shall be available for attendance on women in their own homes either as midwives or, if a doctor is engaged for the confinement, as maternity nurses in childbirth and from time to time thereafter during a period not less than the lying-in period as defined in the rules for the time being of the Central Midwives Board.

6. The salaries and other emoluments paid to the midwives so employed shall be those specified in the Second Schedule hereto, and the fees charged for their services as midwives and maternity nurses respectively shall not exceed those specified in the Third Schedule hereto.

7. The County Association and the several District Associations shall supply the Council with a list of the names and addresses of the midwives employed by them in pursuance of this Agreement, and shall forthwith inform the Council of any change in the list.

8. The County Association and the several District Associations shall keep records of the cases attended by the midwives employed by them in pursuance of this Agreement, and of the numbers of their attendances in each case, distinguishing between attendances as midwives and attendances as maternity nurses.

9. The County Association and the several District Associations shall supply the Council with such financial and other returns as the Council may reasonably require, including a copy of the audited annual accounts of the Association, and the records kept by the County Association and the District Associations shall be open to inspection by the Medical Officer of Health of the Council, or by any other officer of the Council specially authorised for that purpose.

10. The Council undertakes during the currency of this Agreement to pay to the County Association the sum of £.... per annum by equal quarterly payments on the following days, viz., on the.....in each year, the first payment to be made on the.....day of....., and the County Association undertakes to pay out of the said sum to each of the District Associations such amounts as may be agreed between the Council and the County Association.

11. The County Association and each of the District Associations agree with the Council that:

(i) Any difference or dispute between any of the parties arising out of this Agreement shall be referred to a single arbitrator appointed by agreement between the parties, or, in default of agreement, by the Minister of Health, and

(ii) This Agreement shall have effect as from the.....day of .....and shall continue in force as respects each of the areas mentioned in the First Schedule, subject to any variations which may be agreed between the Council, the County Association and the District Association for that area, until it is determined, either by agreement between the said parties, or by not less than six months' notice in writing, terminating on the.....* day of .....in any year given with the consent of the Minister by any one of the said parties.

First Schedule.

Name of District Association.	Area to be served.	Number of midwives to be employed.

* *I.e.* the end of the contribution year.

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Second Schedule.

(*Salaries to be paid under the Agreement, including any special allowances for travelling, uniform, &c. If board and lodging are provided, the cash value of these emoluments should be stated.)

Third Schedule.

(Fees to be charged to patients.—Separate fees should be specified for the services of a midwife when acting as such, and when acting as maternity nurse, (*a*) where the patient is a contributor to the County Association or an affiliated District Nursing Association, and (*b*) where the patient is not a contributor. The arrangements for total or partial remission of fees in necessitous cases should be stated.)

MODEL AGREEMENT "B."

Heads of Agreement in pursuance of the Midwives Act, 1936, for the provision of a domiciliary service of salaried midwives, between a Local Supervising Authority (hereinafter referred to as "the Authority") and a Voluntary Association (hereinafter referred to as "the Association").

1. The Association undertakes to employ for each of the areas indicated in the first column of the First Schedule the number of certified midwives specified in relation thereto in the second column of the schedule, and in addition undertakes to employ such number of certified midwives as may be necessary to provide for the temporary replacement of such of the midwives employed for the areas in question as may from time to time be rendered unavailable for service.

2. The Association will make such arrangements as will secure, so far as practicable, that the number of midwives specified in the First Schedule in relation to any area are always available for service in that area.

3. The midwives provided under this Agreement shall be the whole-time servants of the Association.

4. The midwives so employed shall be available for attendance on women in their own homes either as midwives or, if a doctor is engaged for the confinement, as maternity nurses in childbirth and from time to time thereafter during a period not less than the lying-in period as defined in the rules for the time being of the Central Midwives Board.

5. The salaries and other emoluments paid to the midwives so employed shall be those specified in the Second Schedule hereto, and the fees charged for their services as midwives and maternity nurses respectively shall not exceed those specified in the Third Schedule hereto.

6. The Association shall supply the Authority with a list of the names and addresses of the midwives employed by them in pursuance of this Agreement, and shall forthwith inform the Authority of any change in the list.

7. The Association shall keep records of the cases attended by the midwives employed by them in pursuance of this Agreement, and of the numbers of their attendances in each case, distinguishing between attendances as midwives and attendances as maternity nurses.

8. The Association shall supply the Authority with such financial and other returns as the Authority may reasonably require, including a copy of the audited annual accounts of the Association, and the records kept by the Association shall be open to inspection by the Medical Officer of Health of the Authority, or by any other officer of the Authority specially authorised for that purpose.

9. The Authority undertakes during the currency of this Agreement to pay to the Association the sum of £.... per annum by equal quarterly payments on the following days, viz., on the.....in each year, the first payment to be made on the .....day of.....

10. The Association agrees with the Authority that:

(i) Any difference or dispute between the Authority and the Association arising out of this Agreement shall be referred to a single arbitrator appointed by agreement between the parties, or, in default of agreement, by the Minister of Health, and

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* Provision may be made, if considered desirable, for a scale of salaries varying with the qualifications and experience of the midwives, and also for annual increments of salary.

(ii) This Agreement shall have effect as from the.....day of .....and shall continue in force, subject to any variations which may be agreed between the Authority and the Association, until it is determined either by agreement between the said parties or by not less than six months' notice in writing terminating on the.....*day of.....in any year given with the consent of the Minister by either of the said parties.

First Schedule.

Areas to be served.	Number of midwives to be employed.

Second Schedule.

(†Salaries to be paid under the Agreement, including any special allowances for travelling, uniform, etc. If board and lodging are provided, the cash value of these emoluments should be stated.)

Third Schedule.

(Fees to be charged to patients.—Separate fees should be specified for the services of a midwife when acting as such, and when acting as maternity nurse, (*a*) where the patient is a contributor to the Association, and (*b*) where the patient is not a contributor. The arrangements for total or partial remission of fees in necessitous cases should be stated.)

* *I.e.* the end of the contribution year.

† Provision may be made, if considered desirable, for a scale of salaries varying with the qualifications and experience of the midwives, and also for annual increments of salary.

CIRCULAR 1582.

Local Supervising Authorities under the Midwives Acts (England).

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
2nd November, 1936.

FEES OF MEDICAL PRACTITIONERS CALLED IN BY MIDWIVES.

SIR,—I am directed by the Minister of Health to refer to Circular 1488 of June 17th, 1935 (*a*), which was addressed to local supervising authorities following the judgment in the Court of Appeal in the case of *Brown and Others* v. *Monmouthshire County Council* (*b*) the effect of which was that paragraph 8 of the scale of fees set out in Circular 358 of December 20th, 1922, was *ultra vires*.

In pursuance of subsection (1) of Section 9 of the Midwives Act, 1936, the Minister has now made Regulations, of which a copy is enclosed, fixing the scale of fees to be paid by local supervising authorities to medical practitioners called in by midwives under Section 14 of the Midwives Act, 1918, and prescribing the conditions subject to which the fees are to be payable. The Regulations will come into operation forthwith.

The Minister requests the local supervising authority to take the necessary steps to give notice of the Regulations to the medical practitioners practising in their area.

Copies of this Circular and of the Regulations are enclosed for the use of the Financial Officer of the Council.

I am, Sir,
Your obedient Servant,
A. B. MACLACHLAN,
Assistant Secretary.

The Clerk of the Council,
or
The Town Clerk.

(*a*) Not here reproduced.
(*b*) (1935), 99 J. P. 227; Digest Supp.

MATERNITY, CHILD WELFARE, AND MIDWIVES

S. R. & O., 1936, No. 1112.

THE MEDICAL PRACTITIONERS (FEES) REGULATIONS, 1936, DATED OCTOBER 26TH, 1936, MADE BY THE MINISTER OF HEALTH.

The Minister of Health in pursuance of his powers under subsection (1) of section 9 of the Midwives Act, 1936 (*a*), and all other powers enabling him in that behalf hereby makes the following Regulations, that is to say:

1. These Regulations may be cited as the Medical Practitioners (Fees) Regulations, 1936, and shall come into force on the date hereof.

2. The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3. The scale of fees set out in the schedule hereto is fixed as the scale of fees payable to medical practitioners under subsection (1) of section 14 of the Midwives Act, 1918 (*b*).

4. The conditions subject to which fees are to be payable to medical practitioners under the said subsection are—

(*a*) The medical practitioner shall not have agreed to attend the patient under arrangement made by or on behalf of the patient or by any Club, Medical Institute or other Association of which the patient or her husband is a member;

(*b*) The medical practitioner shall not be under obligation to give the treatment to the patient under the National Health Insurance Acts, 1924 to 1935;

(*c*) The medical practitioner shall not receive or agree to receive a fee from the patient or her representative;

(*d*) Fees shall not be payable (i) in respect of any services performed by the medical practitioner later than the tenth day after his first attendance, except where he has reported to the local supervising authority that he considers, for reasons stated, that his further attendance is necessary, (ii) in respect of any services performed by the medical practitioner after the expiry of four weeks from the birth.

5. These Regulations shall not extend to Scotland or Northern Ireland.

SCHEDULE.

SCALE OF FEES FOR MEDICAL PRACTITIONERS CALLED IN BY MIDWIVES.

1. Fees for all attendances of a medical practitioner at parturition (*i.e.*, from the commencement of labour until the child is born), whether operative assistance or not is involved, including all subsequent visits during the first 10 days inclusive of the day of birth . . . . . £2 2*s.* 0*d.*

2. Fee for attendance of a second medical practitioner to give an anæsthetic, whether on account of abortion or miscarriage, at parturition or subsequently . £1 1*s.* 0*d.*

3. Fee for suturing the perineum, for the removal of adherent or retained placenta, for exploration of the uterus, for the treatment of post-partum hæmorrhage or for any operative emergency arising directly from parturition, including all subsequent necessary visits during the first 10 days, inclusive of the day of birth . . . . . £1 1*s.* 0*d.*
This fee not to be payable when the fee under (1) is payable.

4. Fee for attendance at, or in connection with, an abortion or miscarriage, including al subsequent visits during the 10 days from and including the first visit . £1 1*s.* 0*d*

5. Fee for visits to mother and/or child not included under (1) to (4)—
Day (9 a.m. to 8 p.m.) . . . . . 5*s.*
Night (8 p.m. to 9 a.m.) . . . . . 10*s.*

6. The usual mileage fee of the district to be paid for all attendances under (1) to (5 of this scale.

(*a*) *Ante*, p. 1565.
(*b*) *Ante*, p. 1549.

7. Fee for attendance on mother and/or child at the medical practitioner's residence or surgery . . . . . 2*s.* 6*d.*

MATERNITY, CHILD WELFARE, AND MIDWIVES

Given under the official seal of the Minister of Health this twenty-sixth day of October, nineteen hundred and thirty-six.

(L.S.)

E. D. MACGREGOR,
Assistant Secretary,
Ministry of Health.

CIRCULAR 1519.

Maternity and Child Welfare Authorities.
(England).

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
1*st April,* 1937.

SIR,—I am directed by the Minister of Health to refer to the recently issued First Report of the Advisory Committee on Nutrition and, in particular, to the emphasis laid in Part VI of the Report on the nutritional value of milk, and to request your Council to take an early opportunity of reviewing its arrangements under the Maternity and Child Welfare Act, 1918 (*a*), in the light of this Report. In this connection reference should be made to Circular 1290 of October 27th, 1932, in which attention was drawn to the importance of (i) securing that the diet of pregnant and nursing mothers and young children contains a sufficient supply of calcium, phosphates and Vitamin D; and (ii) increasing the consumption of milk, especially by growing children. It was pointed out in the Circular that all possible steps should be taken to ensure that expectant and nursing mothers and young children receive a sufficient supply of food containing Vitamin D, and that the principal foods containing this Vitamin are fat fish, fish livers, egg yolk, milk and butter. It was also mentioned that Vitamin D may be provided by the regular administration of cod liver oil.

The Minister is aware that practically all Maternity and Child Welfare Authorities have already made arrangements for the supply of milk to expectant and nursing mothers and children under school age, while many also supply other foods or cod liver oil at their Centres, and some have made arrangements for serving meals at places set apart for that purpose. He is, however, anxious that each Authority should review its arrangements for this purpose in order to ensure that this important matter is adequately dealt with throughout the country (*b*).

It has been represented to the Minister that some Authorities have made it a rule to supply milk to expectant mothers only during the last two or three months of pregnancy, while others have limited the supply in every case to one pint per day. It has also been found that certain Authorities supply milk for children only up to the age of 18 months or two years.

In Circular 1072 of February 12th, 1930 (paragraph 5), the Minister expressly sanctioned the extension of the supply of milk or meals under the Maternity and Child Welfare Act to such an extent, and in such a manner, as each Local Authority thought desirable, and he would urge that in the interests of the health of the mothers and children it is not desirable to adopt any such limitations as are mentioned above. On the contrary, the Minister considers that the arrangements made by each Authority should enable sufficient milk or other food to be provided whenever this provision is necessary for the maintenance of the health of the mother or young child.

With regard to the question of payment for milk or other food supplied, while it is not suggested that there should be any departure from the principle that such part of the cost as the recipient can reasonably afford to pay should be recovered, it is of

(*a*) 11 Halsbury's Statutes 472. For the relation of that Act, so far as unrepealed, to the P.H.A., 1936, see *ante*, p. 470.
(*b*) See also Circular 1840, dated August 2nd, 1939, *post*, p. 3357.

MATERNITY, CHILD WELFARE, AND MIDWIVES

great importance that the scale of income adopted by the Authority for this purpose should be so framed as not to render it difficult for any mothers to take advantage of the Authority's arrangements, and, in some cases, Authorities may find it advisable to reconsider their existing scales from this point of view.

In those cases in which liquid milk is supplied, the Minister considers that wherever possible the Authority should provide a supply of efficiently pasteurised milk, and that where this is not practicable, the Medical Officer of Health should approve the source and quality of the milk supplied.

It is understood that in some districts arrangements formerly made for serving meals have been abandoned because it proved difficult to secure the attendance of sufficient mothers or young children. On the other hand, he is aware that in certain large towns a properly organised system of meals, provided at a sufficient number of centres conveniently situated for the mothers, has proved highly successful, and he suggests that the Authorities of other areas should consider afresh the question of organising arrangements of this kind.

The Minister recognises that in some areas Local Authorities have hesitated on grounds of financial stringency to develop their Maternity and Child Welfare Services as fully as in other circumstances they would have desired to do. In areas of this character the additional financial assistance afforded by the recently passed Local Government (Financial Provisions) Act, 1937, provides a further reason for an early review by the Authorities of the existing arrangements.

The Minister trusts that this Circular will receive the early attention of the Authority, and that they will inform him as soon as possible of the result of their consideration of the Circular. He will be glad to arrange for his officers to discuss with representatives or officers of the Authority any question arising out of the suggestions made above on which they may desire further information or advice.

A copy of this circular has been sent to the Medical Officer of Health.

I am, Sir,
Your obedient Servant,
A. B. MACLACHLAN,
Assistant Secretary.

The Clerk of the Council,
or
The Town Clerk.

CIRCULAR 1620.

Local Supervising Authorities under the Midwives Acts (England).

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
7th May, 1937.

SUPERVISION OF MIDWIVES.

SIR,—1. I am directed by the Minister of Health to enclose for the information of the Council copies of the Regulations which he has made under Section 9 (2) of the Midwives Act, 1936 (*a*), prescribing the qualifications of persons appointed by Local Supervising Authorities under Section 8 of the Midwives Act, 1902, to exercise supervision over the midwives practising in their areas. The Regulations, which have been made after consultation with the Central Midwives Board and the Associations of Local Authorities concerned, will come into operation on June 1st next.

2. It will be observed that the Regulations apply only to persons appointed as Supervisors of Midwives on or after that date, but in view of the importance of entrusting this work to persons with the necessary qualifications and experience, the Minister suggests that each Authority should review their arrangements for the supervision of midwives and should take the earliest opportunity of effecting any

(*a*) *Ante*, p. 1565.

changes which may be desirable having regard to the qualifications prescribed by the Regulations. This is of particular importance at the present time when the new service of salaried midwives under the Act of 1936 is about to be established throughout the country.

3. The Departmental Committee on Midwives, which reported in 1929, pointed out that the inspection of midwives by a person without adequate experience of practical midwifery has a bad psychological effect upon the midwife, and reacts unfavourably on her methods of practice, as she is deprived of the opportunity for guidance on professional matters affecting the well-being of her patients which she would receive from a properly qualified inspector. In particular, the Committee strongly deprecated the employment as inspectors of midwives of Health Visitors with little or no practical experience of midwifery. The Minister endorses these views, and it will be seen that the Regulations require that persons appointed in future to supervise midwives shall have had adequate experience in the practice of midwifery.

4. The Departmental Committee also drew attention to the fact that an inspector of midwives should be regarded as the counsellor and friend of the midwives, rather than a relentless critic, and should be one who is ready to instruct the midwives in the various points of difficulty which arise from time to time in connection with their work and make them feel that there is always someone to whom they can look for sympathetic understanding of the laborious nature of their profession. The Minister feels that it is scarcely necessary for him to emphasise the importance of appointing persons who not only possess the necessary professional qualifications, but who also have the essential qualities of sympathy and tact, and he thinks it desirable that the title of " Inspector of Midwives " should be superseded by that of " Supervisor of Midwives " which is that used in the Regulations.

5. The Regulations prescribe qualifications for a Medical Supervisor, and a non-Medical Supervisor, respectively, and it is within the discretion of each Authority to appoint either one or the other, or both. But in large areas it appears to the Minister that the most desirable arrangement would generally be to appoint a Medical Supervisor, acting under the direction of the Medical Officer of Health, to exercise general supervision over the midwives practising in the area, and non-Medical Supervisors to work under the instructions of the Medical Supervisor and perform the routine duties of supervision.

6. The Minister appreciates that at the outset it may be difficult in some cases to secure Medical Supervisors who possess all the qualifications prescribed in Article 3 of the Regulations, and if necessary he will be prepared to consider the question of using the dispensing power which is contained in Article 5. He thinks it desirable, however, to point out that the words " some branch of obstetric work " in Article 3 have a wide range, and include the conduct of ante-natal clinics, the duties of administrative officers in a maternity department, the investigation or treatment of puerperal fever, obstetric research, etc.

7. In conclusion, the Minister wishes to emphasise the fact that the duties of a Supervisor of Midwives extend to all the midwives practising in the area of the Authority, and that a distinction should be drawn between an officer holding this post and one who is appointed as a Superintendent or Senior Midwife to control the work of the salaried midwives appointed by the Authority. The Minister is advised that it is not desirable for a Supervisor of Midwives to be engaged in the actual practice of midwifery.

8. A copy of this circular has been sent to the Medical Officer of Health.

I am, Sir,
Your obedient Servant,

A. B. MACLACHLAN,
Assistant Secretary.

The Clerk of the Council
or
The Town Clerk.

MATERNITY, CHILD WELFARE, AND MIDWIVES

S. R. & O., 1937, No. 398.

THE MIDWIVES (QUALIFICATIONS OF SUPERVISORS) REGULATIONS, 1937, DATED APRIL 29TH, 1937, MADE BY THE MINISTER OF HEALTH UNDER SECTION 9 (2) OF THE MIDWIVES ACT, 1936.

The Minister of Health, in pursuance of his powers under Section 9 (2) of the Midwives Act, 1936 (*a*), and of all other powers enabling him in that behalf, hereby makes the following regulations, that is to say:

Interpretation and Commencement.

1.—(1) These regulations may be cited as the Midwives (Qualifications of Supervisors) Regulations, 1937, and shall come into operation on the 1st day of June, 1937.

(2) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

2. In these regulations, unless the context otherwise requires—

"Authority" means a Local Supervising Authority for the purposes of the Midwives Acts, 1902 to 1936.

"Supervisor" means a person appointed by an authority under Section 8 of the Midwives Act, 1902 (*b*), to exercise supervision over midwives practising within its area.

"Medical supervisor" means a supervisor who is a registered medical practitioner.

"Non-medical supervisor" means a supervisor who is not a registered medical practitioner.

"Maternity department" means a maternity hospital or maternity home, or a maternity unit in a general hospital or in a public assistance institution.

Medical Supervisors.

3. Any person appointed by an authority on or after the date upon which these regulations come into operation to be a medical supervisor shall be a registered medical practitioner who has had at least three years' experience in the practice of his profession, and who (1) is registered in the Medical Register as the holder of a diploma in sanitary science, public health or state medicine, (2) has held the appointment of resident Medical Officer in a maternity department for a period of not less than six months, and (3) within a period of two years before his first appointment as a medical supervisor under the provisions of these regulations had had not less than one year's continuous experience in some branch of obstetric work.

Non-Medical Supervisor.

4. Any person appointed by an authority on or after the date upon which these regulations come into operation to be a non-medical supervisor shall be a certified midwife whose name is included in the Roll of Midwives required to be kept under the Midwives Acts, 1902 to 1936, and who (1) is registered in the general part of the Register of Nurses required to be kept under the Nurses Registration Act, 1919 (*c*), and (2) has been in active practice as a midwife for at least three years subsequent to becoming a certified midwife: Provided that—(*a*) at least one year of the said period of three years shall have occurred within a period of two years prior to her first appointment as a non-medical supervisor under the provisions of these regulations and (*b*) that for at least one year during such period of three years she shall have been attending patients in their own homes.

General.

5. The Minister may dispense with any of the requirements of these regulations in any case in which it appears to him desirable so to do, on such terms and conditions

(*a*) *Ante*, p. 1565.
(*b*) *Ante*, p. 1543.
(*c*) 11 Halsbury's Statutes 748.

as he thinks fit, and such dispensation may be given at any time provided that the Minister is satisfied that the interests of any person will not be prejudiced thereby.

Given under the official seal of the Minister of Health this twenty-ninth day of April nineteen hundred and thirty-seven.

(L.S.) A. B. MACLACHLAN,
Assistant Secretary,
Ministry of Health.

CIRCULAR 1622.

Maternity and Child Welfare Authorities (England).

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
7th May, 1937.

MATERNAL MORTALITY.

SIR,—I am directed by the Minister of Health to draw the attention of the Authority to the Report (Cmd. 5422) on Maternal Mortality which he has recently presented to Parliament and of which copies may be obtained (price 5*s.* 6*d.*) from H.M. Stationery Office.

This Report is the outcome of the special investigations into Maternal Mortality which were announced in Circular 1433 of October 10th, 1934 (*a*). In recent years much attention has been devoted to the question of deaths in childbirth, and the Minister thinks it is important that the subject should be regarded in its proper perspective.

The number of women who die in childbirth in this country is relatively small, and it can be said that motherhood here has reached a comparatively high level of safety. The young married woman can be told with confidence that if she is in normal health and will take the ordinary and sensible precautions which her doctor or the medical staff at the Ante-natal Clinic advise, the risk she will run in childbirth need be no matter of anxiety. The disturbing circumstance in which the special investigations had their genesis is not that the number of maternal deaths is in itself high, but that it is known that many of the deaths are preventable, that the mortality rate is higher than it should be, and that all efforts have so far failed to reduce it appreciably.

The special investigations were made in 45 areas in which the maternal mortality rate over a period of years has been in excess of the average rate for the whole country and, also, for purposes of comparison, included 24 areas in which the average rate is below the national rate. A comprehensive survey was made of the maternity services in each of the areas visited, and the Minister was continuously informed throughout the investigations of any circumstances calling for his attention. Subsequently, an official letter was addressed to each Authority in which any necessary suggestions were made for improvement or extension of their maternity services. The response has, upon the whole, been most satisfactory, and there is every reason to believe that substantial improvement in the scope and efficiency of these services in many of the areas has either already been secured or is in process of being effected. This procedure, involving frequent consultation both locally and at the Ministry in relation to the action advised, has naturally protracted the length of the investigations, but this has been amply compensated for by the avoidance of delay in securing a number of immediate measures of reform.

The Minister wishes to commend the Report to the careful attention of all Maternity and Child Welfare Authorities, and in particular he would urge them to study Section IX of the Report which sets out the essential elements of an efficient

(*a*) *Ante*, p. 3319.

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maternity service, and the recommendations in Section X. A copy of those recommendations is appended to this Circular (*a*).

The following paragraphs deal with the more important of the recommendations.

1. *The Importance of Team Work.*

In the Report it is pointed out that, in the past, circumstances have tended to direct attention, perhaps unduly, to maternity organisation as represented by the activities of Local Authorities, and that if the best results are to be secured the maternity services of an area must be regarded as embracing all the agencies in that area which provide facilities for maternal care. It is not therefore surprising that in the forefront of the recommendations stress is laid on the importance of team work.

The Local Authority is in the best position to secure that combined effort and close co-operation between health visitors, midwives, general practitioners, medical officers of clinics, medical staffs of hospitals and consultant obstetricians, without which it will not be possible to obtain full value from the services provided. The Report gives particulars of certain areas in which the practical possibility of this close co-operation has already been demonstrated, and the Minister trusts that each Authority will do all in its power to promote the necessary team work within its area.

The full co-operation of general practitioners can, probably, best be assured by holding periodical meetings between representatives and officers of the Local Authority and the local organisation of medical practitioners, or by arranging for the adequate representation of those practitioners on the Maternity and Child Welfare Committee of the Authority. The importance of arranging informal meetings between the consultant obstetricians of the area and the general practitioners should also be borne in mind.

With the institution of a salaried midwives' service under the Midwives Act, 1936 (*b*), it is now practicable to secure the closer co-operation of the midwives practising in the area with the other maternity services, whether the salaried midwives are employed by the Maternity and Child Welfare Authority itself, or by the Local Supervising Authority or some voluntary organisation working under agreement with the latter Authority.

2. *Consultant Services.*

The Report states that inexperienced or inexpert midwifery is a major cause of maternal mortality, and expresses the view that every maternity scheme should include provision for the services of one or more obstetric consultants. The Minister concurs in this view, and considers it desirable that every Authority should now take the necessary steps to provide an adequate consultant service. He appreciates that this may be difficult in the case of the smaller Authorities and in sparsely populated areas, but he has no doubt that the difficulties can be overcome by the appropriate Authorities taking joint action for the appointment of a consultant. The Minister desires to draw attention to what is said on page 225 in Section IX of the Report as to the desirable qualifications for a consultant obstetrician.

The Report also shows that, in some of the areas in which a consultant has already been appointed, little use is at present made of his services, and this fact indicates the importance of securing personal contact between the consultant or consultants appointed and the general practitioners of the area, as suggested above.

3. *Emergency Units.*

The Report shows that lives are lost through women being sent to hospital because the necessary expert services are not available in their homes, and emphasises the necessity for arranging in certain types of cases for the services of skilled hospital staff to be brought to the patient instead of subjecting her to the risk of transport to the hospital. In some areas these arrangements have already been made by establishing an " emergency unit " consisting of a consultant obstetrician and a nurse who are available, with all the necessary equipment for dealing with emergencies, for attendance at short notice, when summoned by a doctor, at any home within a

(*a*) *Post*, p. 3349.
(*b*) *Ante*, p. 1556.

certain radius. The "emergency unit" can best be operated from a Maternity Hospital or the maternity department of a General Hospital, but it should be available, not only in the district in which the Hospital is situated, but within a wide area surrounding the Hospital. It is clearly desirable that a service of this kind should be provided for all areas, and the Minister trusts that Local Authorities, acting where necessary in combination, will take all possible steps to secure its establishment.

4. *Maternity Accommodation.*

In some areas adequate provision has already been made for in-patient accommodation for maternity patients, but there is still a need for further accommodation in certain areas and in many there is a lack of suitable accommodation for women who need treatment during pregnancy. The Report shows that necessity in every maternity department for a sufficient number of beds which are allocated to, and reserved for, ante-natal patients. Apart from this need, maternity beds should be provided for all forms of obstetric complications, including such as may arise during labour and the puerperium, and for patients whose home conditions are unsuitable for a confinement, while for every area there should be satisfactory arrangements for the treatment of puerperal sepsis and for cases of abortion.

The Minister considers that it is necessary that each Authority should review the position in its area with special regard to the need for ante-natal wards, and should bear in mind the desirability of arranging, where practicable, for maternity accommodation to be provided in association with a general hospital where facilities for diagnosis and treatment are readily available.

5. *Ante-natal Services.*

In recent years there has been a great increase in the number of ante-natal clinics, and some Authorities have also made arrangements for ante-natal supervision by general practitioners in sparsely populated areas where the provision of a clinic would not be justified. The importance of adequate and efficient ante-natal supervision is emphasised in the Report, and the Minister suggests that each Authority should carefully consider whether its arrangements for this purpose are satisfactory and sufficient for the needs of the area, or in what respects they need to be extended or improved. In particular, he wishes to draw attention to the importance of establishing for each area a consultative ante-natal clinic, preferably at a maternity hospital or maternity unit, which should be conducted by an obstetric specialist, and to which should be referred all cases of doubt or difficulty discovered at the routine ante-natal clinics or by general practitioners. The Minister also desires to call attention to the recommendation on page 225 of the Report as to the qualifications which should be held by medical officers appointed to take charge of ante-natal clinics.

6. *Post-natal Services.*

The development of post-natal clinics has not kept pace with the expansion of the system of ante-natal clinics, but the Report shows that it is a matter of urgent necessity to provide adequate post-natal services if maternal mortality and morbidity are to be reduced. Arrangements should be made for holding post-natal sessions at every ante-natal clinic, and no effort should be spared to persuade the women who attend at the ante-natal clinic to return after confinement for medical examination.

It is also important to ensure that there are adequate arrangements for the treatment of disabilities or diseases which are discovered at the post-natal clinic. It may be possible to arrange for the treatment of minor ailments at the post-natal clinic, and for giving contraceptive advice to women attending the clinic in whose cases further pregnancy would, in the opinion of the medical officer, be detrimental to their health. But experience of the work of a post-natal clinic will probably demonstrate the necessity for its being associated with some institution at which facilities are available for the treatment of gynæcological conditions in general. The Minister is advised that a gynæcological clinic can most suitably be established at a women's hospital or a general hospital. Such a clinic would not only serve the needs of those who are eligible for attendance at a post-natal clinic. It would be available for the treatment of all women suffering from gynæcological conditions and for giving them contraceptive advice in the circumstances above-mentioned.

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7. *Ancillary Services.*

(i) The Minister has recently addressed a Circular to Maternity and Child Welfare Authorities (Circular 1519) (*a*) in which attention is drawn to the importance of each Authority making arrangements to secure an adequate supply of milk or other suitable food for women throughout pregnancy and for nursing mothers. He desires to take this opportunity of again commending this important means of promoting maternal health to those responsible for the Maternity and Child Welfare services in each area.

(ii) A service of Home Helps for women who are incapacitated during pregnancy, and for those who need assistance in the home during the lying-in period, has proved of great value in those areas in which it is suitably administered, and the Minister trusts that each Authority will consider the need for such a service in its area.

(iii) Arrangements should be made by each Authority for the provision of dental treatment, including the provision of dentures, for expectant and nursing mothers.

8. *Records.*

The Report emphasises the importance of keeping accurate records in connection with every branch of a maternity service, and in particular the careful recording of all departures from the normal; and of free interchange of information between all who are professionally concerned with a maternity patient. The Minister considers that it would be well for each Authority to review its present system of record-keeping, and to take any necessary steps to ensure that the records made by its own officers, whether medical officers or midwives, are placed at the disposal of any medical practitioner who may be responsible for the treatment of the patient. Such records are of importance not only in regard to the individual patient. The information they contain may be utilised for the promotion of obstetrical science and skill, with consequent benefit to maternity patients generally.

9. *Education.*

The Report shows the need for greater enlightenment on the importance of ante-natal and post-natal supervision, and for further efforts to persuade women to take advantage of the facilities provided. Local Authorities, with the assistance of the doctors practising in their areas and of local voluntary associations concerned with the welfare of women, are in a strong position to organise general educational teaching on this important subject. The Minister hopes that every opportunity will be taken immediately to promote instruction of this character, *e.g.* by personal advice to mothers from doctors, midwives, and health visitors, and by informal talks and lectures at Maternity Centres explaining in popular language the salient points and the reasons for the advice given. The educational campaign concerning the health services which is to be undertaken in the autumn of this year by the Ministry and the Board of Education in conjunction with the Central Council for Health Education will come as a valuable reinforcement to the educational work now to be begun in connection with the Maternity Services, since one of the main divisions of the campaign will deal with the mother and the infant.

It is necessary in all these educational efforts to be mindful of what is said in the Report concerning the danger of producing fear of childbirth in the mind of women; to advise rather than to warn, and, above all, to give reassurance about what is in the vast majority of cases a natural and physiological process. Some reference has already been made in the earlier part of this Circular to this need for reassurance about maternity.

It is of special importance that every opportunity should be taken to emphasise the grave risks attending interference with the course of pregnancy. The Report points out that artificially-induced abortion is a frequent cause of maternal mortality, that its risks and penalties are insufficiently realised, and that there is urgent need to instruct women as to the damage to health and the danger to life which result from attempts to terminate pregnancy artifically. Many women appear still to be unaware that any interference with the product of conception with intent to procure a miscarriage is a criminal offence.

(*a*) *Ante*, p. 3341.

10. *General.*

(i) Recommendation (2) in the Report contemplates that each local supervising authority under the Midwives Acts should, in consultation with the local medical profession, be empowered to take steps to ensure that the best local obstetric skill is made available in all cases in which midwives are required to call in a doctor. An alteration in the Rules of the Central Midwives Board would be required before effect could be given to this recommendation, and the Minister has asked the Board to consider the recommendation. He is also inviting the views of the Associations of Local Authorities concerned, and of the British Medical Association, on this recommendation.

(ii) The Report includes a statement of three subjects which are recommended for further study, and the Minister is in communication with the Medical Research Council on the suggestions that further research should be undertaken (*a*) with a view to the discovery of a reliable prophylactic treatment for puerperal sepsis, and (*b*) into the possible influence of the dietary upon child-bearing. With regard to the third subject recommended for further inquiry, that of abortion, the Secretary of State for the Home Department and the Minister are appointing a Committee to inquire into the prevalence of abortion and to consider the steps necessary to secure the reduction of maternal mortality and morbidity arising from this cause.

The Minister will be glad if each Authority will give early consideration to the Report and to the suggestions made in this Circular, and inform him of the action they propose to take. He will also be glad to arrange for his officers to confer with representatives of the Authority on any question on which it is thought that their advice or assistance would be useful.

I am, Sir,
Your obedient Servant,
A. B. MACLACHLAN,
Assistant Secretary.

The Clerk of the Council,
or
The Town Clerk.

Recommendations in Section X of the Report on Maternal Mortality (*Cmd.* 5422).

In the section of this report on Maternity Services the essentials of an efficient maternity scheme of a Local Authority are set out which, suitably adapted to meet local circumstances, ought to be put into operation individually or jointly, by every Maternity and Child Welfare Authority in co-operation with all the other local agencies providing maternity services. It must be emphasised, however, that the provision of comprehensive services will be of little avail unless they are fully utilised by the women of the district and all the workers act together as a team. The health visitors, midwives, general practitioners, medical officers of the clinics, medical staffs of the hospitals, the consultant obstetrician and the Medical Officer of Health have each a part to play. Only by combined effort and close co-operation can the best results be attained.

The most important recommendations are those designed to improve the standard of obstetrics. They are (1), (2) and (3) below:

(1) The establishment, under the direction of the Medical Officer of Health, of an adequate service of obstetric consultants:

(*a*) to assist medical practitioners, who undertake domiciliary midwifery, in cases of doubt or difficulty in the ante-natal period, at the time of confinement and during the puerperium;

(*b*) to conduct consultative ante-natal and post-natal clinics, to which patients may be referred, by general practitioners or from the routine ante-natal and post-natal clinics;

(*c*) to exercise clinical supervision over the in-patient treatment of the maternity patients for whom the Local Authority assumes responsibility;

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(*d*) to supervise the treatment of patients suffering from puerperal sepsis;

(*e*) to be responsible for the emergency domiciliary service for cases of grave obstetric abnormality in which removal to hospital is contra-indicated (*e.g.*, certain cases of shock, eclampsia or hæmorrhage);

(*f*) to assist the Medical Officer of Health in the confidential investigation of the circumstances associated with each maternal death occurring in the area.

(2) The Local Supervising Authority, in consultation with the local medical profession, should, in future, be empowered to take steps to ensure that the best local obstetric skill is made available in all cases in which midwives are required, under the rules of the Central Midwives Board, to call in a doctor.

(3) Emergency units ("flying squads") should be provided whereby members of the staffs of maternity departments will be available for the domiciliary treatment of maternity patients whose condition is too grave to justify their removal to hospital.

(4) Properly constructed, adequately equipped and suitably staffed maternity accommodation (including a sufficient number of beds allocated to and reserved for ante-natal patients) should be provided to meet the needs of every area. Wherever practicable the accommodation should be provided in association with general hospitals.

(5) Arrangements should be made for:

(*a*) Adequate domiciliary visiting by health visitors of expectant mothers with a view to encouraging them to engage an attendant for the confinement and place themselves under ante-natal supervision, at an early stage of pregnancy;

(*b*) the provision of ante-natal clinics in every district in which the number of expectant mothers justifies it. In sparsely populated areas other arrangements should be made for efficient medical domiciliary ante-natal supervision; and

(*c*) the establishment of consultative ante-natal clinics to serve every area.

(6) Satisfactory arrangements for the accommodation and treatment of patients suffering from puerperal sepsis, and from abortion, are essential.

(7) The development of post-natal services, including the establishment of clinics and arrangements for in-patient treatment is a matter of urgent necessity.

(8) The education of the woman herself and of the general public should constantly be borne in mind by all concerned with maternal welfare, as the whole-hearted co-operation of mothers is essential to the success of any measure designed to reduce maternal mortality.

(9) A service of home helps should, wherever practicable, be provided.

(10) Adequate records should be kept in connection with every branch of a maternity service. Free interchange of such records between all professionally concerned is essential in order to secure continuity of supervision and treatment.

(11) Arrangements should be made in every district to ensure that no expectant or nursing mother requiring extra nourishment on health grounds fails to receive it for such period as may be necessary.

MATERNITY, CHILD WELFARE, AND MIDWIVES

CIRCULAR 1646.

Local Supervising Authorities under the Midwives Acts (England).

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
30th August, 1937.

MIDWIVES ACT, 1936.

SIR,—I am directed by the Minister of Health to enclose a copy of an Order (*a*) which he has made applying proviso (*c*) to Section 6 (1) of the Midwives Act, 1936 (*b*), to the hospitals and other institutions named in the Schedule to the Order.

The effect of the Order is that, after the Minister has made an Order applying Section 6 of the Act to the area of a local supervising authority, or to any county district contained therein, the prohibition contained in Section 6 (1) will not apply to a woman who, before January 1st, 1937, was certified by the authorities of any of the hospitals or other institutions to which the present Order applies to have been trained in obstetric nursing, if she has given notice in writing to the local supervising authority that she has been so certified.

No Orders have yet been made by the Minister in pursuance of Section 6 (2) of the Act, but the Minister will be glad if the Council will bring the present Order to the notice of any maternity nurses practising in their area who may be concerned. In this connection the attention of the Council is drawn to paragraph 20 of Memo. 200/M.C.W. which was attached to Circular 1569 of September 18th, 1936.

Copies of this Circular and of the Order are being forwarded to the Medical Officer of Health. Further copies may be purchased through any bookseller or directly from His Majesty's Stationery Office at any of the addresses given below.

I am, Sir,
Your obedient Servant,
H. A. DE MONTMORENCY,
Assistant Secretary.

The Clerk of the Council
or
The Town Clerk.

CIRCULAR 1693.

Local Supervising Authorities under the Midwives Acts (England).

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
12th April, 1938.

MIDWIFERY TRAINING.

SIR,—1. I am directed by the Minister of Health to draw the attention of the Local Supervising Authorities under the Midwives Acts to the enclosed Memorandum as to the conditions upon which grants from the Exchequer will in future be paid in respect of midwifery training (*c*).

2. The grants will be paid to recognised institutions as in the past; and will be made only in respect of students who intend to practise as midwives or as Health Visitors.

(*a*) S. R. & O., 1937, No. 784. Numerous further Orders have been made in the period 1937–39, but as the Orders relate merely to particular institutions they are not reproduced in this work. Each was accompanied by a similar circular.
(*b*) *Ante*, p. 1563.
(*c*) *Post*, p. 3352.

MATERNITY, CHILD WELFARE, AND MIDWIVES

3. The grants will be paid only in respect of students intending to take both Parts I and II of the training and sitting for the examination of the Central Midwives Board except in the case of Health Visitors who will be required to take Part I of the training only and to sit for the examination at the end of Part I.

4. It will be observed that provision is made in the enclosed Memorandum for payment of Exchequer grants in aid of whole-time courses provided in residential institutions for existing midwives. In this connection your attention is called to Section 7 of the Midwives Act, 1936 (*a*), which lays upon every Local Supervising Authority the duty to provide, or arrange for the provision of, courses of instruction for midwives practising in its area.

5. Grants in respect of pupils admitted under the old rules will continue to be paid in accordance with Memorandum 102.M.C.W.

6. A copy of this Circular has been sent to the Medical Officer of Health, and further copies of the Circular and Memorandum may be purchased through any bookseller or directly from His Majesty's Stationery Office at the addresses mentioned on the back of this Circular.

I am, Sir,
Your obedient Servant,
E. D. MACGREGOR,
Assistant Secretary.

The Clerk of the Council
or
The Town Clerk.

MEMO. 211/M.C.W.

MEMORANDUM AS TO THE CONDITIONS UPON WHICH GRANTS WILL BE MADE BY THE MINISTER OF HEALTH IN AID OF MIDWIFERY TRAINING.

I.—INTRODUCTION.

1. The Central Midwives Board have recently revised their rules relating to the training of midwives and have decided to extend the training and divide it into two parts (i) a first period of six months in the case of pupils who are trained nurses and of 18 months in all other cases and (ii) a second period extending over six months in all cases. An examination will be held after the first period of training, but only candidates successful at the examination held after the second period of training will be admitted to the Roll of Midwives. The revised rules have been approved by the Minister. No pupils will be admitted under the old rules later than May 1st, 1938, if they are not fully trained nurses, or September 1st, 1938, if they are fully trained nurses.

Provision is made under the grant conditions in Part II below for an increase in the Exchequer grant commensurate with the extended periods of training now required under the rules of the Central Midwives Board. The opportunity has also been taken to make provision for the payment of grant in respect of the midwifery training required to be undertaken by intending Health Visitors. Otherwise the conditions of grant remain substantially as before.

2. The Exchequer grant is given in order to maintain a full service of practising midwives and to assist students who intend to practise midwifery. As in the past the authorities of the recognised training institutions must take all practicable steps to satisfy themselves that grant-aided pupils carry out their intention to practise.

3. It will be observed that the conditions of grant require the scale of fees adopted by a recognised institution to be approved by the Minister.

The fee charged for the course to pupils in respect of whom grant is payable must be reduced by the amount of the grant.

4. The Central Midwives Board have also made rules under Section 7 of the Midwives Act, 1936, requiring all practising midwives to attend a resident course of

(*a*) *Ante*, p. 1564.

instruction of not less than four consecutive weeks at least once in every seven years, and grant will be payable in respect of attendance at such courses as set out below.

II.—CONDITIONS UPON WHICH GRANTS WILL BE MADE.

General.

1. Grants will be made only to an institution which is recognised by the Central Midwives Board (hereinafter called a " recognised institution ").

2. The scale of fees adopted by a recognised institution must be approved by the Minister.

3. The recognised institution must keep such records and furnish such returns as may from time to time be required by the Minister.

Courses for intending Midwives.

4.—(*a*) Grants will be payable in respect of courses approved by the Minister for intending midwives at a recognised institution for the first or second period of training.

(*b*) Courses in district nursing and other subjects may be included in the curriculum of the institution but such courses will not be approved for the payment of grant.

Courses for intending Health Visitors.

5. Grants will be payable in respect of midwifery courses approved by the Minister for intending Health Visitors at a recognised institution for the first period of training.

Courses for practising midwives.

6. Grants will be payable in respect of courses approved by the Minister for practising midwives at recognised institutions. These courses must be either—

(*a*) whole-time courses intended for practising midwives desiring to qualify for senior positions, *e.g.* teachers of midwifery, and lasting for a period of not less than four months and not more than six months; or

(*b*) whole-time resident courses lasting not less than four consecutive weeks.

Grants.

7. The grants will be payable to recognised institutions on the following basis:

(*a*) For each intending midwife who completes a first period of instruction of six months' duration and a second period of six months' duration approved under paragraph 4 (*a*) of these conditions and in or after December, 1939, enters for the second examination—£20 per period of six months.

(*b*) For each intending midwife who completes a first period of instruction of 18 months' duration and a second period of six months' duration approved under paragraph 4 (*a*) of these conditions and in or after December, 1940, enters for the second examination—£52 10*s*. per period of 18 months and £20 per period of six months.

(*c*) For each intending Health Visitor who completes a first period of training of six months' duration approved under paragraph 5 of these conditions and in or after May, 1939, enters for the first examination—£20.

(*d*) For each intending Health Visitor who completes a first period of training of 18 months' duration approved under paragraph 5 of these conditions and in or after May, 1940, enters for the first examination—£52 10*s*.

(*e*) For each practising midwife who completes a course approved under paragraph 6 (*a*) of these conditions—not exceeding £20.

(*f*) For each practising midwife who, after January 1st, 1939, completes a course approved under paragraph 6 (*b*) of these conditions—£1 a week.

8. Each grant will be payable after the pupil to whom it relates has completed her course of training and has (*a*) in respect of the first period, entered for the first

examination and declared her intention of completing the training or of becoming a Health Visitor and (*b*) in respect of the second period has entered for the examination of the Central Midwives Board. An instalment of such amount as the Minister thinks fit may be paid at the commencement of each course.

9. Grant will not be payable in respect of a pupil unless she has declared in writing her intention of practising as a midwife or of completing a course of training approved by the Minister of Health for the training of Health Visitors.

10. Where a pupil, owing to illness or other unavoidable cause, is prevented from completing a course of training approved under these conditions, the Minister will, if he thinks fit, pay a proportionate grant.

11. The grants payable under these conditions may be reduced, withheld or recovered, as the case may be, if the Minister is not satisfied as to the suitability of the provision made, or as to the proportion of pupils who subsequently fulfil the terms of their declaration.

Ministry of Health,

April, 1938.

CIRCULAR 1705.

Local Supervising Authorities under the Midwives Acts (England).

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
14*th June*, 1938.

MATERNAL MORTALITY.

MEDICAL PRACTITIONERS CALLED IN BY MIDWIVES.

SIR,—I am directed by the Minister of Health to refer to the recommendation made in the Report (Cmd. 5422) on Maternal Mortality that Local Supervising Authorities should, in consultation with the local medical profession, be empowered to take steps to ensure that the best local obstetric skill is made available in all cases in which midwives are required under the rules of the Central Midwives Board to call in a doctor, and to state that, in conjunction with the Associations of Local Authorities concerned, the London County Council, the British Medical Association and the Central Midwives Board, he has had under consideration the methods by which effect can best be given to this recommendation.

The Minister is well aware of the constructive efforts made in many directions by Local Authorities to improve the maternity services available to mothers before, during, and after childbirth. He is anxious, however, that no practicable step should be omitted which can be taken to improve obstetric practice and to accelerate the downward trend which the maternal mortality rate is happily showing. In his opinion the object aimed at in the recommendation of the Report would be furthered by the establishment, for each area of a Local Supervising Authority, of a panel of registered medical practitioners who will be available in all cases in which a midwife is required under the rules of the Central Midwives Board to call in a registered medical practitioner in accordance with the provisions of Section 14 of the Midwives Act, 1918. The means by which effect should be given to this arrangement are, of course, a matter for consideration by the Authorities themselves, but the Minister suggests that, in the circumstances of most areas, the most satisfactory procedure would be on the following lines:

(1) The Local Supervising Authority would, in consultation with such local organisations of registered medical practitioners as appear to them effectively to represent the opinions of practitioners in their area, draw up a list of practitioners who notify themselves as willing to be called in by midwives in an emergency. It would be convenient to distinguish on the list between those practitioners available for any emergency and those available only for attendance

in an emergency arising with regard to their own patients. The list would indicate those practitioners who wish to be available for a limited district only. Practitioners could also be requested to nominate from among those included on the list a deputy to act for them if necesary and provision would be made for revision of the list at frequent intervals to enable it to be kept up to date.

(2) The Authority would set up an Advisory Committee for their area consisting of the Medical Officer of Health (as Chairman) and two general practitioners and two obstetric consultants or practitioners with special obstetric experience nominated by the Authority after consultation with the representative organisations of local practitioners. The duty of the Committee would be to scrutinise the list and to make any such recommendations to the Authority as are in the judgment of the Committee desirable for the purpose of securing and maintaining a high standard of obstetric practice on the part of the practitioners included on the list, *e.g.*, recommendations that a practitioner should be required to undertake a specified period of post-graduate training as a condition of the continued inclusion of his name on the list, or, where required in the public interest, that the name of a practitioner should be removed from the list.

(3) A copy of the list of registered medical practitioners as revised from time to time would be supplied to every midwife employed under arrangements made in accordance with Section 1 of the Midwives Act, 1936, and every such midwife would be instructed that, save in exceptional circumstances, the practitioner to be summoned in an emergency should be one whose name is included in the list.

When a midwife is first booked she would request the patient or the responsible representative of the family to select a practitioner from the list to be called in if an emergency arises.

The Central Midwives Board have, with the approval of the Minister, rescinded the rule which requires a midwife, whenever possible, to call in the doctor desired by the patient or, if the patient cannot be consulted, by the responsible representative of the family. This will facilitate the procedure suggested above but it will be understood, of course, that in the exceptional case in which no doctor on the list is acceptable to the expectant mother, the midwife should call in the doctor of the patient's choice.

The Minister trusts that every Authority will give early consideration to the above suggestions and inform him as soon as possible of the action they propose to take. He will be glad to arrange for his officers to confer with representatives of the Authority on any matters on which it is thought that their assistance would be useful.

A copy of this circular has been sent to the Medical Officer of Health. Additional copies of this circular may be purchased directly from His Majesty's Stationery Office at any of the addresses shown below, or through any bookseller.

I am, Sir,
Your obedient Servant,
H. A. DE MONTMORENCY,
Assistant Secretary.

The Clerk of the Council
or
The Town Clerk.

CIRCULAR 1777.

Local Supervising Authorities under the Midwives Acts (England).

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
24th February, 1939.

MIDWIVES ACT, 1936.

SIR,—(1) I am directed by the Minister of Health to refer to Section 4 of the Midwives Act, 1936 (*a*).

(*a*) *Ante*, p. 1560.

MATERNITY, CHILD WELFARE, AND DWIVES

(2) Exchequer grants payable to Local Authorities during the Third Grant Period under the terms of this section are to be related to the additional expenditure imposed by Section 1 of the Act. Expenditure is to be deemed to be additional if and to the extent that it is estimated to exceed the expenditure incurred on domiciliary midwifery in the year ended on March 31st, 1936. The estimate which is required for this purpose is to be made to the satisfaction of the Minister, in accordance with directions to be given by him after consultation with such Local Authorities or Associations of Local Authorities as appear to him to be concerned and the directions are to require that the expenditure imposed on an Authority by reason of its employment of midwives shall be estimated by reference to the estimated average net annual cost to be incurred by Authorities in employing a midwife in pursuance of the Act.

(3) The Minister has consulted the Associations of Local Authorities and the London County Council. In view of the representations made by the Associations he has decided that the directions to be given by him shall, in the first instance, relate to the year ended on March 31st, 1938, and that further directions shall be given at a later stage in respect of the remaining years of the Third Grant Period.

(4) The Minister accordingly hereby directs as follows :

(*a*) The estimated average net annual cost incurred by a Local Supervising Authority shall for the purpose of determining the Exchequer grant payable under Section 4 of the Midwives Act, 1936, in respect of midwives directly employed by a Local Supervising Authority for the year ended March 31st, 1938, be calculated at the rate of £16 per calendar month and accordingly the sum of £16 shall be multiplied by the numbers representing the aggregate of the certified midwives employed by an authority as whole-time servants for the purpose of domiciliary midwifery throughout each calendar month in the year ended March 31st, 1938. To the total of the sums so calculated there shall be added in respect of each certified midwife so employed otherwise than throughout a complete calendar month the sum of 10*s.* for each day of such employment within that month.

(*b*) The payments made by the Local Supervising Authority to Voluntary Associations and Welfare Councils in respect of arrangements made under Section 1 of the Act for the employment by those Associations and Councils of certified midwives as whole-time servants for the purpose of domiciliary midwifery shall, after deduction of sums, if any, received and retained by the Authority in respect of fees paid by patients attended by such midwives, be aggregated.

(*c*) From the total of the sums arrived at under (*a*) and (*b*) above there shall be deducted the expenditure estimated to have been incurred by the Local Supervising Authority and any Welfare Council in the area of that Authority in employing or providing for the employment of domiciliary midwives in the area of the Authority in the financial year ended on the 31st day of March, 1936.

(5) I am also to refer to subsection (5) of Section 4 of the Act. His Majesty's Treasury have directed that payments on account of Exchequer grants shall be made periodically to Local Supervising Authorities and that the balances for each year shall be paid after the receipt by the Minister of the statement of the authority duly audited by the District Auditor or by the auditor appointed to audit the accounts of the authority under the Midwives Acts.

The Minister also, with the approval of the Treasury, hereby imposes the following conditions as to records certificates audit or otherwise :

(*a*) Each Local Supervising Authority shall keep records of the following particulars in respect of the midwives employed by them for the purpose of domiciliary midwifery—

(1) Number of midwives.

(2) Period of employment of each midwife.

(3) Number of cases (in total) attended by those midwives distinguishing cases attended as midwife and maternity nurse respectively.

(4) The aggregate of the amount of the fees paid by the patients in respect of cases attended by those midwives.

(*b*) As soon as may be after the conclusion of each financial year each Local Supervising Authority shall complete and forward to the Minister of Health a statement certified by the Chief Financial Officer of the Local Authority and by the District Auditor or the auditor responsible for the audit of the accounts of the authority under the Midwives Acts, showing in a form to be provided by the Minister such particulars as he may require for the determination of the Exchequer grants payable to the authority for the year.

(*c*) The authority shall produce to the appropriate Auditor such accounts and records as he may require for the purpose of certifying the afore-mentioned statement.

(6) Forms for the purpose of making a claim for final payment in respect of the year 1937–38 are in course of preparation and will be issued to all Local Supervising Authorities at the earliest possible date.

(7) A copy of this Circular is enclosed for the use of the Financial Officer of the Authority. Further copies may be purchased through any bookseller or directly from His Majesty's Stationery Office at any of the addresses given overleaf.

I am, Sir,
Your obedient Servant,
S. H. G. HUGHES,
Assistant Secretary.

The Clerk of the Council
or
The Town Clerk.

CIRCULAR 1840.

Welfare Authorities (England).

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
2nd August, 1939.

SIR,—I am directed by the Minister of Health to refer to the intention of the Government to bring forward proposals in co-operation with the milk industry for securing a reduction in the price of liquid milk to Local Authorities for the purpose of their maternity and child welfare arrangements, and to state that a scheme giving effect to this intention has now been prepared by the Milk Marketing Board under Section 11 of the Milk Act, 1934 (*a*), as amended by Section 2 of the Milk (Extension and Amendment) Act, 1938 (*b*), and has been approved by the Minister of Agriculture and Fisheries. A copy of the scheme is enclosed with this Circular (*c*), and an explanatory memorandum and model forms for use in connection with the scheme are appended. As will be seen from the memorandum, the effect of the Scheme is to make liquid milk available to local authorities for the purposes mentioned above at the price of 1*s.* 4*d.* a gallon (2*d.* a pint).

Your Council are no doubt aware of the success which has attended the scheme for the provision of cheap milk for school children, and of the large increase in consumption of liquid milk in schools which has resulted. The primary object of the present scheme is to secure a similar increase among expectant and nursing mothers and children under school age. The Minister appreciates fully the extent to which Authorities have almost without exception already made increased provision under the conditions at present obtaining for the supply of milk in accordance with the recommendations of Circular 1519 of April 1st, 1937. It appears to him, however, that in some areas restrictions may have been retained on financial grounds which prevent the development of this part of the maternity and child welfare service to the extent desirable from the point of view of health and nutrition. Furthermore, the

(*a*) 27 Halsbury's Statutes 17.
(*b*) 31 Halsbury's Statutes 4.
(*c*) *Post*, p. 3361.

MATERNITY, CHILD WELFARE, AND MIDWIVES

Minister is confident that Authorities will share his view that the substantial reduction in the price of liquid milk which has been made possible under the scheme by the co-operation of the Milk Marketing Board will enable them to make a much wider provision than has hitherto been the case. It will of course be for the Authority to determine in the light of the circumstances of each applicant the price to be paid (not exceeding 2*d.* a pint), but the Minister is of opinion that the object of each Authority should be to provide one pint of milk a day free or cheap to every expectant and nursing mother and child under school age coming within the scope of the income scales adopted in connection with their maternity and child welfare arrangements. He trusts that Authorities will take every practicable step to bring to the notice of possible applicants in their area the opportunities afforded by the scheme, whether through the Health Visitors or by other means.

The Minister understands that in some areas supply of milk is made dependent in each case on a medical certificate of need. In view of the recommendations of the Advisory Committee on Nutrition, to which attention was drawn in Circular 1519, he does not consider that the application of a general medical test should be treated as a necessary preliminary to the normal supply under the scheme of one pint per head per day. It is not, however, contemplated that a supply in excess of this quantity should be provided except in cases in which it is specially desirable on medical grounds.

It will be observed that the scheme comes into operation on July 31st, 1939 (clause 11), and that the Milk Marketing Board will give effect to it in each area as soon as the proposals of the appropriate Authority have received the approval of the Minister (clause 2). As the next contract period for the milk industry begins on October 1st, it is particularly desirable wherever possible that the arrangements of each Authority should be completed by that date. The Minister accordingly trusts that this Circular will receive the early attention of your Council, and that they will submit as soon as possible for his approval their proposals framed in the light of the observations made above. In considering such proposals the Minister will have regard to the extent to which they are calculated to result in an increase in consumption of liquid milk by mothers and children. The proposals should include a statement (*a*) of the methods to be adopted to ensure that the scheme is brought to the notice of all possible applicants; (*b*) of the steps to be taken by applicants to obtain a supply of milk; and (*c*) of the scales of income to be adopted by the Council for the purpose of their arrangements for the supply of milk, both free and at a reduced price. It appears to the Minister that it would be of advantage if the income scales submitted were calculated on a basis exclusive of rent and rates, and graded according to the number of persons in the family. It would be convenient if two copies of the Council's proposals could be supplied when application is made for approval.

The Minister will be glad to arrange for his officers to discuss with representatives or officers of the Council any question on which further information or advice may be sought, and the Regional Officers of the Milk Marketing Board will be prepared to advise the Council on any question arising with regard to the working of the scheme. A list of the names and addresses of these Officers is appended.

Copies of this Circular and enclosures have been sent to the Medical Officer of Health and Financial Officer of the Council. Further copies may be purchased through any bookseller or directly from His Majesty's Stationery Office at any of the addresses given below.

I am, Sir,
Your obedient Servant,
J. M. K. HAWTON,
Assistant Secretary.

The Clerk of the Council,
or
The Town Clerk.

EXPLANATORY MEMORANDUM.

MATERNITY, CHILD WELFARE, AND MIDWIVES

1. The purpose of the Scheme is to make available to Welfare Authorities at a price of 1*s.* 4*d.* a gallon (less any payment made by the recipients) the liquid milk needed for supply under their maternity and child welfare arrangements (clauses 1, 8, and 9). The intention is that milk supplied under the scheme shall be delivered at the home by approved milk vendors (clauses 1, 4, and 5), the normal amount supplied being one pint per head per day (clause 6), either free or at a price not exceeding 2*d.* a pint according to need (clause 7). It is contemplated that any payment made by recipients will be collected and retained by the milk vendor supplying the milk.

2. It will be necessary for Authorities to submit to the Minister their proposals (on the lines indicated in the Circular) for taking advantage of the scheme. The Milk Marketing Board will not be prepared to pay the appropriate rebate under the scheme to any Authority until its proposals have received the approval of the Minister (clause 2).

3. The financial arrangements under the scheme are as follows:

In the first instance the Authority will pay to the dairyman for each gallon of milk supplied under the scheme not more than the price indicated in clause 9 of the scheme less any payments made by recipients to the dairyman. On receipt of the appropriate claims the Board will then repay to the Authority the difference between the determined price and 1*s.* 4*d.* a gallon (clause 8). Until further notice, the Milk Marketing Board have determined that the price each month under clause 8 of the scheme shall be 8*d.* per gallon more than the "regional price" (the normal wholesale price of milk for liquid consumption) for that month. As it is understood that some Authorities at present secure the supply of milk at a lower price than this, clause 9 of the scheme enables such authorities to continue to pay this lower price. The monthly regional prices for the period up to September, 1939,* are as follows:

August and September: 1*s.* 4*d.* per gallon.

Thus on milk supplied free in September, 1939, the Authority would pay the milk vendor a sum not exceeding 2*s.* per gallon. On milk supplied to the recipient at a cost of 1*d.* or 2*d.* a pint, the payments by the Authority to the milk vendor would be at rates not exceeding 1*s.* 4*d.* per gallon and 8*d.* per gallon, respectively. On all this milk the Milk Marketing Board would repay the Authority 8*d.* per gallon.

It will be noted that the claims of the Authority on the Board must be submitted within 21 days after the end of each month, and that the Authority's records must be open to the Board's inspection (clause 8).

4. In some areas, especially when satisfactory supplies of pasteurised milk are not available, Authorities may wish to supply milk of Tuberculin Tested standard. It will be open to them to pay an extra premium to the supplier to obtain milk of this standard, but the amount of any such premium would be a matter for negotiation between the Authority and the supplier and would not be taken into account by the Milk Marketing Board in the calculation of payments due to the Authority. The Minister does not consider that it should be necessary in any case to pay a premium of more than 2*d.* per gallon in order to obtain milk of Tuberculin Tested standard.

5. Model forms suitable for use by Authorities in the operation of the scheme are attached. The forms may of course be expanded to meet such particular requirements as the Authority may think desirable in the light of their previous experience. It will be observed that the models have been drafted on the assumption that the Authority will desire to arrange for supply at 2*d.* and 1*d.* a pint as well as free, and modification will be necessary if supply is to be made at other prices.

Form 1.—It will be necessary for each Authority to approach milk vendors in their area and invite them to supply milk under the scheme. This form is accordingly designed for completion by milk vendors who desire to participate and to obtain the approval of the Council to the source and quality of supply. A list of "Approved Milk Vendors" should be compiled for the information of consumers. It will be

* The corresponding prices for the contract period October, 1939—September, 1940, are not yet available.

MATERNITY, CHILD WELFARE, AND MIDWIVES

seen that the model form contemplates that milk should be supplied in one pint bottles or other approved containers only. It is realised that in certain rural areas where there are no facilities for the bottling of milk it may not be practicable to insist on this condition, and the form would then need to be modified accordingly.

Form 2.—Application for a supply of milk should be made on behalf of mothers or children eligible under the scheme on a form of this kind. It is suggested that applications should normally be renewed at the beginning of each calendar month (in view of possible changes in family circumstances, and of the fact that milk prices are calculated according to the calendar month), and that authorisations should be given to the end of each calendar month. Where the first application is made towards the end of a calendar month, Authorities may prefer to give a first authorisation to the end of the next calendar month. No doubt Authorities will make these forms available at welfare centres, etc., and through the Health Visitors. The services of the latter would no doubt be used where it is necessary for the information given to be confirmed at the house of the applicants.

Attention is particularly drawn to the information to be supplied under heading 4 of Form 2. It is essential for statistical purposes in connection with the central administration of the scheme that this information should be obtained and recorded accurately, and each Authority is accordingly requested to take every possible step to secure a complete and careful return. A form of return for the submission of this information to the Minister will be forwarded to each Authority in due course.

Form 3.—This is the authorisation card to be presented by approved applicants to the milk vendor selected by them from the Authority's list of "Approved Milk Vendors." The card should show the amount to be supplied and the price (if any) to be paid. The amount actually delivered will be filled in by the milk vendor and countersigned by the recipient, and the completed card returned to the Authority by the milk vendor with his claim for payment. As stated above, it is suggested that authorisation cards should be given to the end of each calendar month.

It may be found convenient to supply cards of different colours for free supply and for each price to be charged instead of one form of card suitably completed as shown in the model.

Form 4.—This is the claim for completion and return monthly by each milk vendor supplying milk under the scheme, and is a summary of the amounts of milk supplied in accordance with the authorisation cards (Form 3). Here again it is suggested that it may be found most convenient to have forms of a different colour for free supply and for each price, corresponding with the different colours of the authorisation cards, instead of a form combining the returns of milk supplied at all prices, as shown in the model.

Form 5.—This form is intended as a convenient summary, to be made by the Authority in respect of each vendor, of the claims returned each month (Form 4). In the lower half of the form the total sum owing to the vendor can be calculated, consisting for every gallon of milk supplied of the amount of the rebate payable by the Milk Marketing Board to the Council, together with a sum of 8*d.* for every gallon of milk supplied to consumers at 1*d.* a pint, and 1*s.* 4*d.* for every gallon supplied free.

Forms 6 *and* 7.—These are the returns to be submitted by the Authority when making a claim for rebate on the Milk Marketing Board, and supplies of the returns may be obtained on request from the Milk Marketing Board, Thames House, Millbank, London, S.W.1.

Form 1. MATERNITY, CHILD WELFARE, AND MIDWIVES

COUNTY BOROUGH URBAN DISTRICT RURAL DISTRICT } COUNCIL OF... . ...

SCHEME FOR THE SUPPLY OF MILK AT A REDUCED RATE FOR MOTHERS AND CHILDREN.

APPLICATION OF MILK VENDOR FOR APPROVAL OF MILK SUPPLY, ETC.

(1) Name of Applicant ....

(2) Address ... ...

(3) Situation of Dairy .. ..

(4) Names and Address of Producers or Dealer from whom Milk is to be obtained :

. . . .

. . .. . .

. . . .

. . . .

. . ..

(5) Quality or grade of milk to be supplied . . ..

(6) Situation or premises in which milk is to be bottled .. . .

. . . .

Signature . . . ..

Date . . . . 193 .

N.B.—The approval of the Medical Officer of Health can only be granted subject to the following conditions :

(1) That the source and quality of the milk are in all respects satisfactory.

(2) That the milk shall be supplied in properly covered and sealed containers or in bottles which are tightly closed and securely fastened either with a cap overlapping the lip of the bottle or in some other suitable manner approved by the Medical Officer of Health, the containers and bottles referred to being of a capacity of one pint each.

(3) That the milk shall be supplied from an approved dairy adequately provided with facilities for bottling the milk or placing it in suitable containers and having the necessary appliances for cleansing and sterilising all bottles, utensils and appliances.

This form when completed should be returned to the Medical Officer of Health (Address).

FOR OFFICIAL USE.

Referred to		Source satisfactory.	Bottling establishment satisfactory.	Application approved.	Approval.	
Sanitary Inspector.	Other Local Authority.				No.	Date.

TER-
ITY,
ILD
FARE,
ND
WIVES

Form 2.

Reg. No.

COUNTY
BOROUGH
URBAN DISTRICT
RURAL DISTRICT
} COUNCIL OF .....

SCHEME FOR THE SUPPLY OF MILK AT A REDUCED RATE FOR MOTHERS AND CHILDREN.

APPLICATION FORM.

A normal daily quantity of one pint of milk will be supplied in approved cases to each of the following:

Please read this carefully.

A. *Expectant Mothers* provided that the certificate at the foot of this form is completed and signed by a doctor or certified midwife. (No certificate is necessary if the applicant is attending an ante-natal clinic.)

B. *Nursing Mother* while actually suckling a child in which case milk cannot also be granted under this Scheme for the breast-fed child.

C. *Child under 5 years of age* who is not yet going to school.

1. Full name of head of family .....

2. Address .....

3. Persons for whom milk under the above Scheme is required.

NAME.	CATEGORY A, B, or C as indicated above.	Date of Birth if under 5 years.

4. Quantity of milk purchased at full price during last week:
(This information is required for statistical purposes only.)

Day.	A. From regular dairyman. Pints.	B. From all other sources. Pints.
Sunday		
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
TOTAL		

Please ask your regular dairyman to check column A and sign below.

.....
Signature of dairyman.
(If none, write "NONE.")

5. (*a*) No. of persons in family living at home.....

5. (*b*) Total income of family from all sources during last week:
..... *s* .....*d.*

5. (*c*) Total of rent and rates payable per week: ..... *s*..... *d.*

I hereby declare that to the best of my knowledge and belief the particulars given above are correct. I also undertake to pay the Milk Vendor the price fixed by the Council for all

milk provided under this Scheme, and that the milk so provided will be consumed by the persons named under head No. 3 above.

Signature of Head of Family .. . .

Date .... . 193 ...

IF MILK IS DESIRED IN RESPECT OF AN EXPECTANT MOTHER THE FOLLOWING CERTIFICATE SHOULD BE COMPLETED BY A DOCTOR OR CERTIFIED MIDWIFE. (Not needed if the applicant is attending an ante-natal clinic.)

I hereby certify that Mrs. . . . .

of . . ..

expects to be confined about 19

Signature .. ..

* Medical Practitioner/Certified Midwife.

Date .. . 19 Address .. ..

* Strike out words inapplicable.

This form should be completed and returned to the Medical Officer of Health, (Address). at least seven days before an Authorisation is required.	For Official Use.				Office.
	Health Visitor.	Net income per head sh. per wk.	No. in family.	Approved price per pint.	

Form 3.

County Borough Urban District Rural District } Council of ....

SCHEME FOR THE SUPPLY OF MILK AT A REDUCED RATE FOR MOTHERS AND CHILDREN.

Authorisation.

The person named on the reserve side of this card is authorised to obtain the daily quantity of milk stated, { at 2*d.* a pint / at 1*d.* a pint / free of cost } on handing this card to one of the Milk Vendors whose names are included in the enclosed list of "Approved Milk Vendors."

MATERNITY, CHILD WELFARE, AND MIDWIVES

No responsibility will be accepted by the Council for any part of the cost of any milk that may be supplied by any person whose name is not included in the list of Milk Vendors approved for the purposes of this Scheme by the Medical Officer of Health.

A Statement of the quantity of milk supplied during the period of this Authorisation should be entered in the appropriate space on this card by the Vendor.

The Statement so entered should be carefully examined by the Recipient before appending his/her signature thereto after the end of the period covered. Any discrepancy in the Statement or any complaint regarding the milk supplied should be communicated to the Medical Officer of Health (Address).

(Signature) ....

Medical Officer of Health.

If a supply of milk under this Scheme { at 2*d.* a pint / at 1*d.* a pint / free of cost } is desired after the expiry of the period covered by this Authorisation a fresh application on Form 2 should be submitted to the Medical Officer of Health, at least *seven days* before the end of the above-mentioned period.

Form 3—*cont.*

(Reverse Side)

Period of Authorisation FROM	TO	Daily Quantity Authorised .. . Price to be paid { 2*d.* a pint / 1*d.* a pint / free of cost }
STATEMENT of the quantity of Milk delivered.	*Pints.*	*Certificate of Vendor.* I/We hereby certify that the Statement hereon contains a true record of the deliveries of full cream milk made by me/us, during the period mentioned, { at 2*d.* a pint. / at 1*d.* a pint. / free of cost. }
..... Pints per day for..... days=		
..... Pints per day for .... days=		
.. ..Pints per day for... .. days=		
Total No. of Pints=		Signed .. . .
Certificate of Recipient.—I hereby certify that I have examined the above Statement and that it contains a true record of the quantity of milk delivered to me during the period mentioned { at 2*d.* a pint / at 1*d.* a pint / free of cost } and that the milk was consumed by the authorised person or persons.		Address ... ...
Signed		Date . ... 19 ... .
Date .. .. 19....		Copies of Form 4 to enable the Vendor to claim payment from the Council may be obtained on application to the Medical Officer of Health, (Address), to whom such claim, when completed should be addressed.
Name and Address	Reg. No.	

Form 4.

MATERNITY, CHILD WELFARE, AND MIDWIVES

County / Borough / Urban District / Rural District } Council of .....

SCHEME FOR THE SUPPLY OF MILK AT A REDUCED RATE FOR MOTHERS AND CHILDREN.

Claim on the County / Borough / Urban District / Rural District } Council of.....

For Official Use
Claim No.

By..... Milk Vendor,

of .....

for payment in respect of milk supplied under the above Scheme to.....

specially authorised consumers during the month of.....19....

Milk at 2*d.* a pint.		Milk at 1*d.* a pint.		Milk free of cost.	
Reg. No. of Consumer.	Pints supplied.	Reg. No. of Consumer.	Pints supplied.	Reg. No. of Consumer.	Pints supplied.
Total Pints		Total Pints		Total Pints	

I/We hereby certify that I/We have delivered the above quantities of full cream milk equivalent in the aggregate to.....gallons at 2*d.* a pint, ... gallons at 1*d.* a pint, and..... gallons free of cost, to the above authorised consumers, during the month stated above, and that I am/we are justly entitled to payment under the above Scheme from the Council in respect thereof at the appropriate rate. I/We further certify that of the above gallons delivered, ...gallons .....pints were Tuberculin Tested as specially arranged by the Council. I/We also declare that the above entries agree with the records made in my/our round books and all my/our books and records will be open to examination on request by any authorised officer of the Council or of the Milk Marketing Board.

Date .....19....

Signature of Vendor.. .....

For Official Use Only.

Total Number of Individual Consumers.

Milk at 2*d.* a pint.	Milk at 1*d.* a pint.	Milk free of cost.	All consumers.

This form duly completed and accompanied by relative authorisation Form 3, should be received by the Medical Officer of Health (Address) within seven days after the end of the month.

MATERNITY, CHILD WELFARE, AND MIDWIVES

Form 5.

COUNTY / BOROUGH / URBAN DISTRICT / RURAL DISTRICT } COUNCIL OF . . . . . .

SCHEME FOR THE SUPPLY OF MILK AT A REDUCED RATE FOR MOTHERS AND CHILDREN.

Drs. to . . . . . Milk Vendor,

of . . . . . .

Payment under Scheme for supply of Milk at reduced rates to specially authorised consumer's during the month of.....19...

Milk at 2*d.* a pint.			Milk at 1*d.* a pint.			Milk free of cost.			Total.		
Form 4 Claim No.	No. of Consumers.	No. of Pints supplied.	Form 4 Claim No.	No. of Consumers.	No. of Pints supplied.	Form 4 Claim No.	No. of Consumers.	No. of Pints supplied.	Form 4 Claim No.	No. of Consumers.	No. of Pints supplied.
TOTAL			TOTAL			TOTAL			TOTAL		
Equivalent Gallons			Equivalent Gallons			Equivalent Gallons			Equivalent Gallons		

Month.	Quantities for Payment in Gallons and Pints.				Rate of Rebate from M.M.B.	Amount £ *s.* *d.*
	Milk at 2*d.* a pt.	Milk at 1*d.* a pt.	Free Milk.	Total Milk.		

1. Rebate on all milk (payable to Council by Milk Marketing Board) .
2. Amount payable by Council (at rate of 8*d.* per gallon) on "1*d.* a pint milk" . . . . . .
3. Amount payable by Council (at rate of 16*d.* per gallon) on free milk .

TOTAL AMOUNT DUE TO VENDOR . . . . . .

Checked..... Checked .....

Certified ..... Certified .....

Medical Officer of Health. Treasurer.

Form 6.

COUNTY / BOROUGH / URBAN DISTRICT / RURAL DISTRICT } COUNCIL OF..... .....

AND THE MILK MARKETING BOARD.

SCHEME FOR THE SUPPLY OF MILK AT A REDUCED RATE FOR MOTHERS AND CHILDREN.

LIST OF ACCOUNTS CERTIFIED FOR PAYMENT ON . . . . . 19 ..

Name and Address of Vendor.	Price paid by consumer.	Galls. supplied during month of		Amount due to Council from M.M.B.
		galls.	pints.	£ s. d.
	a pt.			—
	a pt.			—
	Nil			—
	Total			
	a pt.			—
	a pt.			—
	Nil			—
	Total			
	a pt.			—
	a pt.			—
	Nil			—
	Total			
	a pt.			—
	a pt.			—
	Nil			—
	Total			
	a pt.			—
	a pt.			—
	Nil			—
	Total			
	a pt.			—
	a pt.			—
	Nil			—
	Total			
	a pt.			—
	a pt.			—
	Nil			—
	Total			
Total or Carried forward	a pt.			—
	a pt.			—
	Nil			—
	Total			

MATERNITY, CHILD WELFARE, AND MIDWIVES

Form 7.

County Borough / Urban District / Rural District } Council of .....

and the Milk Marketing Board.

SCHEME FOR THE SUPPLY OF MILK AT A REDUCED RATE FOR MOTHERS AND CHILDREN.

Summary of accounts certified for payment on .. ..19..

Month.	Milk at a pint.		Milk at a pint.		Free.		Total supplies.		Rate of Rebate Pence per gall.	Rebate £ s. d.
	galls.	pints.	galls.	pints.	galls.	pints.	galls.	pints.		
Total .										

Month.	Number of Individual Consumers.			
	Milk at a pint.	Milk at a pint.	Free.	Total.
Total .				

I hereby declare that the accounts included in the attached list, supported by the signed receipts of the consumers, have been duly examined and certified for payment in accordance with the Scheme of the Milk Marketing Board, as approved by the Minister of Agriculture and Fisheries and relate only to milk approved by the Council's Medical Officer of Health and delivered in quantities authorised by him to expectant and nursing mothers and children under 5 years of age in the (Name of Council's area); that the milk was supplied and delivered free of cost to the authorised consumers or at prices not exceeding 2*d.* per pint; and that in all cases the Council have paid to the milk vendors concerned the amount required to make up their receipts to the price indicated in clause 9 of the Scheme and have kept records of the supplies covered by this certificate distinguishing between deliveries made free of cost or at prices not exceeding 2*d.* per pint. Application is accordingly made to the Milk Marketing Board for the sum of £. . . . . payable in respect of Rebate due in accordance with the said Scheme.

..... Treasurer.

Address of Treasurer.

MILK MARKETING BOARD.

REGIONAL OFFICERS.

	Regions.		*Telephone No.*
No. 1	Northern.	Mr. P. A. Stanway, Agricnor House, 12, Westmorland Road, Newcastle-on-Tyne.	Newcastle 22521.
No. 2	North-Western (a) (Lancashire and W.R. Yorkshire)	Mr. G. J. Parr, Dominion House, 76, Princess Street, Manchester, 1.	Central (Manchester) 5686/7.
	North-Western (b) (Cheshire, Derbyshire, Staffordshire)	Mr. R. A. Jeffery, Majestic Chambers, Stoke-on-Trent.	Stoke-on-Trent 48516/7.
No. 3	Eastern.	Mr. J. G. Inglis, Llandaff Chambers, Regent Street, Cambridge.	Cambridge 4298.
No. 4	East Midland.	Mr. Wm. Bailey, Assurance Chambers, 141, Steelhouse Lane, Birmingham, 4.	Central (Birmingham) 1404/5.
No. 5	West Midland.	Mr. F. Wynne Owen, Royal Chambers, 36, Foregate Street, Worcester.	Worcester 1470/1.
No. 8	Southern.	Mr. W. Dewe, 73/75, Broad Street, Reading.	Reading 5011/2.
No. 9	Mid-Western.	Mr. D. J. Vaux, Vincent Chambers, Princes Street, Yeovil.	Yeovil 777/8.
No. 10	Far-Western.	Mr. W. Channon, 21, Princess Square, Plymouth.	Plymouth 60253.
No. 11	South-Eastern.	Mr. H. W. Ewing, Stanley House, Marsham Street, Westminster, London, S.W.1.	Victoria (London) 4218 (2 lines).

MILK ACTS, 1934 to 1938.

SCHEME FOR INCREASING THE DEMAND FOR MILK.

Whereas the Milk Marketing Board for England and Wales acting under Section 11 of the Milk Act, 1934, as amended by Section 4 of the Milk (Extension of Temporary Provisions) Act, 1936, Section 3 of the Milk (Amendment) Act, 1937 and Section 2 of the Milk (Extension and Amendment) Act 1938, have submitted the attached particulars of certain arrangements made by the Board for increasing the demand for milk.

Now, therefore, the Minister of Agriculture and Fisheries hereby approves the said arrangements for the purpose of the said sections of the said Acts.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this 26th day of July, 1939.

(L.S.)

DONALD FERGUSSON,
Secretary.

MATERNITY, CHILD WELFARE, AND MIDWIVES

MILK MARKETING BOARD FOR ENGLAND AND WALES.

SCHEME FOR INCREASING THE DEMAND FOR MILK IN ENGLAND AND WALES BY ITS SUPPLY AT REDUCED PRICES TO NURSING AND EXPECTANT MOTHERS AND CHILDREN UNDER FIVE YEARS OF AGE.

(1) This is a scheme for the supply in England and Wales of liquid milk in the home at reduced rates to nursing and expectant mothers and to children under the age of five who are not attending schools recognised for grant by the Board of Education.

(2) The supply of milk under this scheme to any family must be authorised by the Welfare Authority and the proposals to be made by any such Authority for the supply of such milk must have previously been submitted by the Welfare Authority to the Minister of Health and approved by that Minister after consultation with the Milk Marketing Board.

(3) The head of any household to whom milk is supplied under this scheme must undertake that the whole of the milk will be consumed by the particular members of the family who are eligible in accordance with paragraph (1) above.

(4) The source and quality of milk supplied under this scheme must be approved by the Medical Officer of Health of the Welfare Authority.

(5) The milk shall be delivered to the household in one pint bottles or other approved containers of similar capacity wherever possible.

(6) The normal quantity of milk to be supplied to persons eligible under paragraph (1) above is one pint per head per day. A greater quantity not exceeding two pints per head per day may be supplied by the Welfare Authority on the recommendation of the Medical Officer of Health.

(7) The milk will be supplied to the recipient free or at such price, not exceeding 2*d.* a pint, as the Welfare Authority may determine.

(8) In respect of each gallon of milk supplied in accordance with this scheme the Milk Marketing Board shall pay the Welfare Authority the difference between the regional price, together with such additional sum not exceeding the sum which the Board may from time to time determine as the allowance for distribution, and 1*s.* 4*d.* per gallon.

Claims must be submitted by the Welfare Authority to the Milk Marketing Board within 21 days of the end of the month in which the milk was consumed. The forms of claim will be provided by the Board and the Board reserve the right if necessary to examine the books and vouchers of the Welfare Authority in order that they can be satisfied that the milk which is represented by any claim has been consumed in accordance with this scheme. If with regard to any claim the Board are not satisfied that the milk in respect of which payment is claimed has been consumed in accordance with this scheme, they will be entitled to withhold payment for any further claim after due notice has been given to the Welfare Authority.

(9) The Welfare Authority shall pay to the supplier such sum in respect of each gallon of milk as is necessary to bring the total return to the supplier (after allowing for any payment by the recipient under paragraph (7) above) up to the regional price together with such amount, not exceeding the amount determined by the Milk Marketing Board which is mentioned in paragraph (8) above, as may be agreed between the Welfare Authority and the supplier.

(10) It shall, however, be competent for the Welfare Authority to agree to pay the supplier of the milk a sum additional to that determined under paragraph (9) above in order to obtain milk of T.T. standard.

(11) These arrangements shall come into operation on July 31st, 1939, and shall remain in force until such time as the Milk Marketing Board otherwise determine.

MILK AND DAIRIES: AND TUBERCULOUS COWS.

See also DISEASES AND HOSPITALS, *ante*; "FOOD AND DRUGS," *ante*.

S. R. & O., 1923, No. 509.

THE PUBLIC HEALTH (CONDENSED MILK) REGULATIONS, 1923, DATED 1ST MAY 1923, MADE BY THE MINISTER OF HEALTH (*a*).

The Minister of Health in the exercise of the powers conferred upon him by the Public Health Act, 1875, the Public Health (London) Act, 1891, the Public Health Act, 1896, the Public Health (Regulations as to Food) Act, 1907, and by section 8 of the Milk and Dairies (Amendment) Act, 1922, and of every other power enabling him in that behalf, hereby makes the following Regulations, with the consent of the Commissioners of Customs and Excise, so far as they apply to the officers of customs and excise, that is to say:—

Part I.

1. These Regulations may be cited as the Public Health (Condensed Milk) Regulations, 1923, and shall come into operation on the 1st day of October, 1923 (*b*).

2.—(1) In these Regulations, unless the context otherwise requires—

"The Minister" means the Minister of Health;

"Local authority" means any local authority authorised to appoint an analyst for the purposes of the Sale of Food and Drugs Acts, 1875 to 1907 (*c*), and "public analyst" means an analyst so appointed;

"Officer of Customs and Excise" includes any person acting under the authority of the Commissioners of His Majesty's Customs and Excise;

"Condensed milk" means milk or skimmed milk which has been concentrated by the removal of part of its water, whether with or without the addition of sugar, and includes the article commonly known as "evaporated milk," but does not include the article commonly known as "dried milk" or "milk powders";

"Skimmed milk" includes separated or machine-skimmed milk;

"Gross weight" of a tin or other receptacle means the weight of the tin or other receptacle and of its contents;

"Importer" includes any person who, whether as owner, consignor, or consignee, agent or broker, is in possession of or in anywise entitled to the custody or control of any condensed milk brought from a place situate outside the United Kingdom, the Channel Islands, and the Isle of Man; and "import" shall be construed accordingly

Percentages shall be calculated by weight.

(2) The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Part II.

3. The local authority shall enforce and execute this Part of these Regulations, and for this purpose shall make such inquiries and take such other steps as may seem to them to be necessary for securing the due observance of this Part of the Regulations in their district.

4. No person shall sell or expose for sale or deposit in any place for the purposes

(*a*) These regulations are printed as amended by the P. H. (Condensed Milk) Amendment Regulations, 1927, *post*, p. 3390, and are kept alive by s. 101 (3) of the Food and Drugs Act, 1938, *ante*, p. 1451. See note (*a*) to s. 8 of that Act, *ante*, p. 1317.

(*b*) By a regulation of 24th September, 1923, the date for the coming into operation of these regulations was postponed to 1st November, 1923.

(*c*) See now Part VI of the Food and Drugs Act, 1938, *ante*, pp. 1402 *et seq.*

MILK AND DAIRIES: AND TUBERCULOUS COWS

of sale, or dispatch or deliver to any purchaser, broker or agent any condensed milk intended for human consumption unless the condensed milk—

(1) is contained in a tin or other receptacle which is labelled in the manner prescribed in the First Schedule to these Regulations; and

(2) contains not less than the appropriate percentages of milk fat and milk solids as specified in the Second Schedule to these Regulations:

Provided that—

(*a*) The provisions of this Article shall not apply in any case where the condensed milk is intended to be exported or is contained in a tin or other receptacle whose gross weight exceeds five pounds; and

(*b*) Where in any public refreshment room, restaurant, shop, or other public premises condensed milk is delivered to a purchaser or other person for consumption on the premises, the receptacle containing the condensed milk shall not be required to be labelled in the manner prescribed by these Regulations.

[4*a*. Where a tin or other receptacle containing condensed skimmed milk is required by Article 4 of these Regulations to be labelled, no person shall expose or offer for sale a tin or receptacle in a paper or other wrapper unless such wrapper has printed on the outside thereof the words 'unfit for babies,' such words being contained within a surrounding line. The type used for the words shall be not less than a quarter of an inch in height and the printing shall otherwise conform with the rules prescribed for the printing of the same matter on the label affixed to the tin or other receptacle.]

Article 4*a* was added by the Amending Regulations, S. R. & O., 1927, No. 1092, *post*, p. 3390.

5.—(1) The medical officer of health, and any person authorised by him or by the local authority in writing, may procure any sample of condensed milk, and where an analysis is required for the purposes of these Regulations shall submit the sample to the public analyst and shall forthwith notify to the seller or his agent selling the condensed milk his intention to have the same analysed by the public analyst.

(2) Except where the sample is procured for the purpose of testing the quantity of milk or skimmed milk of which the contents of a tin or other receptacle are the equivalent, the provisions of section 14 of the Sale of Food and Drugs Act, 1875, as amended by section 13 of the Sale of Food and Drugs Act, 1899 (*a*), relating to the division of the sample into three parts and the separation, marking and disposal of such parts, shall apply.

6. Any officer authorised by the Minister and any officer of the local authority duly authorised by the authority in writing shall have power to enter at all reasonable times any premises where condensed milk is prepared, packed, labelled, or stored, and to inspect any process carried on therein and to take samples of any article used or capable of being used in the preparation of condensed milk and of any labels designed to be used for affixing to tins or other receptacles of condensed milk.

7. Where the local authority on a report to them from the public analyst or otherwise are of opinion that a consignment of condensed milk deposited within their district and intended for sale for human consumption does not comply with the requirements of these Regulations they shall endeavour to ascertain where it was manufactured and labelled. If it is ascertained that such condensed milk was manufactured or labelled at a place in England or Wales, the local authority shall communicate the facts which they have ascertained to the local authority for the district in which such place is situated. If it is ascertained that such condensed milk was manufactured or labelled at a place not in England or Wales, the local authority shall communicate the facts to the Minister.

Part III.

8.—(1) Subject to any directions given by the Commissioners of Customs and Excise after consultation with the Minister, the officers of customs and excise shall enforce and execute this Part of these Regulations and may take such samples of consignments of imported condensed milk as may be necessary for that purpose.

(*a*) See now s. 70 of the Food and Drugs Act, 1938, *ante*, p. 1410.

(2) Where an officer of customs and excise takes a sample for the purpose of analysis he shall send the sample to the Government Chemist, and the Government Chemist shall send a portion thereof to the importer.

(3) If in any case the Commissioners of Customs and Excise are of opinion that an offence against this Part of these Regulations has been committed, they shall communicate to the Minister for his information the name of the importer and such other facts as they may possess or may obtain as to the destination of the consignment.

9. No condensed milk intended for sale for human consumption shall be imported into England and Wales unless the same—

(1) is contained in a tin or other receptacle which is labelled in the manner prescribed in the First Schedule to these Regulations ; and

(2) contains not less than the appropriate percentages of milk fat and milk solids as specified in the Second Schedule to these Regulations :

Provided that the provisions of this article shall not apply in any case where the condensed milk is intended to be re-exported or is contained in a tin or other receptacle whose gross weight exceeds five pounds.

Part IV.

10. In any proceedings under these Regulations the certificate of the Government Chemist or the public analyst, as the case may be, of the result of the chemical examination of a sample shall be sufficient evidence of the facts therein stated unless the defendant requires that the person who made the examination be called as a witness.

11. A person, in relation to anything within his knowledge, shall truly answer all such questions put to him by the authorities authorised to enforce and execute these Regulations or their officers or by an officer authorised by the Minister as may be necessary for the purposes of these Regulations, and shall produce for inspection all such books as the authority or officer may reasonably require for the purposes of ascertaining the persons or places from which condensed milk has been obtained and to whom and where it has been consigned or otherwise.

12. In any proceedings under these Regulations, where the fact that any condensed milk has been dealt with contrary to these Regulations has been proved, if the defendant shall desire to rely upon any exception or provision contained in these Regulations with reference to condensed milk intended for export or re-export, it shall be incumbent upon him to prove that the condensed milk was so intended.

SCHEDULES.

FIRST SCHEDULE.

RULES WITH RESPECT TO THE LABELLING OF CONDENSED MILK.

(*a*) [1. Every tin or other receptacle containing condensed milk shall bear a label upon which is printed such one of the following declarations as may be applicable or such other declaration substantially to the like effect as may be allowed by the Minister (*b*) :—

(i) In the case of full cream milk (unsweetened) :—

CONDENSED FULL CREAM MILK, UNSWEETENED.
THIS TIN CONTAINS THE EQUIVALENT OF (*a*) PINTS OF MILK.

(*a*) This paragraph was added by the Amending Regulations, S. R. & O., 1927, No. 1092, *post*, p. 3390 ; and see Reg. 2 thereof, *ibid.*

(*b*) As to variations which have been allowed, see circular letter from Ministry dated November 19th, 1927, *post*, p. 3391.

(ii) In the case of full cream milk (sweetened) :—

CONDENSED FULL CREAM MILK, SWEETENED.

THIS TIN CONTAINS THE EQUIVALENT OF
(*a*) PINTS OF MILK, WITH SUGAR ADDED.

(iii) In the case of skimmed milk (unsweetened) :—

CONDENSED MACHINE-SKIMMED MILK [or CONDENSED SKIMMED MILK], UNSWEETENED.

UNFIT FOR BABIES

THIS TIN CONTAINS THE EQUIVALENT OF
(*a*) PINTS OF SKIMMED MILK.

(iv) In the case of skimmed milk (sweetened) :—

CONDENSED MACHINE-SKIMMED MILK [or CONDENSED SKIMMED MILK], SWEETENED.

UNFIT FOR BABIES.

THIS TIN CONTAINS THE EQUIVALENT OF
(*a*) PINTS OF SKIMMED MILK WITH SUGAR ADDED.

]

2. The declaration shall in each case be completed by inserting at (*a*) the appropriate number in words and figures, *e.g.* "one and a half (1½)," any fraction being expressed as eighths, quarters, or a half.

For the purposes of these Rules milk means milk which contains not less than 12·4 per cent. of milk solids (including not less than 3·6 per cent. of milk fat), and skimmed milk means milk which contains not less than 9 per cent. of milk solids other than milk fat.

(*a*) [3.—(a) The prescribed declaration shall be printed in dark block type upon a light coloured ground.

(b) There shall be a surrounding line enclosing the declaration and in the cases in which the words "unfit for babies" are required to be used there shall be another such line enclosing those words.

(c) The distance between any part of the words "unfit for babies" and the surrounding line enclosing those words shall be not less than one-sixteenth of an inch.

(d) No matter other than that hereinbefore prescribed shall be printed within either surrounding line.

(e) The type used for the declaration shall not in any part be less than one-eighth of an inch in height (or if the gross weight of the tin or other receptacle does not exceed twelve ounces, one-sixteenth of an inch in height) and the type used for the words "unfit for babies" shall not be less than twice the height of any other part of the declaration.]

4. The label shall in addition bear the name and address of the manufacturer of the condensed milk or of the dealer or merchant in the United Kingdom for whom it is manufactured (*b*).

5. The label shall be securely affixed to the tin or other receptacle so as to be clearly visible. If there is attached to the tin or other receptacle a label bearing the name, trade mark, or design representing the brand of the condensed milk, the prescribed declaration shall be printed as part of such label.

(*a*) This paragraph was added by the Amending Regulations, S. R. & O., 1927, No. 1092, *post*, p. 3390; and see Reg. 2 thereof, *ibid.*

(*b*) In the case of imported dried milk, the provisions of section 16 of the Merchandise Marks Act, 1887; 19 Halsbury's Statutes 839, must also be complied with if the label bears the name or trade mark of a dealer or merchant in the United Kingdom.

6. There shall not be placed on any tin or other receptacle containing condensed milk—

(*a*) any comment on, explanation of, or reference to either the statement of equivalence contained in the prescribed declaration or the words "machine skimmed," "skimmed," or "unfit for babies"; or

(*b*) any instructions as to dilution, unless either—

(i) the fluid produced in accordance with such instructions would contain not less milk fat and not less milk solids than milk or skimmed milk as defined in Rule 2 of this Schedule as the case may require; or

(ii) such instructions clearly specify that the fluid so produced is not of equivalent composition to milk or skimmed milk as the case may be.

7. Wherever the word "Milk" appears on the label of a tin or other receptacle of condensed skimmed milk as the description or part of the description of the contents, it shall be immediately preceded or followed by the word "Machine-Skimmed" or "Skimmed" as the case may require.

SECOND SCHEDULE.

All condensed milk shall contain not less than the appropriate percentages of milk fat and milk solids as specified in the following Table:—

Description of Condensed Milk.	Percentage of milk fat.	Percentage of all milk solids, including fat.
1. Full cream, unsweetened . . .	9·0	31·0
2. Full cream, sweetened . . .	9·0	31·0
3. Skimmed, unsweetened . . .	—	20·0
4. Skimmed, sweetened	—	26·0

S. R. & O., 1923, No. 1,323.

THE PUBLIC HEALTH (DRIED MILK) REGULATIONS, 1923, DATED 5TH NOVEMBER, 1923, MADE BY THE MINISTER OF HEALTH (*a*).

The Minister of Health in the exercise of the powers conferred upon him by the Public Health Act, 1875, the Public Health (London) Act, 1891, the Public Health Act, 1896, the Public Health (Regulations as to Food) Act, 1907, and by section 8 of the Milk and Dairies (Amendment) Act, 1922, and of every other power enabling him in that behalf, hereby makes the following Regulations, that is to say:—

1. These Regulations may be cited as the Public Health (Dried Milk) Regulations, 1923, and shall come into operation on the 1st day of May, 1924.

2.—(1) In these Regulations unless the context otherwise requires:—

"The Minister" means the Minister of Health;

"Local Authority" means any local authority authorised to appoint an analyst for the purposes of the Sale of Food and Drugs Acts, 1875 to 1907 (*b*), and "public analyst" means an analyst so appointed;

"Dried Milk" means milk, partly skimmed milk, or skimmed milk, which has been concentrated to the form of powder or solid by the removal of water;

"Skimmed milk" includes separated or machine-skimmed milk;

"Gross weight" of a tin or other receptacle means the weight of the tin or other receptacle and of its contents;

"Label" includes a mark.

Percentages shall be calculated by weight.

(2) These Regulations apply to dried milk to which no other substance has been added, and to the dried milk contained in any powder or solid of which not less than 70 per cent. consists of dried milk.

(*a*) These Regulations are printed as amended by the P. H. (Dried Milk) Amendment Regulations, 1927, p. 3391, *post*, and kept alive under the Food and Drugs Act, 1938; see note (*a*) to s. 8 of that Act, *ante*, p. 1317.

(*b*) See now Part VI of the last-mentioned Act, *ante*, pp. 1402 *et seq.*

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(3) The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3. The local authority shall enforce and execute these Regulations, and for this purpose shall make such inquiries and take such other steps as may seem to them to be necessary for securing the due observance of the Regulations in their district.

4. No person shall sell or expose for sale or deposit in any place for the purposes of sale, or dispatch or deliver to any purchaser, broker, or agent any dried milk intended for human consumption unless the dried milk—

(1) is contained in a tin or other receptacle which is labelled in the manner prescribed in the Schedule to these Regulations; and

(2) contains not less than the following percentages of milk fat, namely—

In the case of milk described as dried full cream milk, not less than 26 per cent.;

In the case of milk described as dried three-quarter cream milk, not less than 20 per cent.;

In the case of milk described as dried half cream milk, not less than 14 per cent.; and

In the case of milk described as dried quarter-cream milk. not less than 8 per cent.:

Provided that—

(*a*) The provisions of this Article shall not apply in any case where the dried milk is contained in a tin or other receptacle whose gross weight exceeds ten pounds; and

(*b*) Where dried milk is sold by weight and is not placed in the tin or other receptacle in which it is delivered to the purchaser until immediately before such delivery, the provisions of Rules 1 to 4 of the Schedule shall be deemed to be satisfied if the matter therein required to appear on a label affixed to the tin or other receptacle is printed on a separate label or notice delivered to the purchaser, and the last sentence of the declaration required by Rule 1 of the Schedule may be varied so as to relate to one pound or to any other specified weight of the article sold instead of the contents of the actual tin or other receptacle.

[4*a*. Where a tin or other receptacle containing dried skimmed milk is required by Article 4 of these Regulations to be labelled, no person shall export or offer for sale such a tin or receptacle in a paper or other wrapper unless such wrapper has printed on the outside thereof the words "unfit for babies," such words being contained within a surrounding line. The type used for the words shall be not less than a quarter of an inch in height and the printing shall otherwise conform with the rules prescribed for the printing of the same matter on the label affixed to the tin or other receptacle.]

This Article was added by the Amending Regulations, S. R. & O., 1927, No. 1093, *post*, p. 3391.

5.—(1) The Medical Officer of Health, and any person authorised by him or by the local authority in writing, may procure any sample of dried milk, and where an analysis is required for the purposes of these Regulations shall submit the sample to the public analyst and shall forthwith notify to the seller or his agent selling the dried milk his intention to have the same analysed by the public analyst.

(2) Except where the sample is procured for the purpose of testing the quantity of milk, partly skimmed milk, or skimmed milk of which the contents of a tin or other receptacle are the equivalent, the provisions of section 14 of the Sale of Food and Drugs Act, 1875, as amended by section 13 of the Sale of Food and Drugs Act, 1899 (*a*), relating to the division of the sample into three parts and the separation, marking and disposal of such parts shall apply.

(3) Where the sample is procured for the purpose of testing the quantity of milk, partly skimmed milk or skimmed milk of which the contents of a tin or other receptacle are the equivalent, the person by whom the sample is procured shall as

(*a*) See now s. 70 of the Food and Drugs Act, 1938, *ante*, p. 1410.

soon as may be after the net weight of the contents has been ascertained deliver a part of the sample to the seller or his agent.

6. Any officer authorised by the Minister and any officer of the local authority duly authorised by the authority in writing shall have power to enter at all reasonable times any premises where dried milk is prepared, packed, labelled, or stored, and to inspect any process carried on therein, and to take samples of any article used or capable of being used in the preparation of dried milk and of any labels designed to be used for affixing to tins or other receptacles of dried milk.

7. Where the local authority on a report to them from the public analyst or otherwise are of opinion that a consignment of dried milk deposited within their district and intended for sale for human consumption does not comply with the requirements of these Regulations they shall endeavour to ascertain where it was manufactured and labelled. If it is ascertained that such dried milk was manufactured or labelled at a place in England or Wales, the local authority shall communicate the facts which they have ascertained to the local authority for the district in which such place is situated. If it is ascertained that such dried milk was manufactured or labelled at a place not in England or Wales, the local authority shall communicate the facts to the Minister.

8. In any proceedings under these Regulations the certificate of the public analyst of the result of the chemical examination of a sample shall be sufficient evidence of the facts therein stated unless the defendant requires that the analyst be called as a witness.

9. A person, in relation to anything within his knowledge, shall truly answer all such questions put to him by the authorities authorised to enforce and execute these Regulations or their officers, or by an officer authorised by the Minister, as may be necessary for the purposes of these Regulations, and shall produce for inspection all such books as the authority or officer may reasonably require for the purposes of ascertaining the persons or places from which dried milk has been obtained and to whom and where it has been consigned or otherwise.

THE SCHEDULE.

RULES WITH RESPECT TO THE LABELLING OF DRIED MILK.

[(*a*) (1) Every tin or other receptacle containing dried milk (other than dried milk to which sugar or some other substance has been added) shall bear a label upon which is printed such one of the following declarations as may be applicable or such other declaration substantially to the like effect as may be allowed by the Minister (*b*) :—

(i) In the case of full cream milk, that is to say, dried milk containing not less than 26 per cent. of milk fat :—

> **DRIED FULL CREAM MILK.**
>
> **THIS TIN CONTAINS THE EQUIVALENT OF**
> **(*a*) PINTS OF MILK.**

(ii) In the case of partly skimmed milk, that is to say, dried milk containing not less than 8 per cent. but less than 26 per cent. of milk fat :—

> **DRIED PARTLY SKIMMED MILK**
> **((*b*) CREAM).**
>
> **SHOULD NOT BE USED FOR BABIES EXCEPT UNDER MEDICAL ADVICE.**
>
> **THIS TIN CONTAINS THE EQUIVALENT OF**
> **(*a*) PINTS OF (*b*) CREAM MILK.**

(*a*) This sub-paragraph was substituted by the Amending Regulations, S. R. & O., 1927, No. 1093, *post*, p. 3391 ; and see Reg. 2 thereof, *ibid.*

(*b*) As to variations which have been allowed, see circular letter of Minister dated November 19th, 1927, *post*, p. 3391.

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(iii) In the case of skimmed milk, that is to say, dried milk containing less than 8 per cent. of milk fat :—

DRIED MACHINE-SKIMMED MILK
[or DRIED SKIMMED MILK].

UNFIT FOR BABIES.

THIS TIN CONTAINS THE EQUIVALENT OF
(*a*) PINTS OF SKIMMED MILK.

]

(2) The label on any tin or other receptacle containing dried milk to which sugar or some other substance has been added shall be in the appropriate form prescribed in subdivision (1) hereof, with the following modifications :—

(i) There shall be added to the heading the word " Sweetened " if the only substance added to the milk is sugar, the word " Modified " if the only substance added is a constituent of milk, and the word " Compounded " in every other case ; and

(ii) The words " with (*c*) added " shall be added to the last sentence in each case, words being inserted at (*c*) to specify the substance or substances added.

(3) The declaration shall be completed as follows :—

(i) There shall be inserted at (*a*) the appropriate number in words and figures, *e.g.* " one and a half (1½)," any fraction being expressed as eighths, quarters, or a half.

(ii) There shall be inserted at (*b*) the word " Three-quarter " if the percentage of milk fat is not less than 20 ; " Half " if such percentage is less than 20 but not less than 14 ; and " Quarter " if such percentage is less than 14 but not less than 8.

(4) For the purposes of this Rule the terms " Milk," " Three-quarter cream milk," " Half cream milk," and " Quarter cream milk " mean milk containing not less than the following percentages of milk fat and milk solids, that is to say :—

	Milk Fat.	Milk Solids (including fat).
Milk.	3·6	12·4
Three-quarter cream milk	2·7	11·6
Half cream milk	1·8	10·8
Quarter cream milk	0·9	9·9

and " Skimmed milk " means milk which contains not less than 9 per cent. of milk solids other than milk fat.

(*a*) [2.—(a) The prescribed declaration shall be printed in dark block type upon a light coloured ground.

(b) There shall be a surrounding line enclosing the declaration and in the case in which the words " unfit for babies " are required to be used there shall be another such line enclosing those words.

(c) The distance between any part of the words " unfit for babies " and the surrounding line enclosing those words shall be not less than one-sixteenth of an inch.

(d) No matter other than that hereinbefore prescribed shall be printed within either surrounding line.

(e) The type used for the declaration shall not in any part be less than one-eighth of an inch in height (or if the gross weight of the tin or other receptacle does not exceed twelve ounces, one-sixteenth of an inch in height) and the type used for the words "unfit for babies" shall not be less than twice the height of any other part of the declaration.]

3. The label shall in addition bear the name and address of the manufacturer of the dried milk or of the dealer or merchant in the United Kingdom for whom it is manufactured (*b*).

4. The label shall be securely affixed to the tin or other receptacle so as to be clearly visible. If there is attached to the tin or other receptacle a label bearing the name, trade mark, or design representing the brand of the dried milk, the prescribed declaration shall be printed as part of such label.

(*a*) This paragraph was substituted by the Amending Regulations, S. R. & O., 1927, No. 1093, *post*, p. 3391 ; and see Reg. 2 thereof, *ibid.*

(*b*) In the case of imported dried milk, the provisions of section 16 of the Merchandise Marks Act, 1887 ; 19 Halsbury's Statutes 839, must also be complied with if the label bears the name or trade mark of a dealer or merchant in the United Kingdom.

5. There shall not be placed on any tin or other receptacle containing dried milk—

(*a*) any comment on, explanation of, or reference to either the statement of equivalence contained in the prescribed declaration or the words "partly skimmed," "machine-skimmed," "skimmed," or "unfit for babies" or

(*b*) any instructions as to dilution, unless either—

(i) the fluid produced in accordance with such instructions would contain not less milk fat and not less milk solids than milk, partly skimmed milk, or skimmed milk as defined in Rule 1 of this schedule, as the case may require; or

(ii) such instructions clearly specify that the fluid so produced is not of equivalent composition to milk, partly skimmed milk, or skimmed milk, as the case may be.

6. Wherever the word "Milk" appears on the label of a tin or other receptacle of dried partly skimmed or skimmed milk as the description or part of the description of the contents, it shall be immediately preceded or followed by the words "Partly skimmed," "Machine-skimmed," or "Skimmed," as the case may require.

S. R. & O., 1926, No. 821.

THE MILK AND DAIRIES ORDER, 1926, DATED 6TH JULY, 1926, MADE UNDER THE MILK AND DAIRIES (CONSOLIDATION) ACT, 1915 (*a*).

The Minister of Health, in pursuance of his powers under the Milk and Dairies (Consolidation) Act, 1915, and with the concurrence of the Minister of Agriculture and Fisheries, hereby orders as follows:—

PART I.—*Short Title, Operation, Interpretation, etc.*

1. This Order may be cited as the Milk and Dairies Order, 1926, and shall come into operation on the 1st day of October, 1926:—

Provided that—

(i) Articles 12 (1), 13 (1) and 25 shall not apply to any building in use as a cowshed or dairy on the 1st October, 1926, until a period of eighteen months has elapsed after the service of a notice by the sanitary authority drawing the attention of the occupier thereto, and in the case of Article 25 no such notice shall be given before the 1st day of April, 1928:

(ii) Article 24 shall not come into operation until the 1st day of April, 1927; and

(iii) Articles 27 and 19, shall not come into operation until the 1st October, 1928.

2.—(1) In this Order, unless the contrary intention appears:—

"Infectious disease" means dysentery and any infectious disease to which the Infectious Disease (Notification) Act, 1889, applies;

"The Act" means the Milk and Dairies (Consolidation) Act, 1915;

"Cowkeeper" means any person who keeps one or more cows for the purpose of the supply of milk (*b*);

"Milk" means milk intended for sale for human consumption or for use in the manufacture of products for sale for human consumption, and includes cream, skimmed milk and separated milk;

"Dairy" includes any farm, cowshed, milk store, milk shop or other place from which milk is supplied on or for sale, or in which milk is kept or used for purposes of sale or manufacture into butter, cheese, dried milk or condensed

(*a*) See a circular letter of the Ministry of Health dated 20th January, 1927, *post*, p. 3388, as to the construction and administration of this Order. The Act of 1915 is repealed by the Food and Drugs Act, 1938, but this Order is kept alive by s. 101 (3) of that Act, *ante*, p. 1451.

(*b*) See the definition of "milk." A farmer who keeps cows but sells no milk is not a cowkeeper within this definition. Cf. *Umfreville* v. *L.C.C.* (1896), 61 J. P. 84; 38 Digest 208, *433*.

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milk for sale, and, in the case of a purveyor of milk (*a*) who does not occupy any premises for the sale of milk, includes the place where he keeps the vessels used by him for the sale of milk, but does not include a shop from which milk is not supplied otherwise than in properly closed and unopened receptacles in which it was delivered to the shop or a shop or other place in which milk is sold for consumption on the premises only.

"Registered premises" means any building or other premises required to be registered under the provisions of this Order.

(2) The Intepretation Act. 1889, applies to the interpretation of this Order or in relation to the revocation of any Order or Regulation by this Order, as it applies to the interpretation of an Act of Parliament.

3. Part IV. of this Order shall be enforced and executed by the council of the county or county borough and the remainder of the Order by the sanitary authority:

Provided that, where the Minister of Health has made an Order under subsection (4) of section 3 of the Act with repect to a non-county borough, Part IV. of this Order shall be enforced and executed by the council of such borough as if the borough were a county borough.

4. Every cowkeeper and dairyman shall take all practicable steps to make the provisions of this Order known to every person in or about any registered premises in his occupation so far as such provisions impose any duties or restrictions on such person and so far as they relate to the processes carried out by such person.

PART II.—*Revocation of Orders and Regulations.*

5. The Dairies, Cowsheds and Milk-shops Order of 1885, the Dairies, Cowsheds and Milk-shops Amending Order of 1886, and the Dairies, Cowsheds and Milk-shops Order of 1899, so far as they relate to England and Wales, and any regulations made by local authorities in England and Wales under the said Orders are hereby revoked.

PART III.—*Registration and Notices.*

6 (*b*).—(1) Every sanitary authority shall keep registers of all persons carrying on in their district the trade of cowkeeper or dairyman and of all farms and other premises within their district which are used as dairies.

(2) Subject to the provisions of section 2 of the Milk and Dairies (Amendment) Act, 1922, or of any other statutory enactment, the sanitary authority, on the application of any person proposing to carry on in their district the trade of cowkeeper or dairyman or to use any farm or other premises in the district as a dairy, shall register such person or such premises.

(3) Subject as aforesaid, no person shall carry on the trade of cowkeeper or dairyman or use any premises as a dairy unless he and any such premises are registered in pursuance of this article.

(4) The sanitary authority shall immediately after the commencement of this Order inform the county council of the particulars of registration then in force of cowkeepers and their premises, and they shall as soon as may be inform the county council of all alterations made in the registers.

7. Before commencing to use as a cowshed or as a place for the keeping of milk a building not previously used for that purpose the occupier shall give one month's notice in writing to the sanitary authority of his intention so to do.

(*a*) Keepers of a railway refreshment room sold glasses of milk occasionally (3 or 4 glasses a week) to any one asking for it; it was held that they did not carry on the trade of "purveyors of milk" (*Spiers and Pond, Ltd.* v. *Green*, [1912] 3 K. B. 576; 77 J. P. 11; 25 Digest 126, *475*). It was held, in a Scotch case, that an ice cream manufacturer, though he used milk in the manufacture of his ice creams, was not a purveyor of milk (*Lang* v. *Pianta* (1894), 21 Ct. of Sess. Cas. (4th ser.) J. C. 20; 25 Digest 126, *d*).

(*b*) Registration is necessary in every district where the trade is carried on (*Easington R.D.C.* v. *Gilson* (1929), 94 J. P. 56; 28 L. G. R. 49); Digest Supp.; though a single isolated sale would not, it seems, constitute a carrying on of the trade (*Emerton* v. *Hall* (1910), 74 J. P. 301; 25 Digest 126, *476*).

PART IV.—*Health and Inspection of Cattle.*

8. Every county council and county borough council shall cause to be made such inspections of cattle as may be necessary and proper for the purposes of the Act and of this Order.

9. Where a veterinary inspector gives notice to a cowkeeper of his intention to make an inspection of cattle for the purposes of the Act or of this Order the cowkeeper shall not allow any cow to be removed from the registered premises without the consent of the inspector until the inspection has been made or a period of forty-eight hours has elapsed from the receipt of the notice.

10. A veterinary inspector making the inspection of cattle in pursuance of the Act or of this Order may require any cow to be milked in his presence and may take samples of the milk and may require that the milk from any particular teat shall be kept separate, and he may take separate samples thereof.

11. The following diseases affecting cows, in addition to the diseases specified in section 5 of the Act, shall be diseases for the purposes of that section, namely :—

Any comatose condition ;
Any septic condition of the uterus ;
Any infection of the udder or teats, which is likely to convey disease ;

Provided that, where an officer of a local authority gives a notice under the section with regard to any of the diseases set out in this Article :—

(1) The notice shall forthwith be withdrawn as soon as the officer or the authority is satisfied that the cow is no longer in an infective condition ; and it shall in any case cease to operate at the expiration of such period not exceeding five days as may be specified therein, but without prejudice to the right of the officer to give a further notice or notices with a like limitation of duration ; and

(2) The local authority shall, if required so to do by the person receiving such notice, afford him an opportunity to appear before them for the purpose of applying for the withdrawal of the notice and shall consider any written representations made by him for the same purpose.

PART V.—*General Provisions for Securing the Cleanliness of Dairies, etc., and for Protecting Milk against Infection and Contamination.*

12.—(1) Every cowshed and every building used for keeping milk, other than a cold store, shall be provided with a sufficient number of windows or other openings suitably placed and communicating directly with the external air. The windows or permanent openings shall be such as to secure that the building is sufficiently lighted during the hours of daylight and the openings provided for ventilation shall be kept in proper order and so used as to secure that the air in the building is kept in a fresh and wholesome condition.

(2) Every such building in which milking or any other process is carried on during the hours of darkness shall also be provided with such lamps or other means of artificial lighting as will enable any such process to be conducted in a good and proper light.

13.—(1) All registered premises shall be provided with a supply of water suitable and sufficient for the requirements of this Order.

(2) Every receptacle used for the storage or conveyance of water shall be emptied and cleansed from time to time as often as may be necessary to prevent the pollution of the water and to maintain it in a suitable condition for the purpose for which it is required.

(3) The water supply used for the watering of cows shall, as far as reasonably possible, be protected against contamination caused by the drainage of foul water.

14. The following provisions shall apply for the purpose of preventing contamination or infection of milk :—

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(1) Milk shall not be deposited or kept in any place where it is liable to become contaminated or infected. In particular it shall not be deposited or kept—

(i) in any room used as a kitchen, scullery, living-room or sleeping-room; or

(ii) in any room or part of a building which communicates directly by door, window or otherwise with,—

(a) any water-closet, earth-closet, privy, cesspool or receptacle for ashes or other refuse; or

(b) any room which is used as a sleeping-room or any room which is occupied by a person suffering from an infectious disease, or which, having been so occupied, has not been subsequently properly disinfected; or

(iii) in any room or part of a building in which there is any direct inlet to a drain which is not efficiently trapped:

Provided that the foregoing provisions shall not be deemed to prohibit the deposit or keeping of milk intended for use in the manufacture of butter, cream or cheese in a room used as a kitchen.

(2) Vessels containing milk shall be properly covered or the milk shall be otherwise effectively protected from dust, dirt, flies or other sources of contamination;

(3) No foul or noxious matter or soiled bed or body clothing shall be conveyed through any part of a building used for the keeping or storage of milk.

15. Every person engaged in the milking of cows or the distribution or measuring of milk or otherwise having access to the milk or to the churns or other milk receptacles shall keep his clothing and person in a cleanly condition.

16. A person shall not carry out any process of cooling, bottling, sterilising or pasteurising milk or any other process connected with milk, or keep any appliances connected with any such process, in a cowshed or in any place where the milk or appliances would be liable to contamination arising from any cowshed, stable or manure-heap, or otherwise.

17 (*a*).—(1) Every person having access to the milk or to the churns or other milk receptacles in or about any registered premises, as soon as he becomes aware that any member of his household is suffering from any infectious disease, shall immediately notify the occupier of such premises of the fact and the occupier shall immediately notify the medical officer of health of the district in which the premises are situate unless notification has already been given to that officer.

(2) Where the medical officer of health of any sanitary district becomes aware that any such person is suffering from an infectious disease or has recently been in contact with a person so suffering he shall forthwith notify the occupier of such premises of the fact, and where the council of such sanitary district are not the registering authority for the locality in which the premises are situate he shall also notify the medical officer of health of the registering authority.

18.—(1) Where the medical officer of health of a sanitary district is in possession of evidence that any person is suffering from infectious disease caused by the consumption of milk supplied within the district from any registered premises or that the milk at any registered premises within the district has been infected with such disease, he may by a notice in writing to the occupier of such premises specifying such evidence require, if the premises are within the district, that no milk from such premises (or, if the notice so provides, no milk received at such premises from any specified source) shall be sold for human consumption or used in the manufacture of products for human consumption, or, if the premises are without the district, that no such milk shall be sold for human consumption within the district.

(2) Any such notice shall operate for such period not exceeding twenty-four hours as may be specified therein from the time of the receipt of the notice but may be renewed for a further period or periods of twenty-four hours. The notice shall forthwith be withdrawn as soon as the medical officer of health is satisfied that the milk is no longer likely to cause infectious disease.

(*a*) See also the P. H. (Prevention of Tuberculosis) Regulations, 1925, Arts. 4 & 5, *ante* [illegible]

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(3) Where the medical officer of health serves such a notice he shall forthwith report the matter to the sanitary authority, and if the premises are within the district he shall forthwith endeavour to ascertain the causes of the infectious condition of the milk.

(4) Where the milk in respect of which a notice is given under this Article is obtained from any registered premises without the district, the medical officer of health shall forthwith send a copy of the notice to the medical officer of health of the sanitary district from which the milk is obtained.

(5) No person shall sell milk for human consumption or use milk or sell milk for use in the manufacture of products for human consumption contrary to the terms of a notice given by the medical officer of health under this Article.

(6) Where any person sustains any damage or loss by reason of a notice issued under this Article he shall be entitled to full compensation from the sanitary authority in case it shall appear that no infectious disease was in fact caused by the consumption of milk from the premises to whose occupier the notice was addressed or as the case may be that no milk at such premises had been infected with such disease. Any dispute as to the right to or the amount of such compensation shall be settled by arbitration in the same manner as provided by the Public Health Act, 1875, and any sum awarded as compensation shall be recoverable as a civil debt: Provided that if the compensation claimed does not exceed twenty pounds it may at the option of either party instead of being settled as hereinbefore provided be settled by and recoverable before a Court of Summary Jurisdiction.

19.—(1) Where the medical officer of health of the registering authority by reason of such notification or otherwise suspects that any of the persons in or about any registered premises who have access to the milk or to the churns or other milk receptacles is suffering from an infectious disease or has recently been in contact with any person so suffering or in such a condition that there is a danger of his transmitting an infectious disease he may give notice to the occupier of such premises that he considers it necessary to make an examination of any or all of such persons; and where he gives such notice, the said occupier and every person concerned shall give to the medical officer of health all reasonable facilities for making such examination.

(2) Where from the result of any such examination or otherwise the medical officer of health is of opinion that the employment of any such person is likely to lead to the spread of infectious disease, the medical officer of health may give notice in writing to that effect to the occupier of the registered premises and to the person concerned requiring that, during a period to be specified in such notice, the person to whom the notice relates shall not milk cows or handle vessels used for containing milk or in any way take part in the production, distribution or storage of milk.

(3) A person to whom any such notice relates and any other person who is suffering from an infectious disease or has recently been in contact with a person so suffering shall not milk cows or handle vessels used for containing milk or in any way take part in the production, distribution or storage of milk until the expiry of the period mentioned in the notice or, as the case may be, until all danger of the communication of infectious disease by means of the milk has ceased.

(4) No cowkeeper or dairyman shall allow any person to whom any such notice relates, or any other person who is so suffering or has recently been in contact as aforesaid, to milk cows or handle vessels used for containing milk or in any way to take part in the production, distribution or storage of milk, until the expiry of the period mentioned in the notice or, as the case may be, until all danger of the communication of infectious disease by means of the milk has ceased.

20. No person shall keep any swine or poultry in any cowshed or room in which cows in milk are kept or milked or in which milk or milk utensils are kept or in any room or shed communicating directly therewith.

21. Every cowkeeper or dairyman shall cause all vessels (including the lids of such vessels) and appliances used or intended to be used by him for containing, measuring or stirring milk, or for any other purpose for which they may be

MILK AND DAIRIES : AND TUBERCULOUS COWS

brought into contact with milk, to be kept at all times in a state of thorough cleanliness.

For this purpose—

(i) Every such vessel, lid and appliance shall be thoroughly washed as soon as may be after use, and shall be cleansed and scalded with boiling water or steam before it is used again.

(ii) No oxidising or preservative agent shall be used in the cleansing of any such vessel or appliance.

(iii) Every such vessel, lid and appliance, when not in use shall be stored in a clean place and shall be protected from dust and dirt.

(iv) No such vessel or appliance shall be used for containing, measuring or applying any process or treatment to any article other than milk or milk products :

Provided that the requirements set out in paragraphs (i) and (ii) shall not apply to mechanical milkers and similar appliances used in milking which are efficiently cleansed so that all trace of any substance used in the cleansing is removed before they are brought into contact with milk.

PART VI.—*Special Provisions Applicable to Cowkeepers.*

22.—(1) Every cowkeeper shall cause every part of the interior of every cowshed in his occupation to be thoroughly cleansed from time to time, as often as may be necessary to secure that such cowshed shall be at all times reasonably clean and sweet.

(2) He shall cause the ceiling or interior of the roof and the walls of every such cowshed to be properly lime-washed or sprayed with lime or otherwise disinfected twice at least in every year, that is to say, once during April or May, and once during September or October, and at such other times as may be necessary :

Provided that this requirement shall be deemed to be satisfied as regards any part of such ceiling or walls which is properly painted or varnished or constructed or covered with tiles or other smooth washable material if that part is properly washed from time to time as often as may be necessary to keep it clean.

(3) He shall cause all dung and other offensive matter to be removed from any cowshed in his occupation in which cows are milked at least once in every day.

(4) He shall not cause any dung or offensive matter to be so placed as to render uncleanly the access to any cowshed or milk room.

23. Every cowkeeper shall cause the following precautions to be taken in connection with the milking of cows, viz. :—

(i) The milking shall be carried out in a good and proper light whether in the daytime or in the hours of darkness.

(ii) Before milking is begun, all dirt in or around the flanks, udder and teats of each cow shall be removed, and the udder and teats shall be cleansed by being thoroughly rubbed with a clean damp cloth.

(iii) The hands of the milker shall be thoroughly washed and dried before milking and shall throughout the milking be kept clean, free from contamination and, as far as practicable, dry.

(iv) All milking stools shall be kept thoroughly clean.

(v) As soon as possible after milking, the milk of each cow shall be removed from the cowshed to a suitable milk room or shall be placed in a covered receptacle.

(vi) No dry bedding or other dusty matter shall be moved in the cowshed during the milking or within half an hour before the milking commences, except so far as may be necessary for the removal of dung.

24.—(1) Every cowkeeper shall, without any delay other than that caused by any process of straining or centrifugalisation to which it may be subjected, cause the milk to be cooled to a temperature not more than five degrees Fahrenheit higher

than the temperature of the water supply available for cooling: Provided that this requirement shall not apply—

(i) where the milk is delivered by road without delay to a collecting station provided with adequate facilities for cooling milk to a temperature not exceeding fifty-five degrees Fahrenheit; or

(ii) where the milk is used for the manufacture of butter, cream, cheese or other milk products at the premises where it is produced or is supplied to some other person for this purpose; or

(iii) where the cowkeeper sells the milk to the consumer and either delivers it at the premises where it is produced or despatches it at least twice a day on the day of production; or

(iv) where the cowkeeper sells the milk to some other purveyor at the premises where it is produced for delivery to the consumer immediately after milking.

(2) Every person who receives at a collecting station milk which has not previously been cooled shall forthwith cause it to be cooled to a temperature not exceeding fifty-five degrees Fahrenheit unless he uses it in the preparation or manufacture of butter, cream, cheese or other milk products and every person who purchases for re-sale milk which has not previously been cooled shall cause it to be cooled forthwith to a temperature not exceeding fifty-five degrees Fahrenheit unless he uses it as aforesaid or delivers it to the consumer immediately after milking.

25. Every cowkeeper shall cause the floor of every cowshed in his occupation to be constructed of such material and in such manner as to render it procticable to remove all liquid matter which may fall thereon, and he shall cause such cowshed to be provided with channels of rendered concrete or other durable and impervious material so constructed as to prevent as far as reasonably practicable the soiling of the cows and so as to receive all such liquid matter and to convey it to a suitable drain or other place of disposal outside such cowshed.

PART VII.—*Special Provisions Applicable to Buildings used for the Sale, etc., of Milk.*

26. The following provisions shall apply to any building or part of a building which is used for the sale of milk or in which milk is kept or used for the purpose of sale or manufacture into butter, cheese, dried milk or condensed milk for sale:—

(1) The occupier shall cause the interior and the furniture and fittings therein to be thoroughly cleansed from time to time as often as may be necessary to secure the maintenance of reasonable cleanliness, and in particular the floors shall be thoroughly cleansed with water at least once in every day.

(2) Except in the case of a building or part of a building which is used for the sale of milk by retail the occupier shall cause the floor to be constructed of rendered concrete or other durable and impervious material and to be so sloped as to ensure the removal of all liquid matter which may fall thereon, and to be provided with channels so constructed, sloped and placed as to receive all such liquid matter and to convey it to a suitable drain or other place of disposal outside the building.

PART VIII.—*Conveyance and Distribution of Milk, Churns, etc.*

27. A person shall not use, or cause to be used, for the reception, measurement, storage or delivery of milk any churn, vessel or other receptacle, the interior surface of which is incapable of being readily cleansed.

28. Every person who purchases milk for the purposes of his trade or business, and empties and returns the churns or other receptacles in which the milk is delivered to him, shall cause all such churns and receptacles, other than bottles, to be thoroughly cleansed and securely closed before they leave his custody or control.

29. Every person shall cause every churn, vessel or other receptacle, other than

MILK AND DAIRIES: AND TUBERCULOUS COWS

bottles, in which he despatches milk by rail or road to comply with the following requirements, viz.:—

(1) The name and address of the owner shall be permanently marked on the churn, vessel or other receptacle or on a plate or plates of metal properly soldered or otherwise securely affixed thereto.

(2) The churn, vessel or other receptacle shall be provided with a lid without openings, which shall be so constructed and fitted as effectively to prevent the access to the milk of dirt, dust or rain water or the return to the interior of the receptacle of any milk which may have been splashed above the lid.

30. Every person shall cause every churn, vessel or other receptacle used by him for the conveyance of skimmed or separated milk or for containing such milk at any time when it is exposed for sale to be marked with the words "Skimmed Milk" or "Separated Milk," as the case may require, in large and legible type.

31.—(1) Except in pursuance of any statutory authority in that behalf, no person shall open any churn, vessel or other receptacle containing milk or transfer milk from one receptacle to another in any railway van or on any railway station:

Provided that this Article shall not be deemed to prohibit the purchaser or his agent when taking delivery of the milk from opening a churn, vessel or other receptacle containing milk or transferring the milk to another receptacle so far as such opening or transfer may be necessary for the purpose of checking and sampling the milk.

(2) Where a person delivers milk in bottles he shall cause every such bottle to be filled and closed on registered premises: and no person shall remove or tamper with the disc or other device used for closing the bottle at any time after he has left such premises and before it is delivered to the consumer.

32. Every person engaged in the conveyance or distribution of milk shall use all practicable precautions for preventing the milk from being unnecessarily exposed to heat and from being contaminated by dirt, dust, rain water or otherwise.

33. The interior of every vehicle used for the conveyance of milk shall be at all times kept clean. No live animal or any article likely to contaminate the milk shall be conveyed in the vehicle at the same time as milk and no vehicle which has been used for the conveyance of offensive matter shall be used for the conveyance of milk until the vehicle has been thoroughly cleansed and purified.

Given under the Official Seal of the Minister of Health this Sixth day of July, in the year One thousand nine hundred and twenty-six.

L.S.

R. B. CROSS,
Assistant Secretary,
Ministry of Health.

The Minister of Agriculture and Fisheries hereby concurs in the making of the above Order.

H. E. DALE,
Assistant Secretary, Ministry of Agriculture and Fisheries.

* * * * * *

S. R. & O., 1926, No. 820.

THE PUBLIC HEALTH (IMPORTED MILK) REGULATIONS, 1926, DATED 6TH JULY, 1926, MADE BY THE MINISTER OF HEALTH.

The Minister of Health, in the exercise of the powers conferred upon him by the Public Health Act, 1875, the Public Health (London) Act, 1891, the Public Health Act, 1896, the Public Health (Regulations as to Food) Act, 1907, and section 8 of

the Milk and Dairies (Amendment) Act, 1922, and of every other power enabling him in that behalf (*a*), hereby makes the following Regulations, that is to say:— MILK AND DAIRIES: AND TUBERCULOUS COWS

1. These Regulations may be cited as the Public Health (Imported Milk) Regulations, 1926, and shall come into operation on the 1st day of January, 1927.

2.—(1) In these Regulations, unless the context otherwise requires—

"The Minister" means the Minister of Health.

"Sanitary Authority" means a port sanitary authority, and the council of a borough or urban or rural district which includes or abuts on any part of a Customs port which part is not within the jurisdiction of a port sanitary authority.

"District" means the district of a sanitary authority, and in the case of a sanitary authority other than a port sanitary authority, includes the waters of any Customs port abutting on any part of their district so far as such waters are not within the district of a port sanitary authority.

"Milk" means milk (including skimmed milk and separated milk but not including condensed or dried milk) which is intended for sale for human consumption or for use in the manufacture of products for human consumption.

"British Islands" means Great Britain and Ireland, the Channel Islands, and the Isle of Man.

"Imported Milk" means milk imported into England or Wales from any place situated outside the British Islands.

(2) The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3.—(1) Every sanitary authority shall enforce and execute these Regulations and shall keep a register of persons to whom milk imported into their district may be consigned.

(2) Any officer of the sanitary authority duly authorised in that behalf, may take a sample of any milk imported into the district.

4. No person shall receive any milk consigned to him from any place outside the British Islands unless he is registered under these Regulations by the sanitary authority into whose district the milk is imported.

5. All imported milk shall be in such condition that, on a sample being taken within the district of a sanitary authority, the milk shall be found to contain not more than 100,000 bacteria per cubic centimetre and to be free from tubercle bacilli.

6.—(1) If the sanitary authority are satisfied that any milk imported into their district does not comply with the provisions of these Regulations, they may serve upon the person to whom the milk was consigned a notice to appear before them not less than seven days after the date of the notice, to show cause why they should not, for reasons to be specified in the notice, remove him from the register, either absolutely or in respect of any specified source of supply, and if he fails to show cause to their satisfaction accordingly they may remove him from the register.

(2) Any person aggrieved by any such decision of the sanitary authority as aforesaid may, within twenty-one days, appeal to a court of summary jurisdiction and that court may require the sanitary authority not to remove him from the register.

(3) The sanitary authority, or such person as aforesaid, may appeal from the decision of the court of summary jurisdiction to the next practicable court of quarter sessions, and that court may confirm, vary or reverse the Order of the court of summary jurisdiction.

(4) The decision of a sanitary authority to remove any person from the register shall not have effect until the expiration of the time for appeal to a court of summary jurisdiction, nor if any such appeal is brought until the expiration of seven days after the determination thereof, nor if notice of appeal to Quarter Sessions is given within such seven days until such appeal is finally determined unless such appeal ceases to be prosecuted.

(*a*) See now ss. 8 and 101 (3) of the Food and Drugs Act, 1938, *ante*, pp. 1316 and 1451.

MILK AND DAIRIES: AND TUBERCULOUS COWS

(5) Where, in pursuance of the foregoing provisions of this Article, a person is removed from the register of a sanitary authority, the sanitary authority shall report the facts to the Minister, and if the Minister on consideration of such facts is of opinion that that person should be removed from the register of any other sanitary authority or should not be included in such register either absolutely or in respect of any specified source of supply he may direct such sanitary authority so to remove such person from their register or to refuse so to register him as the case may be and such sanitary authority shall forthwith comply with the Minister's direction.

7. A person shall, if so required, give to any officer of a sanitary authority acting in the execution of these Regulations all reasonable assistance in his power and shall in relation to anything within his knowledge furnish any such officer with all information he may reasonably require for the purposes of these Regulations.

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CIRCULAR 757.

County Councils and Sanitary Authorities (England and Wales).

MINISTRY OF HEALTH, WHITEHALL, S.W.1.
20th January, 1927.

THE MILK AND DAIRIES ORDER, 1926.

SIR,—1. I am directed by the Minister of Health to say that he has received a number of inquiries as to the construction and administration of the Milk and Dairies Order, 1926, especially in relation to farmers who sell only a small quantity of milk, mainly to their employees and their neighbours. He thinks it desirable, therefore, to indicate his views on these questions for the guidance of local authorities.

Registration under the Order.

2. A number of the questions which have been raised relate in terms to the liability of the farmer himself to registration. The provisions of the Order in this respect differ somewhat from those of the Dairies, Cowsheds and Milkshops Order of 1885. The exemptions contained in the earlier Order for persons who carry on the trade of cowkeeper or dairyman for the purpose only of making and selling butter or cheese and for persons who sell milk of their own cows in small quantities to their workmen or neighbours for their accommodation, have been omitted, and the new Order, following the terms of s. 1 (1) (*a*) of the Milk and Dairies (Consolidation) Act, 1915, provides for the registration of *all* persons *carrying on the trade* of cowkeeper or dairyman. Provision is also made for the registration of *all dairies*. Under the Act a "dairy" includes, *inter alia*, all farms from which milk is supplied on or for sale, whether or not the extent of such sale amounts to the carrying on of a trade.

3. The sale of milk which renders the *dairy premises* subject to registration would not necessarily constitute the carrying on of a trade involving the registration of the *dairyman*, and the question whether any particular person is carrying on a trade is one of fact which can only be settled on a consideration of the circumstances. In reply, however, to a request from a local authority for some general ruling, the Minister, while pointing out that he has no jurisdiction which would enable him to give a decision, has suggested that in ordinary cases, where a person keeps a number of cows, *not exceeding the number required for the purposes of his own household* and sells any milk, butter, etc., which may from time to time be produced surplus to those requirements, he might properly be regarded as not carrying on the trade of dairyman and, therefore, as not being subject to registration under the Order.

4. A somewhat wider interpretation than they were intended to bear appears to have been placed in some quarters upon the terms of the Minister's letter. The relevant consideration appears to the Minister to be whether the farmer in fact keeps more cows than would normally be required for the needs of his household. If so,

there appears to be *primâ facie* ground for assuming that he is "carrying on the trade of a dairyman."

Application of the Order.

5. The question of the registration of the farmer is, however, in itself a matter of minor importance, since the Order, following the terms of section 1 (1) (*b*) of the Act of 1915, requires also the registration of *all* dairies, including all farms from which milk is supplied on or for sale. Further, the general requirements of the Order which impose obligations on cowkeepers and prescribe the conditions of cowsheds and other registered premises, apply to *all places at which milk is produced for sale* whether in large or in small quantities.

Administration.

6. The general object of the Order is the protection of the community by the application of the principles of sanitation and cleanliness which it incorporates. In many respects the standard to be attained in these matters is not, and could not with advantage be, precisely defined in the Order, but is left to a large extent to the discretion of the local authority, subject, in any case of dispute, to the ruling of the Courts. The Minister has no doubt that local authorities will use their discretion reasonably in administering the Order, both in relation to farms on which milk is being produced on a commercial scale and in other cases, regard being had particularly to the importance of the use of cleanly methods. For example, the terms of Article 13 should not in the Minister's view be construed as involving the laying of a piped supply of water from any public source where this is not readily available and should ordinarily be satisfied by arrangements of the same character as would be made in the particular case for domestic purposes.

7. In cases where a few cows only are kept primarily to meet the needs of the household, but a small quantity of the milk produced is sold to employees and neighbours, the general principles of sanitation and cleanliness of method which the Order incorporates must be observed if the consumers are to enjoy the same measure of protection as the Order affords to other sections of the community. But it will no doubt often be found in such cases that the objects of the Act and Order can in practice be secured and that the general requirements of the Order as to condition of premises can be satisfied by inexpensive arrangements of a simpler character than might be regarded as reasonably necessary in the case of larger establishments. In any case of doubt as to the adequacy of premises the hygenic quality of the milk produced as disclosed by the examination of samples should give some guidance as to the action necessary.

8. In many areas the sanitary authority may find that the task of administering the Order will be sensibly lightened by co-operation with the agricultural education authority for the county, whose educational work, so far as it deals with the production of clean milk, is designed to secure substantially the same objects as the Order. Although the responsibility for the administration of the Order must rest entirely with the sanitary authority, it would be to the general advantage that the officers of the two authorities should work in consultation with each other.

9. The Minister is informed that notices have been served by some local authorities requiring alterations to cowsheds to be made forthwith. I am, therefore, to call the attention of the council to Article 1 of the Order, which provides that eighteen months' notice must be given of any alterations required for the purposes of Articles 12 (1), 13 (1) and 25, and that in the case of Article 25 no such notice shall be given before the 1st April, 1928.

Clean Milk Courses for Sanitary Inspectors.

10. Course of instruction in the essentials of clean milk production are held from time to time at agricultural colleges and other centres under the auspices of the Ministry of Agriculture and Fisheries. The duration of a course is usually about four or five days, but sometimes a course is arranged for one day or half a day each

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week for a number of weeks. The fee for a course is usually from one to two guineas.

11. In view of the progress which has been made during the past few years in the knowledge of the conditions governing the production and handling of clean milk, the Minister thinks that courses of this character may often be useful in enabling sanitary inspectors to appreciate the relative importance of the various provisions of the Order, and he is of opinion that a sanitary authority may legally incur the reasonable expenditure involved by the attendance of an inspector at such a course.

12. The arrangement of these courses at any particular centre is dependent on the requirements of the surrounding area. If a sanitary inspector desires to attend such a course, and there is apparently none readily available to him, he should communicate with the Ministry of Agriculture and Fisheries, who will endeavour to make suitable arrangements.

Registration Procedure. (*a*)

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I am, etc.

S. R. & O., 1927, No. 1092.

THE PUBLIC HEALTH (CONDENSED MILK) AMENDMENT REGULATIONS, 1927, DATED 14TH NOVEMBER, 1927, MADE BY THE MINISTER OF HEALTH.

The Minister of Health in the exercise of the powers conferred upon him by the Public Health Act, 1875, the Public Health (London) Act, 1891, the Public Health Act, 1896, the Public Health (Regulations as to Food) Act, 1907, and by s. 8 of the Milk and Dairies (Amendment) Act, 1922, and of every other power enabling him in that behalf, hereby makes the following Regulations (*b*), with the consent of the Commissioners of Customs and Excise, so far as they apply to the officers of customs and excise, that is to say:—

1. These Regulations may be cited as the Public Health (Condensed Milk) Amendment Regulations, 1927, and these Regulations and the Public Health (Condensed Milk) Regulations, 1923 (hereinafter called "the principal Regulations") shall be construed together and may be cited together as the Public Health (Condensed Milk) Regulations, 1923 and 1927.

2. These Regulations shall come into operation on the 1st day of May, 1928, so far as they amend Part III. of the principal Regulations (relating to importation) and in other respects on the 1st day of September, 1928:

Provided that the provisions of paras. 1 and 3 of the First Schedule to the principal Regulations shall not at any time after the date of these Regulations apply to a tin or other receptacle of condensed milk which is labelled in the manner prescribed in that Schedule as amended by these Regulations.

3. [*Add new Article 4a to principal Regulations,* ante, p. 3376.]

4. [*Substitute new paragraphs 1 and 3 in Sched. I to the principal Regulations,* ante, p. 3377.]

5. Copies of the Public Health (Condensed Milk) Regulations, 1923, printed under the authority of His Majesty's Stationery Office may be printed with any additions, omissions or substitutions directed to be made by these or any other amending Regulations but with a footnote in each instance referring to such amending Regulations; and the principal Regulations so printed may be cited as the Public Health (Condensed Milk) Regulations.

(*a*) The remainder of this circular is out of date.
(*b*) See note (*a*) to s. 8 of the Food and Drugs Act, 1938, *ante*, p. 1317.

S. R. & O., 1927, No. 1093.

THE PUBLIC HEALTH (DRIED MILK) AMENDMENT REGULATIONS, 1927, DATED 14TH NOVEMBER, 1927, MADE BY THE MINISTER OF HEALTH.

The Minister of Health in the exercise of the powers conferred upon him by the Public Health Act, 1875, the Public Health (London) Act, 1891, the Public Health Act, 1896, the Public Health (Regulations as to Food) Act, 1907, and by section 8 of the Milk and Dairies (Amendment) Act, 1922, and of every other power enabling him in that behalf, hereby makes the following Regulations (*a*), that is to say:—

1. These Regulations may be cited as the Public Health (Dried Milk) Amendment Regulations, 1927, and these Regulations and the Public Health (Dried Milk) Regulations, 1923 (hereinafter called "the principal Regulations") shall be construed together and may be cited together as the Public Health (Dried Milk) Regulations, 1923 and 1927.

2. These Regulations shall come into operation on the 1st day of September, 1928: Provided that the provisions of paras. 1 and 2 of the First Schedule to the principal Regulations shall not at any time after the date of these Regulations apply to a tin or other receptacle of dried milk which is labelled in the manner prescribed in that Schedule as amended by these Regulations.

3. [*Add new Article 4a to the principal Regulations*, ante, p. 3376.]

4. [*Substitute new paragraphs* 1 (i) *and* 2 *in Sched. I to the principal Regulations*, ante, p. 3377.]

5. Copies of the Public Health (Dried Milk) Regulations, 1923, printed under the authority of His Majesty's Stationery Office may be printed with any additions, omissions or substitutions directed to be made by these or any other amending Regulations but with a footnote in each instance referring to such amending Regulations; and the principal Regulations so printed may be cited as the Public Health (Dried Milk) Regulations.

CIRCULAR 827.

Sale of Food and Drugs Acts Authorities
(England and Wales).

MINISTRY OF HEALTH, WHITEHALL, S.W.1.
19*th November*, 1927.

CONDENSED AND DRIED MILKS.

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4. In pursuance of the power reserved to the Minister under Rule 1 (1) of the First Schedule to the Public Health (Condensed Milk) Regulations, 1923, and Rule 1 (1) of the Schedule to the Public Health (Dried Milk) Regulations, 1923, he has at various dates allowed the following variations in the declarations prescribed by those Regulations, namely:—

(1) In the case of any variety of condensed milk, the order of the words contained in the descriptive part of the declaration may be varied so that the word "Sweetened" or "Unsweetened," as the case may be, is placed after the word "Condensed," instead of being placed after the word "Milk."

(2) In the case of any variety of dried milk, the word "package," "packet," or "receptacle" may be substituted for the word "tin" in the statement of equivalence.

(3) In the case of the proprietary preparation known as "Virol and Milk" the words "Dried Full Cream Milk and Virol" may be substituted for the words "Dried Full Cream Milk Compounded."

I am, etc.

(*a*) See now note (*a*) to s. 8 of the Food and Drugs Act, 1938, *ante*, p. 1317.

MILK AND DAIRIES: AND TUBERCULOUS COWS

CIRCULAR 1473.

Sanitary Authorities (England and Wales).

MINISTRY OF HEALTH,
WHITEHALL,
LONDON, S.W.1.
16*th May*, 1935.

MILK PASTEURISING PLANTS.

SIR,—1. I am directed by the Minister of Health to state, for the information of the Council, that he has recently published a Report by one of the Medical Officers of the Ministry on the Supervision of Milk Pasteurising Plants.*

2. The value of efficient pasteurisation in making milk safe for human consumption has become increasingly recognised during recent years, and was referred to with approval in the report of the Committee of the Economic Advisory Council on Cattle Diseases (Cmd. 4591); but if pasteurisation is to be effective in destroying the tubercle bacillus and other pathogenic organisms which may be present in milk, it is necessary that the process should be efficiently carried out.

3. At the present time, as the Council are aware, all milk sold under the designation "Pasteurised" is required to have been treated in the manner prescribed in Part IV of the Third Schedule to the Milk (Special Designations) Order, 1923, *i.e.*, it must be retained at a temperature of not less than 145 degrees and not more than 150 degrees Fahrenheit for at least half-an-hour, and be immediately cooled to a temperature of not more than 55 degrees Fahrenheit. These requirements can be met with certainty only by what is known as "positive holding" (or the "holder method") by which the whole of the milk is retained or "held" at the required pasteurising temperature for the specified time.

4. There is evidence that some pasteurising plants at present in operation are imperfect in design or construction, or are not properly operated and controlled, with the result that efficient pasteurisation of the milk is not secured. The purpose of the present Report, as stated in the prefatory note, is to supply information on the subject of pasteurising plants, to explain the considerations involved in their construction, operation and cleaning, and to give some account of the appliances and methods employed in the subsidiary processes of bottle-washing and bottle-filling.

5. I am to remind the Council that one of the conditions subject to which licences for selling milk as "Pasteurised" may be granted is that the type of apparatus used for pasteurising and the methods employed shall be such as are satisfactory to the licensing authority. It is hoped that the Report will be of material assistance to officers of local authorities in reporting on applications for licences in respect of establishments at which the process of pasteurisation is proposed to be carried on, and in enabling those officers to exercise adequate supervision of pasteurising plants in respect of which a licence has been granted. With this end in view it is important that the Council should supply each of these officers with a copy of the Report.

6. A copy of this Circular is being sent to the Medical Officer of Health, and a copy of the Report is being sent to the Medical Officers of Health of those Authorities who are known to have issued licences in respect of pasteurising establishments. Further copies of the Circular and Report may be purchased through any bookseller or directly from His Majesty's Stationery Office, at the addresses shown below.

I am, Sir,
Your obedient Servant,

A. B. MACLACHLAN,
Assistant Secretary.

The Town Clerk,
or
The Clerk to the Council.

* Report on the Supervision of Milk Pasteurising Plants by Sir Weldon Dalrymple-Champneys, Bt., M.A., D.M., F.R.C.P. (Public Health and Medical Subjects, No. 77, Price 1s. 3d.)

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CIRCULAR 1533.

County Councils and Sanitary Authorities (England and Wales).

MINISTRY OF HEALTH,
WHITEHALL,
LONDON, S.W.1.
24th April, 1936.

MILK (SPECIAL DESIGNATIONS) ORDER, 1936.

SIR,—1. I am directed by the Minister of Health to transmit for the information of the Council a copy of the Milk (Special Designations) Order, 1936. An explanatory memorandum (Memo. 197/Foods) on the new system of milk grading set up by the Order is being prepared and will be sent as soon as it is ready.

2. The new Order, which will come into operation on June 1st, 1936, revokes the Milk (Special Designations) Orders of 1923 and 1934 and prescribes the following special designations for milk, viz.:

"*Tuberculin Tested.*"—The conditions for this grade are substantially the same as those at present prescribed for Grade A (Tuberculin Tested) milk. It is milk from cows which have passed a veterinary examination and a tuberculin test, and it may be bottled on the farm or elsewhere.

If raw, the milk must, until December 31st, 1936, be so produced that a sample taken at any time before delivery to the consumer shall not contain more than 200,000 bacteria per millilitre; after that date it must satisfy a prescribed methylene blue reduction test for cleanliness. At all dates it must contain no coliform bacillus in one-hundredth of a millilitre. If pasteurised, it must be described as "Tuberculin Tested Milk (Pasteurised)" and must not contain more than 30,000 bacteria per millilitre. If it is bottled on the farm the word "(Certified)" may be added to its description.

"*Accredited.*"—The conditions for this grade are similar to those prescribed in the Order of 1923 for Grade A milk. It is raw milk from cows which have passed a veterinary examination; it may be bottled on the farm or elsewhere. It must satisfy the same bacteriological tests as are prescribed for raw Tuberculin Tested milk.

"*Pasteurised.*"—This designation is applicable both where "Accredited" milk and where ungraded milk is pasteurised in accordance with the requirements of the Order. The conditions are substantially the same as in the Order of 1923, except that further conditions are imposed with regard to thermometers and temperature records.

3. The existing designations "Certified," "Grade A (Tuberculin Tested)" and "Grade A" are abolished, and the use of any such designation by a person not holding a licence is prohibited under Section 3 (2) (b) of the Milk and Dairies (Amendment) Act, 1922, as enacted in Section 10 of the Milk Act, 1934. The use of any of these designations by a person holding a licence will be precluded by paragraph 3 of the Second Schedule to the new Order, which makes it a condition of the licence that the holder shall not refer to the milk to which the licence applies by any designation (other than the designation authorised by the licence) which may suggest that the milk is tested, approved or graded by any competent person. Provision is, however, made by Article 11 (2) of the Order whereby compliance with the conditions in the Orders of 1923 and 1934 as to the wording to be placed on caps, bottles and other vessels containing milk will, until December 31st, 1936, be regarded as satisfying the corresponding provisions in the new Order.

4. Licences in force which have been granted before June 1st, 1936, under the Orders of 1923 and 1934, will continue in operation; a licence to sell milk as "Certified" or "Grade A (Tuberculin Tested)" being deemed to be a licence to use the designation "Tuberculin Tested," and a licence to sell milk as "Grade A" being deemed a licence to use the designation "Accredited."

5. It is suggested that licensing authorities should communicate as soon as possible

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with persons at present holding licences granted by them, whether producers' licences relating to Grade A milk or dealers' licences relating to Certified, Grade A (Tuberculin Tested), Grade A or Grade A (Pasteurised) milks, informing them of the change of designations, and pointing out that after June 1st, 1936, the abolished designations must not be used, except that, in order that present stocks may be utilised, caps and labels complying with the Orders of 1923 and 1934 may be used until December 31st, 1936. The Minister will address a similar communication to producers of Certified and Grade A (Tuberculin Tested) milks.

6. It should be observed that "Tuberculin Tested Milk (Pasteurised)" is not a special designation in respect of which a separate licence can be granted. A dealer selling milk under this description must possess the appropriate licences in respect of both the designations "Tuberculin Tested" and "Pasteurised."

Fees.

7. The new Order prescribes maximum fees for the various classes of licences, and the licensing authority may, at their discretion, charge a lower scale of fees than those set out in the Fourth Schedule or may dispense altogether with the payment of fees.

Producers of Tuberculin Tested Milk.

8. As provided in Article 4 of the Order, licences operating from June 1st, 1936, and subsequently, authorising the use of the designation "Tuberculin Tested" by producers, will be granted by the Councils of Counties and County Boroughs (and in London by the Common Council of the City and the Metropolitan Borough Councils). Corresponding licences (*i.e.*, licences authorising producers to sell milk as "Certified" or "Grade A (Tuberculin Tested)") granted by the Minister before that date, will continue under the supervision of the Ministry until the expiry of the licences on December 31st, 1936. The Minister will, before that date, send to each of the licensing authorities concerned a list of such licensees in their area with particulars as to the period of the licence, etc. He will also inform every licensee of the address to which his application for a new licence should be sent.

Applications for Producers' Licences for Tuberculin Tested and Accredited Milks.

9. It appears to the Minister to be desirable that the licensing authority in dealing with applications for producers' licences, other than renewals of existing licences, should require the applicant to have one or more samples of his milk submitted to bacteriological examination and should satisfy themselves that the results of the examination are such as to make it reasonably probable that the milk will regularly comply with the prescribed tests at all stages and at all times of the year. The licensing authority should also arrange for an inspection of the farm with special reference to the methods of milking and the sterilisation of utensils, as the result of an examination of a single sample or of a few samples of milk cannot necessarily be relied upon as sufficient evidence that the conditions of production are such that the milk will regularly comply with the prescribed tests.

10. The Minister considers it desirable that County Councils should co-operate closely with the appropriate District Councils in order to obtain the benefit of information possessed by the latter as the Authorities charged with the administration of the Milk and Dairies Order, 1926 (other than Part IV). It appears to the Minister that in considering whether the general conditions laid down in the Second Schedule to the new Order will be satisfied, a licensing authority may properly take the requirements of the Order of 1926 as a minimum, and it is for them to exercise their discretion in deciding whether further requirements may be necessary in order reasonably to ensure that the conditions of the licence will be regularly complied with. The Minister is advised that it is necessary for this purpose that there should be steam sterilisation of utensils and containers.

11. It has been represented to the Minister that in connection with the Milk (Special Designations) Order, 1923, there has been considerable divergence between the requirements made in these matters by different licensing authorities. In view

of the great variety of individual circumstances it is not practicable to lay down any rigid and detailed code of requirements, and the governing consideration must be whether, taken as a whole, the conditions at the farm are such that it may reasonably be expected that the milk can be produced and delivered to the consumer at all times of the year in accordance with the prescribed standards.

12. The Order provides a right of appeal to the Minister against a decision to refuse or to suspend or revoke a licence, but so far as is consistent with the exercise of his jurisdiction in this behalf, the Minister will be prepared to give Local Authorities all assistance in his power with regard to the principles to be adopted in granting and reviewing licences. For this purpose he will be pleased to arrange for consultation between his Milk Inspectors and the officers of the Authority.

Tuberculin Tests and Clinical Veterinary Examinations.

13. It will be observed that where a herd is on the Register of Attested Herds kept by the Minister of Agriculture and Fisheries, the conditions relating to the Attested Herds scheme apply instead of the conditions relating to tuberculin tests set out in the first paragraph of Part I A (1) (*a*) of the Third Schedule to the Order. The Minister of Agriculture and Fisheries will inform the licensing authority of the results of the tuberculin tests of Attested Herds which are also licensed for the production of "Tuberculin Tested" milk.

14. . . . (*a*).

15. The tuberculin tests are to be made at intervals of not less than two or more than six months, at the discretion of the producer. This modification has been made in order to facilitate the eradication of bovine tuberculosis from herds, on the lines recommended in the Ministry of Agriculture and Fisheries' Advisory Leaflet No. 223.

16. With regard to the addition of animals to herds licensed for the production of "Tuberculin Tested" milk, it will be noted that any animal not taken from an Attested Herd or from another herd licensed for the production of such milk, must, in addition to having been tested, be segregated from the rest of the herd for two months and then subjected to a further tuberculin test before it is brought into contact with the other animals in the herd. In the case of an Attested Herd all movements to and from the herd are subject to the Rules contained in the Attested Herds scheme.

17. The alternative arrangements referred to above relating to Attested Herds and herds which are not Attested are to be regarded as temporary, and the Minister proposes to keep the position under review with the object of considering whether at a later stage registration under the Attested Herds scheme should be made an essential condition for the grant of a "Tuberculin Tested" milk licence.

18. . . . (*a*).

19. The licensing authority will appreciate the importance of seeing that reports are not allowed to become overdue, and of checking carefully all reports of tuberculin tests and clinical examinations in order to see that all animals in a herd are accounted for, and that any reactor or other animal certified as diseased is removed or otherwise dealt with as required by the Order.

Bacteriological Tests.

20. The new Order prescribes "plate count" bacteriological tests for raw "Tuberculin Tested" and "Accredited" milks until December 31st, 1936, and a methylene blue reduction test for these milks on and after January 1st, 1937. In addition, a coliform test is prescribed for these milks. "Plate count" tests are prescribed for "Tuberculin Tested Milk (Pasteurised)" and for "Pasteurised" milk. The method of carrying out these tests is dealt with in paragraph 33 below.

21. Where two tests are prescribed, the milk is required to comply with both tests and is to be regarded as unsatisfactory if it fails to pass either test. It is not necessary that every sample should be submitted to both tests, and Authorities which require

(*a*) Paragraphs 14 and 18 are out of date.

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to have frequent tests made of samples of producers' milk may find it convenient to have most of the samples examined by the methylene blue test alone, reserving the coliform test for occasional use.

22. It should be observed that, although the intention is that the milk should habitually comply with the prescribed conditions even in the summer months, there may be occasional lapses and a licence should not be revoked until the evidence of a number of samples shows that the conditions are not habitually observed. The licensee should be informed as soon as possible of the result of every examination of a sample of his milk.

23. Since there are possibilities of contamination until the milk has been bottled and sealed, it is desirable that, in addition to such sampling as may be carried out before it reaches the bottling stage, the Authority which grants the bottling licence (whether at the farm or at some other establishment) should make arrangements for the sampling and testing of the milk. This can most conveniently be done by arranging for the taking of samples of milk when it is on sale by retail, the samples usually being taken by an officer of the Authority which has granted the retailer's licence.

24. It may be of interest to record that the Ministry (acting as the licensing authority for producers) have on this principle arranged for the sampling of "Certified" milk and of "Grade A (Tuberculin Tested)" milk bottled on the farm, and for this purpose it has been their practice to draw up at the beginning of each year a scheme of sampling, asking the Sanitary Authorities of the places where the milk was sold to take samples during specified months and have them examined at the cost of the Ministry. The scheme has been so drawn as to involve the taking of about twelve samples a year of the milk from each producer, the sampling being more frequent in the summer than in the winter months. In addition, extra sampling has been arranged during a period of a few weeks when a producer has been warned that samples had been found to be unsatisfactory and that an improvement in his methods was called for.

Pasteurised Milk.

25. It will be observed that while the definition of the pasteurising process and the other conditions are substantially the same as in the Order of 1923, further conditions are imposed as to the provision of indicating and recording thermometers and the making and retention of temperature records.

26. I am to draw the attention of Sanitary Authorities to Circular 1473 and to Report on the Supervision of Milk Pasteurising Plants (Reports on Public Health and Medical Subjects No. 77), and to suggest that every such Authority should forthwith cause a survey to be made of all the licensed pasteurising establishments in their area with a view to ascertaining that the requirements of the new Order both as to apparatus and as to methods are fully complied with, and that they should cause frequent inspections to be made in future in order to ensure that the methods adopted are continuously satisfactory.

27. The Minister is advised that there is evidence that milk subjected to the pasteurising process may in fact be improperly pasteurised on account of the pasteurising plant being imperfect in design and construction, or improperly and inefficiently operated and controlled. It has also been asserted that in cold weather milk which has not been through the pasteuriser at all may be sold as "Pasteurised." Improperly pasteurised milk has not the advantage, which pasteurisation is designed to secure, of the destruction of pathogenic bacteria, and the Minister is therefore pleased to learn that a test for pasteurised milk (the phosphatase test) has recently been devised.

28. A detailed description of this test and its method of operation is given in the Journal of Dairy Research (Vol. VI, No. 2, p. 191, 1935). Present experience of the test shows that a positive result, *i.e.*, the demonstration of the presence of phosphatase in the milk, is conclusive evidence that the milk has not been properly pasteurised or that milk which has not been pasteurised has been added to it. A negative result, *i.e.*, failure to demonstrate the presence of phosphatase, does not necessarily indicate that the milk has been properly pasteurised, as it may not be possible to demonstrate

indubitably the presence of phosphatase in milk which has been heated to slightly below the pasteurising temperature or for a slightly less period than 30 minutes, or to which a small proportion of raw milk has gained access. Nevertheless, it is claimed that even relatively small errors in pasteurisation technique, *e.g.*, heating at 143° F. instead of 145°, or heating for 20 instead of 30 minutes at 145°, or the addition of 0·3 per cent. (or even less) of raw milk to the pasteurised bulk may be detected by this test.

29. The test accordingly gives promise of being of great value in so far as a positive result indicates that the milk has not been properly pasteurised, and its application will no doubt enable Local Authorities to deal with cases in which it is suspected that raw milk is being sold as "Pasteurised" and may also facilitate the detection of defects in the pasteurising apparatus or in its working.

Dealers' Licences.

30. In connection with the granting by Sanitary Authorities of dealiers' licences for using any of the special designations, the licensing authority should, where necessary, verify by enquiry from the other authority concerned that the person from whom the milk is to be obtained has a licence in operation. Further, in any case where the milk sold by the dealer under a dealer's licence is found to be defective, the authority granting the dealer's licence should, apart from any other action they may deem necessary, consider whether the facts should be brought to the notice of the licensing authority of the establishment from which the milk was obtained.

31. Licensing authorities should also make frequent use of their powers under paragraph 4 (*b*) of the Second Schedule to the Order to inspect the various processes carried out in the dealers' establishments and to inspect the records of milk purchased and sold. The latter inspection is important in order to preclude any possibility of milk being sold under a designation which cannot lawfully be applied to it.

Closing and Labelling of Bottles.

32. It will be observed that the requirements as to the closing of bottles, and the labelling of "Tuberculin Tested" and "Accredited" milk, have been drawn up in wider terms than is provided in relation to the corresponding grades by the Order of 1923. It is not now required that bottles shall bear both disc and cap, though this will probably still be found in general the most suitable method. A tightly fitting and overlapping cap, however, without a disc, may be used, or other suitable fastening, provided that it is secure and tightly fitting and is approved by the licensing authority. The object of this alteration is to remove objection to the closing of bottles with suitable metal caps such as are already in some cases in use, or to suitable containers of the "carton" type. Licensing authorities should only approve methods which ensure that bottles cannot readily be opened and re-closed by roundsmen or other unauthorised persons.

Matters reserved for direction by the Minister.

33. In several places in the Order details in regard to which experience may show the desirability of modification from time to time are left to be directed by the Minister. In pursuance of his powers in that behalf the Minister hereby directs as follows:

(*a*) The manner of carrying out the clinical examination of animals and the form of certificate certifying the result thereof shall be as set out in Appendix I to Memo. 197/Foods (*a*).

(*b*) The manner of carrying out the tuberculin test of animals shall be in accordance with the double intradermal method, as described in the Memorandum by the Tuberculin Committee of the Medical Research Council entitled "Memorandum on the Method of carrying out the Double Intradermal Test in Cattle" (published by His Majesty's Stationery Office), and the form of Certificate for the tuberculin test shall be as set out in Appendix I to Memo. 197/Foods.

(*a*) Memorandum 139/Foods and Memorandum 197/Foods are largely technical. They can be bought from H.M. Stationery Office directly, or through any bookseller.

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The tuberculin used for the test shall be tuberculin of adequate potency, and from the date on which any Order made by the Minister of Agriculture and Fisheries under Section 12 of the Diseases of Animals Act, 1935, with respect to veterinary tuberculin comes into operation, it shall be tuberculin manufactured or imported under a licence issued in pursuance either of that Order or of the Therapeutic Substances Regulations, 1931, or any corresponding regulations for the time being in force.

(*c*) The manner of carrying out the tests for the number of bacteria per millilitre and for coliform bacillus in a sample of milk shall be as set out in the Ministry's Memorandum 139/Foods (*a*).

34. These directions will continue in operation until revoked or modified. It is intended in the course of the present year to issue a revised edition of Memo. 139/Foods, including instructions for carrying out the methylene blue reduction test on samples taken on or after January 1st, 1937.

General.

35. The Minister understands that it is at present the general practice of Local Authorities to grant licences only on the advice of, or after consultation with, the Medical Officer of Health. The Minister agrees that this is desirable and he suggests that all licensing authorities should make arrangements accordingly.

36. The Minister proposes to ask Local Authorities each year for a statement showing the number of licences of each kind which have been granted by them and are in force on March 31st, of that year.

37. No special form is prescribed for applications for licences, but forms suggested as suitable for ordinary use are contained in Appendix II to Memo. 197/Foods.

38. Additional copies of this Circular and of the Order are enclosed for the use of the Financial Officer of the Authority, and copies are also being sent to the Medical Officer of Health. Further copies may be obtained through any bookseller or directly from His Majesty's Stationery Office, at the addresses shown below.

I am, Sir,
Your obedient Servant,
J. N. BECKETT,
Assistant Secretary.

The Town Clerk,
or
The Clerk to the Council.

S. R. & O., 1936, No. 356.

THE MILK (SPECIAL DESIGNATIONS) ORDER, 1936, DATED APRIL 18TH, 1936, MADE BY THE MINISTER OF HEALTH UNDER SECTION 3 OF THE MILK AND DAIRIES (AMENDMENT) ACT, 1922.

The Minister of Health, after consultation with the Minister of Agriculture and Fisheries, in exercise of the powers conferred on him by Section 3 of the Milk and Dairies (Amendment) Act, 1922, as enacted in Section 10 of the Milk Act, 1934 (*b*), and of any other powers enabling him in that behalf, hereby orders as follows:

1. This Order may be cited as the Milk (Special Designations) Order, 1936, and shall come into operation on the first day of June, 1936.

(*a*) Memorandum 139/Foods and Memorandum 197/Foods are largely technical. They can be bought from H.M. Stationery Office directly, or through any bookseller.

(*b*) 27 Halsbury's Statutes 16. The section is repealed by the Food and Drugs Act, 1938, *ante*, p. 1457, but this order is kept alive by s. 101 (3), *ante*, p. 1451. See also first note to s. 21, *ante*, p. 1341. The Order is printed as amended by an Amending Order of 1938, *post*, p. 3419.

2.—(1) In this Order, unless the context otherwise requires—

" the Minister " means the Minister of Health ;

" licensing authority " means, in relation to any application for the grant of a licence, the authority which has power under this Order to grant the licence, and in relation to any licence which has been granted means the authority by which the licence was granted, and " area " means the area of a licensing authority ;

" supplementary licence " means a licence authorising the use of a special designation in relation to milk sold by retail in an area other than that comprising the establishment from which it is sold ;

" milch cow " means a cow kept for milking purposes ;

" herd " means the milch cows in respect of which any licence is applied for or granted, as the case may be, and includes any other bovine animal for the time being kept in contact with such cows ;

[" attested herd " means a herd on the Register of Attested Herds kept in pursuance of arrangements made under section 9 of the Milk Act, 1934 (*a*), or of a scheme made under section 20 of the Agriculture Act, 1937 (*b*) ;] (*c*)

" sell " includes offer or expose for sale, and " sale " shall be construed accordingly ;

[" dealer " means any person who sells milk either by wholesale or by retail and any person to whom milk is delivered for the purpose of being used in any manufacturing process ;] (*c*)

" producer " means a person owning or having the control of a herd from which milk is obtained ;

[" consumer " means any person, not being a dealer, to whom milk is delivered ;] (*c*)

[" examination " means a clinical examination of an animal either made by an inspector, or made by a private veterinary surgeon in such manner as the Minister may direct ;] (*c*)

[" tuberculin test " means a tuberculin test of an animal either made by an inspector, or made by a private veterinary surgeon with such tuberculin and in such manner as the Minister may direct ;] (*c*)

[" inspector " means a veterinary inspector appointed by the Minister of Agriculture and Fisheries ;] (*c*)

[" private veterinary surgeon " means a veterinary surgeon approved by the licensing authority ;] (*c*)

[" veterinary surgeon's certificate " means a certificate, in the form directed by the Minister and signed by a private veterinary surgeon, of the making of an examination by him and of the result thereof ;] (*c*)

[" certificate of a tuberculin test " means a certificate, in the form directed by the Minister and signed by a private veterinary surgeon, of the making by him of a tuberculin test of an animal (which shall be identified in the certificate by its identification mark) and of the result thereof."] (*c*)

" sample " means a sample taken by a person duly authorised in that behalf by the licensing authority.

(2) The Interpretation Act, 1889, applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. The special designations which may be used in relation to milk are " Tuberculin Tested," " Accredited," and " Pasteurised."

4.—(1) Subject to the provisions of this Order, all licences under this Order shall be granted in London by the Metropolitan Borough Councils and the Common Council of the City of London, and outside London licences (other than supplementary licences) authorising the use of the special designations " Tuberculin Tested " and " Accredited " by producers shall be granted by County and County Borough

(*a*) 27 Halsbury's Statutes 15.

(*b*) 30 Halsbury's Statutes 61.

(*c*) The definitions of " attested herd," " dealer," " examination," " tuberculin test," " veterinary surgeon's certificate " and " certificate of a tuberculin test " were substituted, and those of " consumer," " inspector " and " private veterinary surgeon " added by the Amending Regulations, S. R. & O., 1938, No. 218, *post*, p. 3419.

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Councils, and all other licences under this Order by the Councils of County Boroughs, Boroughs, Urban Districts and Rural Districts: Provided that any licence granted to a local authority shall be granted by the Minister.

(2) A licence (other than a licence granted by the Minister) shall authorise the use of a special designation only in relation to milk sold at or from the establishment mentioned in the licence and (except in the case of milk sold by wholesale) only within the area of the licensing authority.

Provided that a licence (other than a supplementary licence) in relation to milk sold at or from a pasteurising establishment shall apply also in relation to milk pasteurised at that establishment and sold by the holder of the licence at or from any other establishment in the same area.

(3) Where the holder of a licence authorising him to use a special designation in relation to milk sold by him at or from an establishment in one area proposes to sell the milk by retail in another area the licensing authority of the second area may grant him a supplementary licence authorising him during the period of operation of the first mentioned licence to use the special designation in relation to milk so sold in their area, but in that event nothing in this Order shall authorise that authority either before the grant or during the period of operation of the supplementary licence to exercise any powers under this Order outside their area.

5.—(1) Every licence granted under this Order shall be in the form contained in the First Schedule hereto with such modifications, if any, as the circumstances may require.

(2) Subject to the provisions of this Order, every licence shall be for a period of one year or a part of a year ending on the 31st day of December in the year in respect of which it is granted.

6.—(1) Application for a licence shall be made in writing to the licensing authority.

(2) Where a person applies for a licence (otherwise than in renewal of an existing licence) in respect of an establishment other than that at which the milk is produced or in the case of a licence to use the special designation "Pasteurised" that at which the milk is pasteurised he shall state the name and address of the licensed dealer from whom he proposes to obtain the milk.

[(3) Where a producer applies for a licence (otherwise than in renewal of an existing licence) to use the special designation "Tuberculin Tested" he shall either satisfy the licensing authority that the herd in respect of which the licence is applied for is an attested herd or that every animal in the herd at the date of the application has, not more than one month before the date of such application, been the subject of a tuberculin test made by an inspector or furnish the authority with a certificate of a tuberculin test of every animal in the herd at the date of the application made not more than one month before the date of such application.

He shall also either satisfy the authority that every animal in the herd at the date of the application has, not more than one month before the date of such application, been the subject of an examination made by an inspector, or furnish the authority with a veterinary surgeon's certificate of an examination of every animal in the herd at the date of the application made not more than one month before the date of such application.

He shall satisfy the authority that any animal which has been certified as reacting to the tuberculin test has been removed from the herd and that any animal certified as showing evidence of any disease which is likely to affect the milk injuriously has been segregated from the rest of the herd or removed from the herd as the case may require.] (*a*)

[(4) Where a producer applies for a licence (otherwise than in renewal of an existing licence) to use the special designation "Accredited" he shall either satisfy the licensing authority that the milch cows in the herd at the date of application have, not more than one month before the date of such application, been the subject of an examination made by an inspector, or furnish the authority with a veterinary surgeon's certificate of an examination of the milch cows in the herd at the date of the application made not more than one month before the date of such application.

He shall satisfy the authority that any such cow which has been certified as show

(*a*) Paragraph (3) was substituted by the Amending Regulations, S. R. & O., 1938 No. 218, *post*, p. 3419.

ing evidence of any disease which is likely to affect the milk injuriously has been segregated from the rest of the herd or removed from the herd as the case may require.] (*a*)

(5) Every person who applies for a licence shall satisfy the licensing authority that his arrangements for the production, storage, treatment and distribution of milk, as the case may be, are such as to comply with the conditions subject to which the licence may be granted.

7.—(1) Every licence granted under this Order shall be subject to the general conditions set out in the Second Schedule to this Order.

(2) In addition to the general conditions every licence authorising the use of the special designations "Tuberculin Tested," "Accredited," and "Pasteurised" shall be subject to the conditions set out in Parts I, II and III of the Third Schedule to this Order respectively.

[(3) Unless the licensing authority shall otherwise agree, the examinations and tuberculin tests prescribed by the Third Schedule for animals of a herd shall be made by an inspector.] (*b*)

8. The fees payable to the licensing authority for licences granted under this Order shall not exceed the amounts set out in the Fourth Schedule to this Order:

Provided that the licensing authority may dispense with the payment of fees for all licences or for any class of licences, and where a licence is granted for a period of less than a year they may reduce the fee payable therefor to such sum as they may think fit having regard to the length of the period.

9.—(1) A licensing authority may, if they are satisfied that there has been a breach of any of the conditions subject to which a licence was granted, suspend or revoke the licence, but the licence shall not be suspended or revoked before the licensing authority have served on the holder a notice stating the grounds on which it is proposed to suspend or revoke the licence and the holder has been afforded a reasonable opportunity of making representations to the authority in regard thereto:

Provided that a producer's licence shall not be suspended or revoked by reason only of his milk being found not to comply with the conditions of the licence after it has left his custody and control if he shows to the satisfaction of the licensing authority that such non-compliance was not due to any act or default of himself or of his servants or agents.

(2) Where a licensing authority decide to refuse or to suspend or revoke a licence they shall serve notice of the decision on the applicant or the holder of the licence as the case may be and, except where the licensing authority is the Minister, that person may within seven days after receipt of the notice appeal to the Minister, whose decision shall be final, and the licensing authority shall comply with the decision of the Minister. In any appeal any reference in this Order to anything being done to the satisfaction of the licensing authority shall be treated as if the reference were to the satisfaction of the Minister.

(3) A decision to suspend or revoke a licence shall not have effect until seven days have elapsed since the receipt of notice thereof, and in case of an appeal against the decision the licence shall remain in force until the end of the year in respect of which it was granted or until the determination of the appeal whichever is the earlier.

(4) Where during the period of operation of a licence, other than a licence in respect of which a notice of suspension or revocation has been given and has not been appealed against, the holder applies for a new licence in renewal thereof and tenders the prescribed fee, and the licensing authority refuse to grant such new licence the existing licence shall remain in force for seven days after notice of such refusal is given and, if an appeal is made against such refusal, until the determination of the appeal: Provided that an appeal against the decision to suspend or revoke a licence shall be deemed for the purposes of this Article to include an appeal against any refusal of the licensing authority to renew such licence if the renewal is refused before the determination of the appeal.

(*a*) Paragraph (4) was substituted by the Amending Regulations, S. R. & O., 1938, No. 218, *post*, p. 3419.

(*b*) Paragraph (3) was added by the Amending Regulations, S. R. & O., 1938, No. 218, *post*, p. 3419.

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10.—(1) A licence authorising a person to use the special designation "Tuberculin Tested" shall entitle him to use the special designation "Accredited" in relation to the milk to which that licence applies.

(2) Where milk is brought from Scotland into England or Wales a licence granted in pursuance of an Order made by the Department of Health for Scotland and authorising the use of a special designation prescribed by this Order in relation to that milk shall have effect as if it had been granted under this Order and so far as any conditions prescribed in this Order for a licence authorising the use of that designation would relate to anything to be done before the milk enters England or Wales they shall be deemed to be satisfied if the corresponding conditions of the Scottish Order are complied with.

11.—(1) Notwithstanding anything in the foregoing provisions of this Order licences granted under the Orders revoked hereby and in force at the date of commencement of this Order shall continue in operation and shall be deemed to have been granted under and subject to the provisions of this Order and for this purpose a licence to sell milk as "Certified" or as "Grade A (Tuberculin Tested)" shall be deemed to be a licence authorising the use of the special designation "Tuberculin Tested" and a licence to sell milk as "Grade A" shall be deemed to be a licence authorising the use of the special designation "Accredited."

(2) Until the 31st day of December, 1936, the provisions of this Order as to the wording to be used on bottles and other vessels containing milk to which any such licence as aforesaid applies and on the caps and labels attached thereto shall be deemed to be satisfied if the corresponding provisions of the revoked Orders are complied with.

12. The Milk (Special Designations) Order, 1923 (*a*), and the Milk (Special Designations) Order, 1934 (*b*), are hereby revoked.

(*a*) S. R. & O., 1923, No. 601.
(*b*) S. R. & O., 1934, No. 1317.

FIRST SCHEDULE.

Form A.

MILK (SPECIAL DESIGNATIONS) ORDER, 1936.

Producer's Licence authorising the use of the special designation "Tuberculin Tested" in respect of a farm at which the milk is †[not] bottled.*

The

hereby authorise of

to use the special designation "Tuberculin Tested" in relation to milk produced from a herd at in accordance with the conditions prescribed in the Milk (Special Designations) Order, 1936 †[and sold or intended for sale by wholesale).

This licence is not transferable and is subject to the conditions prescribed in the above-named Order, and unless suspended or revoked will operate until the 31st day of December, 193 .

§[This licence does not authorise the holder to use the above-named designation in relation to milk sold outside the area of the licensing authority except in relation to milk sold by wholesale.]

Dated this day of 193 .

Clerk of the County Council.
Town Clerk.

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* A similar form with appropriate modifications is to be used for licences for the use of the special designation "Accredited."

† Strike out words where the milk is bottled at the farm.

§ Strike out this paragraph where the milk is not bottled at the farm.

Form B.

MILK (SPECIAL DESIGNATIONS) ORDER, 1936.

*Dealer's licence authorising the use of the special designation "Tuberculin Tested."**

The
hereby authorise of
(referred to herein as the dealer) to use the special designation "Tuberculin Tested" in relation to milk which is obtained by the dealer †[as "Tuberculin Tested" from an establishment in respect of which a licence authorising the use of that designation in relation to it is in force, which is bottled by the dealer at and which is sold or intended for sale at or from that address.] †[in bottles as "Tuberculin Tested" from an establishment in respect of which a licence authorising the use of that designation in relation to it is in force and is sold or intended for sale at or from .]

This licence is not transferable and is subject to the conditions prescribed in the Milk (Special Designations) Order, 1936, and unless suspended or revoked will operate until the 31st day of December, 193 .

This licence does not authorise the holder to use the above-named designation in relation to milk sold outside the area of the licensing authority except in relation to milk sold by wholesale.

Dated this day of 193 .

Clerk to the Council.

Form C.

MILK (SPECIAL DESIGNATIONS) ORDER, 1936.

Pasteuriser's Licence authorising the use of the special designation "Pasteurised."

The
hereby authorise of
to use the special designation "Pasteurised" in relation to milk treated by the pasteurising process at in accordance with the conditions prescribed in the Milk (Special Designations) Order, 1936.

This licence is not transferable and is subject to the conditions prescribed in the above-named Order, and unless suspended or revoked will operate until the 31st day of December, 193 .

This licence does not authorise the holder to use the above-named designation in relation to milk sold outside the area of the licensing authority except in relation to milk sold by wholesale.

Dated this day of 193 .

Clerk to the Council.

Form D.

Supplementary Licence authorising the use of the special designation "Tuberculin Tested."‡

The
hereby authorise of
being the holder of the licence (referred to herein as the principal licence) dated
and granted by to which this supplementary licence is appended,§
to use the special designation "Tuberculin Tested" in the ‖ in relation to milk to which the principal licence applies and which is sold by retail from the premises specified in that licence.

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* A similar form with appropriate modifications is to be used for licences for the use of the special designation "Accredited" and for the use of the special designation "Pasteurised" in relation to milk sold by a dealer at or from an establishment not covered by a licence in Form C.

† Strike out whichever words are not applicable.

‡ A similar form with appropriate modifications is to be used for supplementary licences for the use of the other special designations.

§ If preferred the licence may be endorsed on the principal licence.

‖ Insert name of the district.

This supplementary licence is subject to the conditions prescribed in the Milk (Special Designations) Order, 1936, and unless suspended or revoked will operate during the period of operation of the principal licence.

Dated this day of 193 .

Clerk to the Council.

SECOND SCHEDULE.

GENERAL CONDITIONS SUBJECT TO WHICH LICENCES MAY BE GRANTED.

1. The arrangements and processes under and by which the milk is produced, stored, treated and distributed, as the case may be, shall be such as to satisfy the licensing authority that the requirements of all Acts and Orders relating to Milk and Dairies and the conditions of this Order, subject to which the licence is granted, are being and will be complied with.

2. Adequate measures shall be taken to the satisfaction of the licensing authority to ensure that the milk to which the licence applies is kept apart from all other milk at all times except when it is in sealed containers. In particular any vessel or apparatus which has at any time been used for any other milk shall be thoroughly cleansed and sterilised on each occasion before it is used for the milk to which the licence applies and no room or compartment of a dairy shall be used at the same time for the milk to which the licence applies and any other milk unless either the former or the latter is in sealed containers.

3. Subject to the provisions of this Order the holder of the licence shall not for the purpose of the sale or advertisement of the milk to which the licence applies refer to it by any such designation (other than the special designation authorised by the licence) as is calculated to suggest that it is tested, approved or graded by any competent person.

4. The holder of the licence shall—

(*a*) keep accurate records of the quantities of the milk produced, purchased and sold, as the case may be, and of the names and addresses of the persons from whom the milk was purchased and to whom it was sold otherwise than by retail;

(*b*) permit any person duly authorised by the licensing authority—

(i) to inspect the processes of production, storage and treatment,

(ii) to take samples of the milk free of charge, and

(iii) to inspect any records which the holder is required by the condition of the licence to keep.

THIRD SCHEDULE.

PART I.—(TUBERCULIN TESTED).

A.—The following conditions apply to producers only :

1.—(*a*) Every animal of the herd shall be submitted to a tuberculin test at an interval of not less than two and not more than six months after the last preceding test of such animal, and an animal born and bred in the herd shall be submitted to such a test before it attains the age of twelve months. [An inspector may make a special tuberculin test of any animal of the herd at an interval of not less than two months after the last preceding test of such animal, or, if the animal has not previously been submitted to a tuberculin test at any time (*a*).] No animal shall be added to the herd unless it has passed a tuberculin test within fourteen days before it is so added or, in the case of an animal taken directly from an attested herd or a herd in respect of which a licence authorising the use of the special designation "Tuberculin Tested" is an operation, on the occasion of the last test in that herd. Where an animal other than an animal taken from any such herd as aforesaid is added it shall be segregated from the rest of the herd for a period of two months from the date of its addition and submitted to a further tuberculin test on the expiration of that period :

Provided that in the case of an attested herd in lieu of the above conditions the conditions prescribed in the arrangements made in that behalf by the Minister of Agriculture and Fisheries shall be complied with.

(*b*) The certificates of every tuberculin test [made by a private veterinary surgeon (*a*)] shall be sent to the licensing authority within seven days after the completion of the test (or in the case of an animal added to the herd, within seven days after such addition).

(*a*) The words in square brackets in sub-paragraph (*a*) were substituted, and those in sub-paragraph (*b*) added by the Amending Regulations, S. R. & O., 1938, No. 218, *post*, p. 3419.

(*c*) No animal in the herd shall be injected with tuberculin except on the occasion of the prescribed tuberculin tests. No such animal shall be inoculated or vaccinated against tuberculosis or with live Brucella abortus.

(*d*) Where any animal is certified as reacting to a tuberculin test it shall forthwith be removed from the herd.

(*e*) All animals in the herd shall be suitably marked for purposes of identification and a complete register of such animals shall be kept.

[2. Every animal of the herd shall be submitted to an examination at intervals of not more than six months, and in the case of an examination made by a private veterinary surgeon the veterinary surgeon's certificate thereof shall be sent to the licensing authority within seven days after the date of such examination (*a*).]

3. Where an animal is certified as showing evidence of any disease which is likely to affect the milk injuriously it shall be segregated from the rest of the herd or removed from the herd as the case may require and the special designation shall not be used in relation to its milk.

4. A record shall be kept of all animals segregated from the rest of the herd or removed from the herd in pursuance of any of the foregoing conditions showing the reasons for the segregation or removal, and in the case of removal, the manner in which the animal has been disposed of.

5. The herd shall be completely isolated from all other cattle.

6. The milk in relation to which the special designation is used, unless it is bottled by the producer in accordance with the procedure for bottling hereinafter specified, shall be consigned from the dairy where it is produced in unventilated sealed containers which shall be labelled or marked in a suitable manner with the address of the dairy, the day of production (with the word "morning" or "evening" added according to the time of milking) and the words "Tuberculin Tested Milk."

B.—The following conditions apply to dealers (whether producers or not) by whom the milk is delivered to consumers:

1. The milk in relation to which the special designation is used, unless it is delivered to the consumer in the containers in which it is received, the seals being unbroken, shall be delivered either in bottles or in other suitable containers of not less capacity than two gallons. For this purpose the term "bottle" includes any container of a capacity not exceeding one quart and of a type approved by the licensing authority granting the licence for the establishment at which the milk is bottled.

2. Every bottle containing the milk shall be tightly closed and shall be securely fastened either with a cap overlapping the lip of the bottle, or in some other suitable manner approved by the aforesaid licensing authority. The cap shall bear the address of the bottling establishment and the words "Tuberculin Tested Milk" and it may also bear (*a*) the day of production, with or without the word "morning" or "evening" according to the time of production, (*b*) the name of the dealer by whom the milk was bottled, (*c*) the words "Produced from cows which have passed the tuberculin test" and (*d*) if the milk has been bottled at the place of production, the word "(Certified)." Except with the consent of the aforesaid licensing authority the cap shall bear no other words.

If there is no cap on which the wording can suitably be placed, it shall be placed within a surrounding line in a prominent position elsewhere upon the container, and the foregoing provisions shall apply to the words within the surrounding line in the same way as they apply to the words on a cap.

3. Where containers other than bottles are used, every container shall be closed with a tightly fitting cover and shall be suitably sealed and labelled.

C.—The following conditions apply to all dealers (whether producers or not):

1. The milk in relation to which the special designation is used shall not at any stage be treated by heat or in any other manner likely to affect its nature or qualities, save that where a licence authorising the use of the designation "Pasteurised" in relation to such milk has been granted the milk may be treated in accordance with the conditions of such licence, and where it is so treated the word "(Pasteurised)" shall be added after the words "Tuberculin Tested Milk" wherever such words are used in connection with the sale or advertisement of the milk or the labelling or marking of receptacles containing the milk. In the labelling or marking of receptacles the word "Pasteurised" shall be printed in block letters which shall not be smaller than the letters used for the words "Tuberculin Tested Milk."

(*a*) This paragraph was substituted by the Amending Regulations, S. R. & O., 1938, No. 218, *post*, p. 3419.

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2. Until the 31st day of December, 1936, the milk if not pasteurised shall be produced and treated under such conditions that on a sample being taken at any time before delivery to the consumer the milk shall be found to contain not more than 200,000 bacteria per millilitre and no coliform bacillus in one-hundredth of a millilitre. The tests shall be carried out in such manner as the Minister may direct.

3.—(*a*) On and after the 1st day of January, 1937, the milk if not pasteurised shall be produced and treated under such conditions that

(i) any sample of milk in relation to which the special designation is used; and

(ii) any sample of milk from the herd in respect of which a licence authorising the use of the special designation is in force (whether the designation is used in relation to that milk or not), if the sample is taken before the milk has been placed in bottles or other containers for delivery to the consumer and either while it is in the possession of the producer or before the containers in which it is consigned to another dealer are opened by that dealer

shall satisfy a methylene blue reduction test and shall be found to contain no coliform bacillus in one-hundredth of a millilitre. The tests shall be carried out in such manner as the Minister may direct:

Provided that before either test is begun and sample to which paragraph (ii) applies shall be kept at atmospheric temperature until 6 p.m. on the day of production if it is from a morning milking and until 10 a.m. on the next day if it is from an afternoon milking and any other sample may be kept at atmospheric temperature for a period not exceeding two hours. If the test is not then immediately begun the milk shall be cooled and kept at a temperature from 32° to 40° Fahrenheit for a further period not exceeding 18 hours and the test shall be begun at the end of that period.

(*b*) A sample taken at any date from May 1st to October 31st shall be regarded as satisfying the methylene blue reduction test if it fails to decolourise the methylene blue in 4½ hours and a sample taken at any date from November 1st to April 30th shall be regarded as satisfying the test if it fails to decolourise the methylene blue in 5½ hours.

4. The milk if pasteurised shall be found on a sample being taken after pasteurisation and before delivery to the consumer to contain not more than 30,000 bacteria per millilitre. The test shall be carried out in such manner as the Minister may direct.

PART II.—(ACCREDITED).

A.—The following conditions apply to producers only:

[1. Every milch cow belonging to the herd shall be submitted to an examination once in every three months and in the case of an examination made by a private veterinary surgeon the veterinary surgeon's certificate thereof shall be sent to the licensing authority within seven days after the date of such examination (*a*).]

2. Where an animal is certified as showing evidence of any disease which is likely to affect the milk injuriously it shall be segregated from the rest of the herd or removed from the herd as the case may require and the special designation shall not be used in relation to its milk. A record shall be kept of all animals so segregated or removed showing the reasons for the segregation or removal, and in the case of removal, the manner in which the animal has been disposed of.

3. The herd shall not at any time contain any animal which to the knowledge of the producer had before its introduction into the herd been tested with tuberculin and had reacted to the test.

4. All milch cows belonging to the herd shall be suitably marked for purposes of identification and a complete register of such cows shall be kept.

5. The cows in milk belonging to the herd shall be kept separate from all other cows in milk.

6. The milk in relation to which the special designation is used unless it is bottled by the producer in accordance with the procedure for bottling hereinafter specified, shall be consigned from the dairy where it is produced in an unventilated sealed container which shall be labelled or marked in a suitable manner with the address of the dairy, the day of production (with the word "morning" or "evening" added according to the time of milking), and the words "Accredited Milk."

B.—The following conditions apply to dealers (whether producers or not) by whom the milk is delivered to consumers:

1. The milk in relation to which the special designation is used, unless it is delivered to the consumer in the containers in which it is received, the seals being unbroken, shall be

(*a*) This paragraph was substituted by the Amending Regulations, S. R. & O., 1938, No. 218, *post*, p. 3419.

delivered either in bottles or in other suitable containers of not less capacity than two gallons. For this purpose the term "bottle" includes any container of a capacity not exceeding one quart and of a type approved by the licensing authority granting the licence for the establishment at which the milk is bottled.

2. Every bottle containing the milk shall be tightly closed and shall be securely fastened either with a cap overlapping the lip of the bottle, or in some other suitable manner approved by the aforesaid licensing authority. The cap shall bear the address of the bottling establishment and the words "Accredited Milk" and it may also bear (*a*) the day of production, with or without the word "morning" or "evening" according to the time of production, (*b*) the name of the dealer by whom the milk was bottled, and (*c*) if the milk has been bottled at the place of production, the words "Farm bottled." Except with the consent of the aforesaid licensing authority the cap shall bear no other words.

If there is no cap on which the wording can suitably be placed, it shall be placed within a surrounding line in a prominent position elsewhere upon the container, and the foregoing provisions shall apply to the words within the surrounding line in the same way as they apply to the words on a cap.

3. Where containers other than bottles are used, every container shall be closed with a tightly fitting cover and shall be suitably sealed and labelled.

C.—The following conditions apply to all dealers (whether producers or not):

1. The milk in relation to which the special designation is used shall not at any stage be treated by heat or in any other manner likely to affect its nature or qualities.

2. Until the 31st day of December, 1936, the milk shall be produced and treated under such conditions that on a sample being taken at any time before delivery to the consumer the milk shall be found to contain not more than 200,000 bacteria per millilitre and no coliform bacillus in one-hundredth of a millilitre. The tests shall be carried out in such manner as the Minister may direct.

3.—(*a*) On and after the 1st day of January, 1937, the milk shall be produced and treated under such conditions that

(i) any sample of milk in relation to which the special designation is used; and

(ii) any sample of milk from the herd in respect of which a licence authorising the use of the special designation is in force (whether the designation is used in relation to that milk or not), if the sample is taken before the milk has been placed in bottles or other containers for delivery to the consumer and either while it is in the possession of the producer or before the containers in which it is consigned to another dealer are opened by that dealer

shall satisfy a methylene blue reduction test and shall be found to contain no coliform bacillus in one-hundredth of a millilitre. The tests shall be carried out in such manner as the Minister may direct:

Provided that before the test is begun any sample to which paragraph (ii) applies shall be kept at atmospheric temperature until 6 p.m. on the day of production if it is from a morning milking and until 10 a.m. on the next day if it is from an afternoon milking and any other sample may be kept at atmospheric temperature for a period not exceeding two hours. If the test is not then immediately begun the milk shall be cooled and kept at a temperature from 32° to 40° Fahrenheit for a further period not exceeding 18 hours and the test shall be begun at the end of that period.

(*b*) A sample taken at any date from May 1st to October 31st shall be regarded as satisfying the methylene blue reduction test if it fails to decolourise the methylene blue in 4½ hours and a sample taken at any date from November 1st to April 30th shall be regarded as satisfying the test if it fails to decolourise the methylene blue in 5½ hours.

PART III.—(PASTEURISED).

1. The milk in relation to which the special designation is used shall be pasteurised, that is to say, retained at a temperature of not less than 145° and not more than 150° Fahrenheit for at least thirty minutes, and be immediately cooled to a temperature of not more than 55° Fahrenheit.

2. The milk shall not be so heated more than once and shall not be otherwise treated by heat.

3. [Such indicating thermometers and recording thermometers as the licensing authority shall consider requisite (*a*)] shall be inserted in suitable places in the apparatus used for pasteurising during the whole of the pasteurising process. The type of apparatus and

(*a*) The words in square brackets substituted for "An indicating thermometer and a recording thermometer" by the Amending Regulations, S. R. & O., 1938, No. 218, *post*, p. 3419; and see proviso to Art. thereof, *ibid.*

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thermometers used and the methods employed shall be such as are satisfactory to the licensing authority.

4. Temperature records shall be made and all such records shall be preserved for a period of not less than one month.

5. After the milk has left the receptacles in which the pasteurising process is carried out it shall not be placed in any apparatus or storage vessels which are at any time used for milk which has not been pasteurised.

6. Every vessel in which the milk is transported or is exposed or offered for sale shall bear a suitable label with the words "Pasteurised Milk."

7. On a sample of the milk being taken after pasteurisation and before delivery to the consumer, the milk shall be found to contain not more than 100,000 bacteria per millilitre. The test shall be carried out in such manner as the Minister may direct.

FOURTH SCHEDULE.

FEES PAYABLE FOR LICENCES.

For a Licence authorising the use of the special designation "Tuberculin Tested" or "Accredited."

	£	s.	d.
Licence in respect of an establishment at which the milk is produced but not bottled	1	1	0
Licence in respect of an establishment at which the milk is produced and bottled	2	2	0
Licence in respect of an establishment (not being the establishment at which the milk is produced) at which the milk is bottled	2	2	0
Licence in respect of each shop or other establishment (not being the establishment at which the milk is produced or bottled) at or from which the milk is sold	0	5	0
Supplementary Licence with respect to milk sold from a shop or other establishment which is outside the area of the licensing authority	0	2	0

For a Licence authorising the use of the special designation "Pasteurised."

Licence in respect of the establishment in which the process of pasteurising is carried on and of any shop or other establishment in the area of the same licensing authority at or from which the milk is sold by the same dealer	1	1	0
Licence in respect of each shop or other establishment (not being an establishment covered by a licence under the last preceding item) at or from which the milk is sold	0	5	0
Supplementary Licence in relation to milk sold from a shop or other establishment which is outside the area of the licensing authority	0	2	0

Given under the official seal of the Minister of Health this eighteenth day of April nineteen hundred and thirty-six.

(L.S.)

J. N. BECKETT,
Assistant Secretary,
Ministry of Health.

CIRCULAR 1580.

County Councils and Sanitary Authorities (England).

MINISTRY OF HEALTH,
WHITEHALL,
LONDON, S.W.1.
5th November, 1936.

MILK (SPECIAL DESIGNATIONS) ORDER, 1936.

SIR,—1. I am directed by the Minister of Health to refer to paragraphs 33 (*c*) and 34 of Circular 1533 dated April 24th, 1936, with regard to the bacteriological tests for

graded milk, and to enclose a copy of a revised edition of the Ministry's Memorandum 139/Foods (*a*).

MILK AND DAIRIES: AND TUBERCULOUS COWS

2. The Minister hereby directs that in relation to samples taken on and after January 1st, 1937, the manner of carrying out the methylene blue test and the test for coliform bacillus in samples of Tuberculin Tested milk and Accredited milk, and the plate count test in samples of Pasteurised milk (including Tuberculin Tested Milk (Pasteurised)), shall be as set out in the enclosed revised Memorandum 139/Foods.

3. A copy of this Circular together with its enclosure is being sent to the Medical Officer of Health. Further copies may be obtained through any bookseller or directly from His Majesty's Stationery Office at the addresses shown below.

I am, Sir,
Your obedient Servant,
J. N. BECKETT,
Assistant Secretary.

The Town Clerk,
or
The Clerk to the Council.

CIRCULAR 1685.

County Councils, Common Council of the City of London, Metropolitan Borough Councils, Councils of Boroughs, Urban Districts and Rural Districts (England).

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
22nd March, 1938.

AGRICULTURE ACT, 1937, PART IV.
MILK AND DAIRIES ACTS AND ORDERS.
TUBERCULOSIS ORDER, 1938.

SIR,—1. I am directed by the Minister of Health to refer to the provisions contained in Section 19 (1) of the Agriculture Act, 1937 (*b*), relating to the transfer of the functions of veterinary inspectors of local authorities to veterinary inspectors appointed by the Minister of Agriculture and Fisheries, and to say that the transfer, which will take effect on April 1st next, has made certain amendments necessary in the Milk (Special Designations) Order, 1936 (*c*) and the Milk and Dairies Order, 1926 (*d*). I am to enclose for the information of the Council copies of the Milk (Special Designations) Amendment Order, 1938, and of the Milk and Dairies Amendment Order, 1938, which have been made by the Minister of Health accordingly and will come into operation on April 1st.

Arrangements for the Transfer of Veterinary Functions.

2. I am to point out that, as stated in paragraph 10 of the circular letter issued by the Ministry of Agriculture and Fisheries on February 8th, 1938, to County and County Borough Councils in connection with the application of Part IV of the Agriculture Act, 1937, the veterinary inspectors of that Ministry will carry out the clinical veterinary examinations and tuberculin tests of herds in respect of which licences are in operation, under the Milk (Special Designations) Order, 1936, authorising the use of the designations Tuberculin Tested and Accredited Milk, including, where required by the Order, the tuberculin testing (after the prescribed period of

(*a*) See notes to the paragraphs of the circular here cited, *ante*, pp. 3397, 3398.
(*b*) 30 Halsbury's Statutes 61.
(*c*) *Ante*, p. 3398.
(*d*) *Ante*, p. 3397.

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segregation) of animals added to a licensed herd. Examinations and tests made before the granting of a licence will be the responsibility of the applicant for the licence and should be carried out by private veterinary surgeons subject to the requirements of the Order, but if within the prescribed period before an application for a licence is made, an examination or a test of the herd has been made on behalf of the Minister of Agriculture and Fisheries by a veterinary inspector, a certificate of such examination or test will be supplied by the veterinary inspector to the licensing authority for the purpose of the application.

3. I am also to point out that the veterinary inspectors of the Ministry of Agriculture and Fisheries will not collect or examine samples of milk in connection with the bacteriological tests prescribed by the Order, or undertake the marking of animals on behalf of owners. Where, therefore, these duties have been performed by veterinary inspectors of licensing authorities it will be necessary for other arrangements to be made.

4. With regard to the inspection of farm buildings for the purposes of the Milk (Special Designations) Order, 1936 (*a*), if a licensing authority which has hitherto utilised the services of its veterinary inspectors for that purpose so desire, the Minister of Agriculture and Fisheries, as explained in paragraph 13 of the Circular letter of February 8th, 1938, referred to above, is prepared to arrange that the inspection of such buildings shall be included by their veterinary inspectors in the routine inspections of dairy cattle. This arrangement is, however, solely for the purpose of securing continuity in the areas concerned and the Minister of Agriculture and Fisheries is not prepared to extend it to the areas of local authorities which have other arrangements in operation.

Milk (Special Designations) Amendment Order.

5. The purpose of the Milk (Special Designations) Amendment Order, 1938, is more particularly to distinguish between cases in which clinical examinations and tuberculin tests are made and certificates thereof given by veterinary inspectors of the Ministry of Agriculture and Fisheries and by private veterinary surgeons respectively.

6. An addition has been made to Article 7 to provide that the examinations and tests required by the Third Schedule to the Order of 1936 (*a*) for animals of a licensed herd will be carried out by the veterinary inspectors of the Ministry of Agriculture and Fisheries, unless the licensing authority agree to the examinations and tests being carried out by a private veterinary surgeon. In the latter case, and in the case of examinations and tests so far as made by private veterinary surgeons, under Article 6 (3) and (4) of the Order of 1936 as amended, before the granting of a licence, the licensee or applicant, as the case may be, will be required by the Order of 1936, as amended, to furnish such certificates to the licensing authority. A similar requirement will apply in the case of an animal added to a licensed Tuberculin Tested herd, as regards the tuberculin test which is required in certain cases to be carried out within 14 days before the animal is added to the herd. Where examinations and tests are carried out by veterinary inspectors of the Ministry of Agriculture and Fisheries, arrangements will be made by that Department for the licensing authority to be informed of the results.

7. The opportunity has been taken to make certain further amendments in the Order which experience has shown to be desirable.

The definition of " dealer " in Article 2 (1) of the Order of 1936 has been amended so as to include a person who uses milk for manufacturing purposes.

The conditions for a licence authorising the use of the designation " Pasteurised " contained in Part III of the Third Schedule of the Order of 1936 have been amended so as to include in paragraph 3, in place of the words " an indicating thermometer and a recording thermometer " the words " such indicating thermometers and recording thermometers as the licensing authority shall consider requisite." Where a licence in respect of a pasteurising establishment is in operation at the date of the amending Order, this amendment, by virtue of the proviso to Article 2 of the amending Order, will not come into force until the expiration of one month after the

(*a*) *Ante*, p. 3398.

MILK AND DAIRIES: AND TUBERCULOUS COWS

licensing authority have served a notice on the holder of a licence setting out what they consider requisite. In dealing with new applications for licences in respect of pasteurising establishments the licensing authority should secure compliance with their requirements before granting the licence.

Tuberculosis Order, 1938 (*a*).

8. The transfer of veterinary functions has also made necessary a revision of the Tuberculosis Order of 1925. The Tuberculosis Order of 1938, made by the Minister of Agriculture and Fisheries which will come into operation on April 1st next, revokes the Order of 1925 and its amending Orders and provides for the slaughter of affected cattle and for the payment of compensation therefor by the Minister of Agriculture and Fisheries instead of by local authorities as heretofore.

9. Under the Tuberculosis Order of 1925 (No. 2), as explained in circular letter No. 616 from this Department dated August, 1925, where it is proposed to slaughter an animal under the Order of 1925 and to dispose of its carcase or any part thereof for human consumption, notice of intention to slaughter the animal together with a statement of the address of the premises on which and the time at which the animal is intended to be slaughtered, is given by the local authority under the Diseases of Animals Acts to the officer of the local authority to whom notices of intention to slaughter are required to be sent under the Public Health (Meat) Regulations, 1924 (*b*). Under the new arrangements the corresponding notice and information will be sent to the officer of the latter local authority by the veterinary inspector of the Ministry of Agriculture and Fisheries. Veterinary inspectors will also have instructions that in such cases the carcase of an animal, or any part of it, shall not be removed for human consumption from the premises on which the slaughter takes place, except with the permission in writing of the Medical Officer of Health or other competent officer of the local authority responsible for the enforcement of the Public Health (Meat) Regulations, 1924. Sufficient notice will be given in order to enable the appropriate officer of the local authority to be present at the post-mortem examination.

General.

10. Apart from the special arrangements referred to above in connection with the examination of licensed herds, arrangements will be made by the Ministry of Agriculture and Fisheries for the routine veterinary examination of all dairy herds to the extent explained in the Circular of February 8th, 1938, referred to above, and the Milk and Dairies Amendment Order, 1938 (*c*), therefore revokes Articles 8, 9 and 10 of the Milk and Dairies Order, 1926, relating to the inspection of cattle. Where a veterinary inspector of that Department finds in the course of his routine inspection an animal in a pathological condition liable to infect or contaminate the milk, he will hand to the owner a copy of his report describing the animal and the condition found and a copy of the report will also be sent to the Council of the County or County Borough concerned.

11. Where, under Section 4 of the Milk and Dairies (Consolidation) Act, 1915 (*d*), a Medical Officer of Health, who has reason to suspect that tuberculosis is caused, or is likely to be caused by the consumption of certain milk, and on ascertaining the source or sources of supply has given notice to the Medical Officer of Health of the county or county borough in which the cows from which the milk is obtained are kept, the last-named Medical Officer of Health should communicate the information received by him to the Divisional Inspector of the Ministry of Agriculture and Fisheries. The Divisional Inspector will arrange for the veterinary inspection of the cattle concerned and proceed as if he had received notice of suspected disease under the Tuberculosis Order, informing the Medical Officer of Health from whom the information was received by him of the result of the inquiry in due course.

(*a*) *Post*, p. 3412.
(*b*) *Ante*, p. 2812.
(*c*) S.R. & O., 1938, No. 217. Since the only operative provision is to the effect stated, the Order is not here reproduced.
(*d*) The Act is repealed by the Food and Drugs Act, 1938, *ante*, p. 1456. This section is not replaced by any provision of that Act, but the result is secured by administrative arrangements: see paragraph 9 of Circular 1755, dated December 15th, 1938, *post*, p. 4092.

.K AND IRIES : AND JBER- JLOUS COWS

12. Where, also, in connection with illness of human beings suspicion attaches to milk and the Medical Officer of Health concerned desires the co-operation of a veterinary inspector in regard to the veterinary examination of cattle in the dairy supplying the milk, the Divisional Inspector of the Ministry of Agriculture and Fisheries will, on request from the Medical Officer of Health, arrange any necessary veterinary examination. It is contemplated that in such cases the Medical Officer of Health would normally accompany the veterinary inspector at the inspection.

13. The Council will appreciate the importance of ensuring the fullest co-operation with the officers of the Ministry of Agriculture and Fisheries in the above-mentioned matters. The responsibility will of course remain with Local Authorities, upon receipt of the results of examinations made by the veterinary inspectors of the Ministry of Agriculture and Fisheries to take such action, if any, as may be required under the relevant Acts and Orders.

14. A copy of this circular and copies of the enclosures are being sent to the Medical Officer of Health. Further copies may be obtained through any bookseller or directly from H.M. Stationery Office, at the addresses shown below.

I am, Sir,
Your obedient Servant,
A. W. NEVILLE,
Assistant Secretary.

The Town Clerk,
or
The Clerk to the Council.

S. R. & O., 1938, No. 165.

THE TUBERCULOSIS ORDER OF 1938. DATED MARCH 1ST, 1938.

The Minister of Agriculture and Fisheries, by virtue and in exercise of the powers vested in him under the Diseases of Animals Acts, 1894 to 1937 (*a*), the Agriculture Act, 1937 (*b*), and of every other power enabling him in this behalf, hereby orders as follows :

Notice of Disease.

1.—(1) Every person having in his possession or under his charge—

(i) any cow which is, or appears to be affected with tuberculosis of the udder, indurated udder or other chronic disease of the udder ; or

(ii) any bovine animal which is, or appears to be, affected with tuberculosis emaciation ; or

(iii) any bovine animal which is affected with a chronic cough and showing definite clinical signs of tuberculosis

shall with all practicable speed give notice of the fact to a constable of the police force for the area wherein the animal is or to a Veterinary Inspector.

(2) The person in possession or having charge of the animal shall forthwith detain it on the premises where it then is and isolate it as far as practicable from other bovine animals, and shall adopt the precautions with respect to milk set forth in Article 2 of this Order as if a Notice (in the Form A set forth in the First Schedule to this Order or to the like effect) had already been served upon him under that Article.

(3) A veterinary surgeon who in this private practice is employed to examine any bovine animal, and is of opinion or suspects that the animal is an affected animal for the purpose of this Order, shall with all practicable speed give notice of the fact to a constable of the police force for the area wherein the animal is or to a Veterinary Inspector.

(4) The constable receiving any notice under this Article shall forthwith give

(*a*) 1 Halsbury's Statutes 389 ; 30 Halsbury's Statutes 60.
(*b*) 30 Halsbury's Statutes 52.

information of the receipt of such notice to the Veterinary Inspector appointed for the time being by the Minister to receive such information within the area where the animal is and to an Inspector of the Local Authority.

(5) A veterinary surgeon who under and in accordance with this Article gives notice of the existence or suspected existence of disease shall be entitled to receive from the Minister a fee of two shillings and sixpence for each such notification. Where two or more animals are examined by a veterinary surgeon on the same premises and at the same time, one fee only shall be payable to him under this Article in respect of the notification of the existence or suspected existence of the disease in such animals.

Detention and Isolation of Animals and Precautions to be Adopted with respect to Milk.

2.—(1) An Inspector of the Local Authority on receiving information in any manner whatsoever that there is on any premises a bovine animal which is or is suspected to be an affected animal shall proceed with all practicable speed to the place where such animal is, and shall forthwith serve a Notice (in the Form A set forth in the First Schedule to this Order or to the like effect) on the owner or person in charge of the animal. The Inspector shall with all practicable speed send a copy of the Notice to the Veterinary Inspector appointed for the time being by the Minister to receive such Notices within the area where the animal is and to the Local Authority.

(2) A Veterinary Inspector may serve a Notice (in the said Form A or to the like effect) on the owner or person in charge of any bovine animal examined by him which in his opinion is an affected animal. A copy of any such Notice served by a Veterinary Inspector shall with all practicable speed be sent by him to the Local Authority.

(3) A notice served under paragraphs (1) or (2) of this Article shall require the owner or person in charge of the animal to detain the animal on the premises specified in the Notice and to keep the animal isolated as far as practicable from other bovine animals. The Notice shall also require that in the case of a cow the milk produced by the cow shall not be mixed with other milk until the cow has been examined by a Veterinary Inspector in accordance with the provisions of this Order and until a Notice (in the Form B set forth in the First Schedule to this Order or to the like effect) has been served on the owner or person in charge of the cow by a Veterinary Inspector; and shall require that all milk affected by the Notice (Form A) shall forthwith be boiled or otherwise sterilised, and that any utensil in which such milk is placed before being so treated shall be thoroughly cleansed and scalded with steam or boiling water before any other milk is placed therein.

(4) A Notice (Form A) served under this Article shall remain in force until the animal to which it relates has died or has been slaughtered in accordance with the provisions of this Order or until the Notice is withdrawn by a further Notice in writing (in the Form B set forth in the First Schedule to this Order or to the like effect) signed by a Veterinary Inspector.

Examination of Animals, etc.

3.—(1) Where, by reason of information received under the preceding Articles or otherwise, there is reasonable ground for supposing that on any premises there is an affected animal, a Veterinary Inspector shall examine the animal and any other bovine animal on such premises which the Veterinary Inspector considers it is desirable to examine to ascertain whether any such other animal is an affected animal.

(2) For the purposes of this Article the Veterinary Inspector may at all reasonable hours enter on any part of the premises, and the occupier of the premises and the persons in his employment shall render such reasonable assistance to the Inspector as may be required for all or any of the purposes of this Article.

(3) If the report of the Veterinary Inspector as to any animal does not show that it is an affected animal, a Notice (Form B) shall forthwith be given by a Veterinary Inspector to the owner or person in charge of the animal withdrawing the restrictions imposed in respect of the animal by any notice (Form A) served upon him in accordance with the provisions of Article 2 of this Order. The Veterinary Inspector shall with all practicable speed send a copy of the Notice to the Local Authority.

MILK AND DAIRIES: AND TUBERCULOUS COWS

Slaughter of Diseased Animals.

4.—(1) Where the report of the Veterinary Inspector under the preceding Article shows that there is an affected animal on any premises a Veterinary Inspector shall after giving notice in writing (in the Form C set forth in the First Schedule hereto or to the like effect) to the owner or person in charge of the animal and, subject as hereinafter provided, cause the animal to be slaughtered; provided that if, before the slaughter is carried out, the owner of the animal, or any person authorised to act on his behalf, gives notice in writing to the Minister or to the Veterinary Inspector that the owner objects to the animal being slaughtered under the provisions of this Order, the Veterinary Inspector shall not cause the animal to be slaughtered unless and until further special authority under the Official Seal of the Minister has been obtained.

(2) If the value of an animal proposed to be slaughtered, as agreed or certified under this Order, exceeds fifty pounds, the Veterinary Inspector shall not proceed with its slaughter unless and until he has so reported to the Minister and has received further special authority under the Official Seal of the Minister to proceed with the slaughter of the animal.

Post-Mortem Examination of Slaughtered Animals.

5.—(1) In the case of every animal slaughtered under the provisions of Article 4 of this Order, the carcase at the time of slaughter or as soon as practicable thereafter, shall be examined by a Veterinary Inspector, and the owner of the animal shall be entitled to be present at the examination in person or by a representative who, if the owner thinks fit, may be a veterinary surgeon. The Veterinary Inspector may for the purposes of the examination submit specimens of the lesions to a pathological institute approved by the Minister.

(2) The Veterinary Inspector shall at the conclusion of his examination give to the owner or person in charge of the animal a certificate of the result of the examination in the Form D set forth in the First Schedule or to the like effect.

Compensation.

6.—(1) The scale of compensation for animals slaughtered under the provisions of Article 4 of this Order shall be as follows:

(*a*) where the certificate of the result of the examination required by the preceding Article does not show that the animal was affected with tuberculosis, a sum equal to the market value of the animal, and a further sum of twenty shillings;

(*b*) where the certificate of the result of the examination shows that the animal was affected with tuberculosis (not being advanced tuberculosis), a sum equal to three-fourths of the market value of the animal, or the sum of thirty shillings, whichever sum is the greater, after deducting from such sum one-half of the reasonable costs of any valuation of the animal by a valuer nominated by the President of the Auctioneers' and Estate Agents' Institute of the United Kingdom or by the President of the Institute of Auctioneers and Appraisers in Scotland as the case may be;

(*c*) where the certificate of the result of the examination shows that the animal was affected with advanced tuberculosis, a sum equal to one-fourth of the market value of the animal, or the sum of thirty shillings, whichever sum is the greater, after deducting from such sum one-half of the costs of valuation as in the preceding case.

(2) For the purposes of this Order an animal slaughtered under this Order shall be deemed to have been affected with advanced tuberculosis:

(*a*) when there is miliary tuberculosis of both lungs; or

(*b*) when diffuse tuberculous lesions are present on the pleura and peritoneum; or

(*c*) where the infection of lymphatic glands is sufficient to indicate that disease is widespread; or

(*d*) where, in addition to the presence of tuberculous lesions in the respiratory and digestive tracts, there are also lesions present in the substance or membranes of any two of the following: spleen, kidney, udder, any part of the productive system and any part of the central nervous system.

Valuation for Compensation.

7.—(1) Notwithstanding the provisions of Articles 13 and 14 of the Animals (Miscellaneous Provisions) Order of 1927, the market value of an animal shall before slaughter be determined for the purposes of this Order by agreement between the Minister and the owner of the animal, or if they shall fail so to agree, by a valuer appointed by the Minister and the owner and paid by the Minister, or failing such appointment by a valuer nominated by the President of the Auctioneers' and Estate Agents' Institute of the United Kingdom in the case of a valuation in England and Wales or by a valuer nominated by the President of the Institute of Auctioneers and Appraisers in Scotland in the case of a valuation in Scotland and paid by the Minister, and such valuer shall give to the Minister and to the owner a certificate in writing of the said value.

(2) For the purposes of this Order the market value of an animal shall be the price which might reasonably have been obtained from a purchaser in the open market who had no knowledge of the existence or suspected existence in the animal of the symptoms of disease disclosed by the report of the Veterinary Inspector under this Order except such knowledge thereof as might reasonably have been obtained by inspection of the animal.

Suspected Animals in Markets, Fairs and Sales.

8.—(1) Where any bovine animal which is or is suspected by a Veterinary Inspector to be an affected animal is exposed in a market, fairground, or saleyard, or other public or private place where animals are commonly exposed for sale the Veterinary Inspector may, by notice served on the owner or person in charge of the animal, require it to be removed from the market, fairground, saleyard or other place as aforesaid, to the premises from which it was brought thereto (unless such premises are a market, fairground or saleyard, or other place where animals are commonly exposed for sale), or at the option of the owner or person in charge to other suitable premises or to a slaughterhouse, to be specified in the notice, and thereupon the animal shall forthwith be moved by the owner or person in charge to such premises for the purpose of examination under the foregoing provisions of this Order, or as the case may be, to the slaughterhouse.

(2) Where an animal is so moved to a slaughterhouse it shall not be moved from the slaughterhouse and shall be caused by the owner to be slaughtered within ninety-six hours after its arrival thereat.

(3) No compensation shall be payable in respect of an animal caused by the owner to be slaughtered under this Article.

Cleansing and Disinfection.

9. The occupier of any premises on which there has been an affected animal shall if so required by notice in writing served by a Veterinary Inspector cleanse and disinfect at the expense of the occupier, and in accordance with the provisions of the notice, that part of any shed or other erection in which the animal has recently been placed or kept. A copy of any such notice served by a Veterinary Inspector shall with all practicable speed be sent by him to the Local Authority.

Prohibition of Importation of Diseased Animals.

10. The landing in Great Britain of an imported animal which is or appears to be an affected animal or which is or appears to be affected with indurated udder or other chronic disease of the udder is hereby prohibited.

MILK AND DAIRIES: AND TUBERCULOUS COWS

Extension of meaning of "Disease" for the purposes of the Diseases of Animals A 1894, and application of Section 22 of the Agricultural Act, 1937.

11. The definition of "disease" in the Act of 1894 is hereby extended so a include tuberculosis which shall also be a disease to which section twenty-two o Agriculture Act, 1937 applies.

Offences.

12.—(1) If any animal is landed in contravention of this Order, the owner the and the occupier of the place of landing, the person causing, directing or permit the landing, and the owner and the charterer and the master of the vessel from w the animal is landed, shall, each according to and in respect of his own act defaults, be deemed guilty of an offence against the Act of 1894.

(2) Any person otherwise committing or aiding, abetting, counselling or procu the commission of any breach of the provisions of this Order or of any notice se thereunder; or failing to comply with any such provisions or with any directio requirement given or made under this Order, shall be deemed guilty of an off against the Act of 1894.

Local Authority to Enforce Order.

13. The provisions of this Order, except where it is otherwise provided, sha executed and enforced by the Local Authority.

Interpretation.

14. In this Order, unless the context otherwise requires:

"The Act of 1894" means the Diseases of Animals Act, 1894 (*a*):

"The Minister" and "The Ministry" mean respectively the Minister and Ministry of Agriculture and Fisheries:

"Affected animal" means a cow which is affected with tuberculosis of udder or is giving tuberculous milk; or a bovine animal which is affected tuberculous emaciation, or is affected with a chronic cough and sho definite clinical signs of tuberculosis:

"Bovine animal" means a bull, cow, ox, heifer or calf:

"Cow" includes a heifer that has calved:

"Local Authority" means a Local Authority for the purposes of the A 1894:

"Milk" includes cream and separated or skimmed milk:

"Tuberculous emaciation" means emaciation due to tuberculosis:

"Veterinary Inspector" means a Veterinary Inspector of the Ministry.

Other terms have, where the context so permits, the same meaning as in the A 1894.

Revocation.

15. The Orders mentioned in the Second Schedule to this Order are he revoked.

Saving for Existing Notices.

16. Any Notice served under the Tuberculosis Order of 1925 (*b*) and in force a commencement of this Order, shall have effect as if served under the correspon provisions of this Order.

Extent.

17. This Order extends to England and Wales and Scotland.

Commencement.

18. This Order shall come into operation on the first day of April, nineteen hun and thirty-eight.

(*a*) 1 Halsbury's Statutes 389.
(*b*) S. R. & O., 1925, No. 681.

Short Title.

19. This Order may be cited as the Tuberculosis Order of 1938.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this first day of March, nineteen hundred and thirty-eight.

(L.S.)

DONALD FERGUSSON,
Secretary.

Approved :

PATRICK MUNRO,
ROBERT GRIMSTON,
Lords Commissioners of His Majesty's Treasury.

FIRST SCHEDULE.

FORMS.

FORM A.

(*Article* 2.)

TUBERCULOSIS ORDER OF 1938.

Notice requiring detention and isolation of suspected animal and adoption of precautions with respect to milk

To A.B. of

I, the undersigned, being an Inspector appointed by the Local Authority of the (county) of hereby give you notice as the owner of person in charge of the following animal, namely, on the under-mentioned premises which is or is suspected to be an affected animal for the purposes of the Order of the Minister of Agriculture and Fisheries under which this Notice is issued, requiring you to detain the animal on the said premises and to keep the animal isolated as far as practicable from other bovine animals, and, if the aforesaid animal is a cow, requiring you to take steps to ensure that the milk produced by the cow shall not be mixed with other milk until the cow has been examined by a Veterinary Inspector in accordance with the provisions of the said Order and until a Withdrawal Notice (Form B) has been served upon you under the said Order; and also requiring you to take steps to ensure that all milk affected by this Notice shall forthwith be boiled or otherwise sterilised, and that any utensil in which such milk is placed before being so treated shall be thoroughly cleansed and scalded with steam or boiling water before any other milk is placed therein.

This notice remains in force until the animal to which it relates has died or has been slaughtered in accordance with the provisions of the said Order, or until it is withdrawn by a subsequent Notice (Form B) served by a Veterinary Inspector on the owner or person in charge of the animal.

Dated this day of 19 .

(Signed)

Description of premises on which the animal is to be detained and isolated.

Note.—The Inspector is with all practicable speed to send a copy of this Notice to the Veterinary Inspector appointed for the time being by the Minister to receive such Notices within the area wherein the animal is and to the Local Authority.

FORM B.

(*Article* 2.)

TUBERCULOSIS ORDER OF 1938.

Withdrawal of Notice (*Form A*).

To A.B. of

I, the undersigned, being a Veterinary Inspector of the Ministry of Agriculture and Fisheries, hereby withdraw as from this day of 19 , the Notice (Form A) signed by and served upon you on the day of 19 .

(Signed)

Veterinary Inspector of the Ministry of Agriculture and Fisheries.

Note.—The Veterinary Inspector is with all practicable speed to send a copy of this Notice to the Local Authority.

FORM C.

(*Article* 4.)

TUBERCULOSIS ORDER OF 1938.

Notice of Intended Slaughter.

To A.B. of

I, the undersigned, being a Veterinary Inspector of the Ministry of Agriculture and Fisheries hereby give you notice that the (*insert description of animal*) which is now kept at (*insert description of premises where it is kept stating parish*) is

*(*a*) affected with tuberculosis of the udder;

*(*b*) giving tuberculous milk;

*(*c*) affected with tuberculous emaciation;

*(*d*) affected with a chronic cough and showing definite clinical signs of tuberculosis.

and that it is proposed, subject to the provisions of the Order, with all convenient speed to slaughter the animal.

**Strike out the part which is inapplicable.*

Dated this day of 19 .

(Signed)

Veterinary Inspector of the Ministry of Agriculture and Fisheries.

Note.—If the owner of the animal, or any person authorised to act on his behalf, before the slaughter is carried out gives notice in writing to the Minister or to the Veterinary Inspector that the owner objects to the animal being slaughtered, it may not be slaughtered without further special authority under the Official Seal of the Ministry of Agriculture and Fisheries first obtained.

The compensation payable by the Minister is regulated by the Order.

FORM D.

(*Article* 5.)

TUBERCULOSIS ORDER OF 1938.

Certificate of Result of Post-mortem Examination.

I, the undersigned, a Veterinary Inspector of the Ministry of Agriculture and Fisheries do hereby certify that the examination of the carcase of (*here describe the animal slaughtered*) which was slaughtered under the provisions of the Order on day of 19 , and which animal belonged to , of

*does not show that the animal was affected with tuberculosis;

*shows that the animal was affected with tuberculosis (not being advanced tuberculosis within the meaning of the Tuberculosis Order of 1938);
*shows that the animal was affected with advanced tuberculosis within the meaning of the Tuberculosis Order of 1938.

Dated this day of 19 .

(Signed)

Veterinary Inspector of the Ministry of Agriculture and Fisheries.

Strike out the part which is inapplicable.

N.B.—This Certificate must be given to the owner or person in charge of the animal.

SECOND SCHEDULE.

Orders Revoked.

No.	Date.	Short Title.
	1925	
3986 . .	13th July . . .	Tuberculosis Order of 1925 (*a*).
4002 . .	5th August . . .	Tuberculosis Order of 1925 (No. 2) (*b*).
	1931	
4968 . .	7th October . . .	Tuberculosis (Amendment) Order of 1931 (*c*).

S. R. & O., 1938, No. 218.

THE MILK (SPECIAL DESIGNATIONS) AMENDMENT ORDER, 1938, DATED MARCH 15TH, 1938, MADE BY THE MINISTER OF HEALTH UNDER SECTION 3 OF THE MILK AND DAIRIES (AMENDMENT) ACT, 1922.

The Minister of Health after consultation with the Minister of Agriculture and Fisheries and in exercise of the powers conferred on him by section 3 of the Milk and Dairies (Amendment) Act, 1922 as enacted in section 10 of the Milk Act, 1934 (*d*) and of all other powers enabling him in that behalf hereby orders as follows:

1. This order may be cited as the Milk (Special Designations) Amendment Order, 1938, and this order and the Milk (Special Designations) Order, 1936 (*e*) (in this order called "the principal order") may be cited together as the Milk (Special Designations) Orders, 1936 and 1938.

2. This order shall come into operation on the first day of April, 1938:

Provided that as respects any pasteurising establishment in respect of which a licence is in operation at the date of this order paragraph (*h*) of article 3 of this order (*f*) shall not come into operation until a period of one month has elapsed after the licensing authority have served a notice on the holder of the licence setting out what they consider requisite.

(*a*) S. R. & O., 1925, No. 681.
(*b*) S. R. & O., 1925, No. 781.
(*c*) S. R. & O., 1931, No. 828.
(*d*) 27 Halsbury's Statutes 16. The section is repealed by the Food and Drugs Act, 1938, *ante*, p. 1457, but this order is kept alive by s. 101 (3), *ante*, p. 1451. See also first note to s. 21, *ante*, p. 1341.
(*e*) S. R. & O., 1936, No. 356, *ante*, p. 3398.
(*f*) *I.e.* the amendment to Sched. III, Part III, para. 3, of the principal order, *ante*, p. 3407.

MILK AND DAIRIES: AND TUBERCULOUS COWS

3. [*Amends Art.* 2 (1); *Art.* 6; *Art.* 7; *Sched. III, Part I, Section A, paras.* 1 (*a*), 1 (*b*), 2; *Sched. III, Part II, Section A, para.* 1; *and Sched. III, Part III, para.* 3, *of the Principal Order*, ante, pp. 3398 *et seq.*]

Given under the official seal of the Minister of Health this fifteenth day of March, nineteen hundred and thirty-eight.

(L.S.)

F. SLATOR,
Assistant Secretary,
Ministry of Health.

S. R. & O., 1939, No. 1417.

THE SALE OF MILK REGULATIONS, 1939, DATED OCTOBER 1ST, 1939, MADE BY THE MINISTER OF AGRICULTURE AND FISHERIES.

The Minister of Agriculture and Fisheries, in exercise of the powers conferred on him by Section 23 of the Food and Drugs Act, 1938 (*a*), does hereby make the following Regulations:

Milk.

1. Where a sample of milk (not being milk sold as separated, or condensed, milk) contains less than 3 per cent. of milk-fat, it shall be presumed for the purposes of the Food and Drugs Act, 1938, until the contrary is proved, that the milk is not genuine, by reason of the abstraction therefrom of milk-fat, or the addition thereto of water.

2. Where a sample of milk (not being milk sold as separated, or condensed, milk) contains less than 8·5 per cent. of milk-solids other than milk-fat, it shall be presumed for the purposes of the Food and Drugs Act, 1938, until the contrary is proved, that the milk is not genuine, by reason of the abstraction therefrom of milk-solids other than milk-fat, or the addition thereto of water.

Separated Milk.

3. Where a sample of separated milk (not being condensed milk) contains less than 8·7 per cent. of milk-solids other than milk-fat, it shall be presumed for the purposes of the Food and Drugs Act, 1938, until the contrary is proved, that the milk is not genuine, by reason of the abstraction therefrom of milk-solids other than milk-fat, or the addition thereto of water.

Commencement.

4. These Regulations shall come into operation on the First day of October, One thousand nine hundred and thirty-nine.

Extent.

5. These Regulations shall extend to England and Wales.

Short Title.

6. These Regulations may be cited as the Sale of Milk Regulations, 1939.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this 1st day of October, One thousand nine hundred and thirty-nine.

(L.S.)

DONALD FERGUSSON.
Secretary.

(*a*) *Ante*, p. 1343.

MINISTRY OF HEALTH.

S. R. & O., 1919, No. 850.

THE MINISTRY OF HEALTH ACT, 1919 (DATE OF COMMENCEMENT) ORDER, 1919.
DATED JUNE 25TH, 1919.

Whereas by sub-section (1) of section 11 of the Ministry of Health Act, 1919, it is enacted that the Act shall come into operation upon such day or days as may be appointed by Order in Council and that different days may be appointed for different purposes and provisions of the Act.

Now, therefore, His Majesty, by and with the advice of his Privy Council, in pursuance of the Ministry of Health Act, 1919, and of all other powers enabling him in that behalf, is pleased to order, and it is hereby ordered, as follows :—

1. For such of the provisions of the said Act as are hereinafter mentioned the appointed day shall be—

(1) in the case of section 1, the 25th day of June, 1919 ;

(2) in the case of section 2 ; paragraphs (*a*), (*b*) and (*e*) and proviso (ii) of sub-section (1) and sub-sections (2), (3), (4) and (5) of section 3 ; sections 4, 5, 6, 7, 8, 9, and 10 and sub-sections (3) and (4) of section 11, the 1st day of July, 1919, except so far as paragraph (*a*) of sub-section (1) of section 3 relates to powers and duties conferred or imposed upon the Local Government Board by any Act of Parliament passed, or Provisional Order confirmed, or other Instrument made, on or after the 1st day of July, 1919, but during the present session of Parliament, in respect of which powers and duties the appointed day shall be the day on which such Act, Order, or Instrument comes into operation.

2. The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

S. R. & O., 1919, No. 1281.

MINISTRY OF HEALTH (CONSULTATIVE COUNCILS) ORDER, 1919.
DATED AUGUST 18TH, 1919.

* * * * * *

Now, therefore, His Majesty, by and with the advice of his Privy Council, in pursuance of the Ministry of Health Act, 1919, and of all other powers enabling him in that behalf, is pleased to order, and it is hereby ordered, as follows :—

1. Consultative councils shall be established in pursuance of the foregoing provisions for giving, in accordance with the provisions hereinafter contained, advice and assistance in connection with such matters as relate severally to :—

(1) Medical and allied services.

(2) National Health Insurance (approved societies' work).

(3) Local health administration.

(4) General health questions.

2. Each council shall consist of such numbers of members, not exceeding twenty, as the Minister may determine, being persons having, in the case of each council, practical experience of the matters for the purposes of which the council in question is established.

3.—(1) The members of a council shall be appointed by the Minister, and shall include women as well as men.

(2) At the expiration of one, two, and three years respectively from the first appointment of the members of the council one-third of the original members, to be selected by lot, shall go out of office, but for the purpose of this provision an original member who has been re-appointed shall not be deemed to be an original member.

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(3) Subject as aforesaid the members of a council shall hold office for three years and shall then go out of office:

Provided that on a casual vacancy occurring in a council the person appointed to fill the vacancy shall hold office until the time when the person in whose place he is appointed would regularly go out of office, and shall then go out of office.

(4) A member of a council on the expiration of his term of office may be re-appointed, so, however, that no member shall remain in office continuously for more than six years.

4. The Minister of Health shall be the president, and the Parliamentary Secretary to the Ministry of Health shall be the vice-president of each council.

5. The Minister shall appoint a chairman and a vice-chairman of each council, who shall hold office until the next periodical expiration of the term of office of members of the council, but may be re-appointed so long as they remain members of the council.

6. The president or in his absence the vice-president, or in the absence of both the president and the vice-president, the chairman, shall preside at every meeting of a council at which he is present.

7. The Minister shall appoint a person to be the secretary of each council, and the person so appointed shall hold office during the pleasure of the Minister.

8.—(1) A council shall meet at such times, and notice of meetings shall be given to the members of the council in such manner as the council may, with the approval of the Minister, determine:

Provided that the council shall meet at least once in each quarter.

(2) At a meeting of a council ten shall be a quorum.

(3) No act or proceeding of a council shall be questioned on account of any vacancy in their body.

9. A council may for special purposes approved by the Minister appoint committees of their members, and any committee so appointed may, within the limits approved by the Minister, add to their numbers persons not being members of the council.

10. If a member of a council is absent from the meetings of the council for a period of six months, except for some reason approved by the Minister, his office shall become vacant.

11.—(1) A council shall consider and report upon the questions from time to time referred to them by the Minister, including—

(*a*) questions arising upon the draft of Orders in Council, and of Regulations, Orders, and Special Orders proposed to be made by the Minister;

(*b*) questions involving considerations of important principle and scientific difficulty affecting or incidental to the health of the people:

(*c*) any other questions in connection with such of the powers and duties of the Minister as relate to matters affecting or incidental to the health of the people;

and the Minister shall place at the disposal of the council the information required to enable them to consider the matters thus referred to them.

(2) A council may propose to the Minister from time to time that any question in connection with such of his powers and duties as relate to matters affecting or incidental to the health of the people, if pertaining to the functions of the council, shall form the subject of a reference to the council, and the Minister shall receive and consider any such proposal.

(3) A council may also present to the Minister from time to time a report on any matter affecting or incidental to the health of the people, if pertaining to the functions of the council, which has not been made a subject of reference to the council under the foregoing provisions of this Order, and the Minister shall receive and consider such report.

12. Subject to the provisions contained in this Order a council may regulate their own procedure.

13. The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

14. This Order may be cited as the Ministry of Health (Consultative Councils) Order, 1919.

ALMERIC FITZROY.

Ministry of Health (Consultative Council) Order, 1919.—An Order in Council of the same date and in similar terms set up a Consultative Council for Wales. The council was to consist of thirty members.

S. R. & O., 1919, No. 1443.

THE MINISTRY OF HEALTH ACT, 1919 (DATE OF COMMENCEMENT) ORDER (No. 2), 1919. DATED SEPTEMBER 22ND, 1919.

* * * * * *

Now, therefore, His Majesty, by and with the advice of his Privy Council, in pursuance of the Ministry of Health Act, 1919, and of all other powers enabling him in that behalf, is pleased to order, and it is hereby ordered, as follows :—

1. The appointed day shall be the first day of October, 1919, in the case of the following paragraphs of the said Act, namely :—

(*a*) Paragraph (*c*) of sub-section (1) of section 3 of the Act, which relates to the powers of the Board of Education with respect to attending to the health of expectant mothers and nursing mothers, and of children who have not attained the age of 5 years, and are not in attendance at schools recognised by the Board of Education ; and

(*b*) Paragraph (*f*) of the same sub-section, which relates to powers of supervising the administration of Part I. of the Children Act, 1908, heretofore exercised by the Secretary of State.

2. The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

S. R. & O., 1919, No. 1894.

THE MINISTRY OF HEALTH ACT, 1919 (DATE OF COMMENCEMENT) ORDER (No. 3), 1919. DATED NOVEMBER 25TH, 1919.

* * * * * *

Now, therefore, His Majesty, by and with the advice of his Privy Council, in pursuance of the Ministry of Health Act, 1919, and of all other powers enabling him in that behalf, is pleased to order, and it is hereby ordered, as follows :—

1.—(1) This Order may be cited as the Ministry of Health Act, 1919 (Date of Commencement) Order (No. 3), 1919.

(2) The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

2. For the purpose of the transfer to the Minister of Health of the powers and duties of the Board of Education mentioned in paragraph (*d*) of sub-section (1) of section 3 of the Ministry of Health Act, 1919, the appointed day shall be the first day of December, 1919.

S. R. & O., 1920, No. 252.

THE MINISTRY OF HEALTH ACT, 1919 (DATE OF COMMENCEMENT) ORDER, 1920. DATED FEBRUARY 9TH, 1920.

* * * * * *

Now, therefore, His Majesty, by and with the advice of his Privy Council, in pursuance of sub-section (1) of section 11 of the Ministry of Health Act, 1919, and of all

MINISTRY OF HEALTH

other powers enabling him in that behalf, is pleased to order, and it is hereby ordered, as follows :—

1. This Order may be cited as the Ministry of Health Act, 1919 (Date of Commencement) Order, 1920.

2. For the purpose of the provisions in the Act specified in the schedule hereto, the date of the commencement of the Act shall be the 1st day of April, 1920.

SCHEDULE.

Proviso (i) to sub-section (1) of section 3.

So much of sub-section (2) of section 11 and of the second schedule as repeals paragraph (*b*) of and the proviso to sub-section (2) of section 16 of the National Insurance Act, 1911.

TRANSFER OF FUNCTIONS TO WELSH BOARD OF HEALTH.

CIRCULAR OF MINISTRY OF HEALTH, DATED SEPTEMBER 30TH, 1920, TO LOCAL AUTHORITIES.

I am directed by the Minister of Health to state that in pursuance of the intention expressed in the announcement issued to the Press in October, 1919, he has now arranged for the transfer to the Welsh Board of Health as from 1st October, 1920, of the functions of the Ministry in relation to the following matters in so far as concerns Wales and Monmouthshire :—

(1) Sanction to the appointments of medical officers of health, sanitary inspectors and inspectors of nuisances

(2) Venereal diseases.

(3) Isolation hospitals.

(4) Infectious diseases ; except that notifications and returns should continue to be forwarded to Whitehall.

(5) Maternity and child welfare.

(6) (i) The Sale of Food and Drugs Act.
(ii) Milk supply.
(iii) Food inspection.
(iv) Slaughter houses.
(v) Markets, etc.

} Excepting matters directly affecting consumers and public authorities in England, or involving relations with the colonies or with foreign countries, *i.e.*—
(*a*) Imported foodstuffs.
(*b*) Shell fish.
(*c*) Statistics from public analysts' reports.

(7) Appointment of public analysts and officers under Food Acts and Regulations.

Local authorities should, as from the date appointed, address all correspondence relating to these functions of the Ministry to "The Secretary, Welsh Board of Health, Ministry of Health, City Hall, Cardiff."

The annual reports of medical officers of health should be sent to the Welsh Board and requests for these will be issued from time to time by the Board.

In case of doubt as to the office to which communications should be sent, it is desired that they should be addressed to the Welsh Board, which office will see that the papers reach the department concerned.

EXTRACT FROM THE MINISTRY OF HEALTH ANNUAL REPORT 1926–27.

Preservation of Local Records.

A question which has periodically arisen for many years is what should be done with books and documents belonging to Local Authorities which are no longer in current use. This question has lately been put again, in connection with the Rating and Valuation Act, 1925, by many of the new and of the old Rating Authorities (*a*). Detailed suggestions have been made in answer to the particular question put, but it may be of interest to mention here an important general principle which is involved, namely, that not merely current documents, and documents likely to be wanted for

(*a*) See the undated memorandum immediately following.

audit or in legal proceedings, should be preserved, but also records possessing, or likely to possess, historical interest. The value of rate-books, valuation lists, and similar documents is being increasingly recognised by the historian, and in any case of doubt the presumption should be against destroying documents, at least without reference to some competent authority. In this connection it may be worth recalling that section 17 of the Local Government Act, 1894 (*a*), provides for periodical inquiry and directions by County Councils as to the preservation of documents under the control of Parish Councils and Parish Meetings.

MEMORANDUM.

PARISH BOOKS AND DOCUMENTS.

Handed over to Rating Authorities under the Rating and Valuation Act, 1925.

(1) *Books or Documents which must be preserved.*

Poor Rate Books.
Valuation Lists.
Overseers' Book of Receipts and Payments.

In addition all records possessing or likely to possess historical interest including all classes of documents of earlier date than 1937, and any documents which might hereafter furnish evidence of matters in which any Parish has an interest or which are required for purposes of audit.

It is also desirable that specimen sets of documents illustrative of obsolete proceedings should be preserved.

(2) *Books or Documents which might be destroyed after a lapse of six years from the date of the document or of the last entry in the book.*

Receipts and Vouchers for all payments made by Overseers.
Collecting and Deposit Books.
Receipts for balance paid by outgoing Overseers to successors.

[(3) *Statutory declarations made by the owners of tithe rentcharge under the Ecclesiastical Tithe Rentcharge (Rates) Act, 1920, should not be destroyed until three years have elapsed since the date of making the declaration.*]

(4) *Documents which might be destroyed after a lapse of twelve months from the date of the completion of the audit of the last entry made therein.*

Rate Receipt Check Books.
General Receipt Check Books.
Overseers' Balance Sheets.
Bankers' Pass Books.
Monthly Statements.
Instalment Rate Receipt Check Books.
Unpaid Rates Statement.
Bank Paying-in-slip Counterfoils.

Agreements made under the Poor Rate Assessment and Collection Act, 1869, and the warrants of appointments of Assistant Overseers might be destroyed twelve months after they have ceased to be valid.

Ministry of Health.

CIRCULAR 1193.

To County and County Borough Councils.
Town Councils.
Urban District Councils.
Rural District Councils.
} *Wales and Monmouthshire.*

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
20th April, 1931.

SIR,—I am directed by the Minister of Health to refer to Circular 136 of September 30th, 1920, and to state that he has now arranged for the transfer to the

(*a*) See now s. 281 (4) of the Local Government Act, 1933, *ante*, p. 1161.

MINISTRY OF HEALTH

Welsh Board of Health of the functions of the Minister in relation to the following matters so far as concerns Wales and Monmouthshire.

(1) Surveys of the public health services in Wales for the purpose of Section 104 of the Local Government Act, 1929.

(2) All proposals relating to poor law medical work (with the exceptions indicated below) and the provision of new hospital accommodation under the Public Health Acts. The exceptions referred to are proposals relating to the superannuation and compensation of officers and questions (*e.g.*, as to status, tenure of office, powers of Council in regard to remuneration or dismissal and conditions of service generally) which may arise under section 121 of the Local Government Act, 1929, in regard to the position of officers transferred to the service of Councils under section 119 of that Act. The transferred Poor Law Medical work covers:

(i) the administration of outdoor medical relief;

(ii) the appointment, dismissal, tenure of office, conduct and conditions of service (with the exceptions indicated above) of—

(*a*) medical officers;

(*b*) nurses;

(*c*) dispensers;

(*d*) all other officers of institutions for the sick (excluding persons of unsound mind and mental defectives), and sick wards of other institutions.

(iii) the approval of poor law institutions for teaching probationer nurses;

(iv) infectious diseases in poor law institutions;

(v) the provision, extension or alteration of all accommodation for the sick (excluding persons of unsound mind and mental defectives).

Local Authorities should address all correspondence relating to matters (i) to (iv) in the preceding paragraph to the Welsh Board of Health, Ministry of Health, City Hall, Cardiff. Proposals for the extension or alteration of existing poor law institutions (other than institutions devoted exclusively to the treatment of the sick), and for the appropriation of poor law institutions for other purposes, should continue to be addressed in the first place to the Ministry at Whitehall.

The administration of the poor law generally (apart from the poor law medical work as described above) will continue to be dealt with by the Ministry at Whitehall direct and all correspondence on this subject should continue to be addressed to the Ministry at Whitehall.

I am, Sir,
Your obedient Servant,
W. A. ROBINSON.

The Clerk to the Authority.

CIRCULAR 1449.

County and County Borough Councils.
Voluntary Associations for the Welfare of the Blind
(Wales and Monmouthshire).

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
17*th December*, 1934.

WELFARE OF THE BLIND.

SIR (OR MADAM),—I am directed by the Minister of Health to state that he has now arranged to exercise through the Welsh Board of Health his functions in relation to the Welfare of the Blind, so far as concerns Wales and Monmouthshire, except matters relating to old age pensions for the blind under Section 1 of the Blind Persons Act

1920, which will continue to be dealt with by the Ministry in Whitehall direct. The transfer will take effect on January 1st, 1935.

MINISTRY OF HEALTH

Local Authorities and Voluntary Associations for the Blind should address all correspondence relating to the matters in question to the Welsh Board of Health, City Hall, Cardiff.

I am, Sir (or Madam),
Your obedient Servant,
W. A. ROBINSON,
Secretary.

The Clerk of the Council, or
The Town Clerk, or
The Secretary to the Voluntary Association.

CIRCULAR 2005.

To County and County Borough Councils. Town Councils. Urban District Councils. Rural District Councils. } *Wales and Monmouthshire.*

MINISTRY OF HEALTH,
WHITEHALL,
LONDON, S.W.1.
R.A.
26th April, 1940.

SIR,—I am directed by the Minister of Health to inform you that in addition to the functions already exercised through the Welsh Board of Health he has arranged, from May 1st, 1940, to exercise through that Board functions in relation to the matters named below, so far as concerns Wales and Monmouthshire.

Housing and Town Planning.

Private Street Works.

Local Sanitary and other services (including water supply, sewerage and sewage disposal) as set out in the Schedule [following], and the other miscellaneous matters therein enumerated.

Constitution and alteration of Local Government and other areas.

Local Authorities should, from May 1st, address to the Welsh Board of Health, Cathays Park, Cardiff, all correspondence with regard to proposals for capital expenditure, dealings in land and other matters relating to the above subjects, except correspondence connected with the making and confirmation of byelaws, which should continue to be addressed to the Ministry of Health, Whitehall.

I am, Sir,
Your obedient Servant,
GEORGE CHRYSTAL.

The Clerk to the Authority.

SCHEDULE.

Sewerage and Sewage Disposal; Surface and Storm Water Drainage; Culverting Streams.
Water Supply.
Burial Grounds and Burials (other than registers and fees); Crematoria.
Ambulances.
Fire Stations and Appliances.
Inebriate Reformatories.
Lighting of Streets.
Markets.

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Military Lands.
Police Buildings (except erection of police dwellings by County Councils).
Public Libraries.
Public Offices and Halls.
Baths and Washhouses.
Conveniences.
Public Cleansing, including Refuse Collection and Disposal and the Scavenging of Streets.
Public Walks and Pleasure Grounds, Open Spaces, Playing Fields, Gymnasiums, Camp Sites, etc.
Sea Defences and Promenades.
Transactions with respect to Corporate Lands.
River Pollution; Drainage of Trade Premises.
Privy Conversions.
Nuisances and Offensive Trades.
Sanitary conditions in shops, offices and theatres.
Smoke Abatement.
Urban Powers.
"Special" Expenses.
Adoption of provisions in the Public Health Acts Amendment Act, 1890, and the Public Health Act, 1925.
Conferring Urban powers on Rural District Councils.
Investing Urban Authorities with powers of Parish Councils under Section 271, Local Government Act, 1933, and Urban or Rural Authorities with powers of Public Health Acts Amendment Act, 1907.
Approval of salaries of Clerks of County Councils under the Local Government Act, 1933.
Appointment and tenure of office of Public Vaccinators and Vaccination Officers; approval of alteration of district and salaries.

MINISTRY OF TRANSPORT.

S. R. & O., 1919, No. 1441.

THE MINISTRY OF TRANSPORT (MINISTRY OF HEALTH EXCEPTION OF POWERS) ORDER, 1919, DATED SEPTEMBER 23, 1919.

WHEREAS it is provided by the Ministry of Transport Act, 1919, that as from such date or dates as His Majesty in Council may by Order determine there shall be transferred to the Minister of Transport all powers and duties of any Government department in relation to:—

(*a*) Railways.
(*b*) Light railways.
(*c*) Tramways.
(*d*) Canals, waterways and inland navigations.
(*e*) Roads, bridges and ferries, and vehicles and traffic thereon.
(*f*) Harbours, docks and piers.

And whereas it is further provided by the said Act that His Majesty in Council may by Order except from such transfer any particular powers or duties or provide for the exercise or performance of any power or duty so excepted by the Minister of Transport concurrently or in consultation with or at the instance of the Government department concerned or by the Government department concerned concurrently or in consultation with the Minister of Transport:

And whereas it is further provided that His Majesty may by Order make such incidental, consequential and supplemental provisions as may be necessary or expedient for the purpose of giving full effect to any transfer of powers or duties as aforesaid:

Now, therefore, His Majesty is pleased, by and with the advice of his Privy Council, to order and it is hereby ordered as follows:—

1. This Order may be cited as the Ministry of Transport (Ministry of Health Exception of Powers) Order, 1919.

MINISTRY OF TRANSPORT

2. The date on which the powers as aforesaid of the Minister of Health are transferred to the Minister of Transport shall be the twenty-third day of September, 1919.

3. There shall be excepted from such transfer

(i) the powers and duties of the Minister of Health in regard to the matters aforesaid of giving sanction to the borrowing of money by local authorities;

(ii) the powers and duties of the Minister of Health under the Housing Acts, 1890 to 1919;

(iii) the powers and duties of the Minister of Health with respect to the confirmation of byelaws made by local authorities other than bye aws made under section 26 of the Highways and Locomotives (Amendment) Act, 1878, and byelaws made under section 6 of the Locomotives Act, 1898.

Provided that in the exercise of the powers so excepted so far as they relate to roads, bridges, vehicles and traffic thereon, the Minister of Health shall act in consultation with the Minister of Transport.

NATIONAL INSURANCE.

See EMPLOYMENT OF WORKMEN, *ante*.

NURSING HOMES.

CIRCULAR 1574.

Local Supervising Authorities (England).

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
30th September, 1936.

Nursing Homes Registration Act, 1927 (*a*).

SIR,—I am directed by the Minister of Health to state that he has received representations that the steps taken by local supervising authorities in their administration of the above-mentioned Act are not invariably sufficient to enable them to ascertain at an early stage the existence of Nursing Homes which have not been registered under the Act.

The Minister feels sure that the authorities will appreciate the need for ascertaining promptly the existence of any unregistered Homes, and for taking action to prevent the carrying on of such Homes, and he suggests that each authority should take steps to secure the co-operation in this matter of the medical practitioners practising in their area. The authority might circulate to such practitioners from time to time a list of Nursing Homes registered under the Act, and ask them to notify the authority as soon as they become aware of the existence of an unregistered Home. The Minister has been in consultation in the matter with the British Medical Association and understands that the Association fully concur in this suggestion. The Minister will accordingly be glad if each local supervising authority will arrange to confer with the medical practitioners practising in their area, with a view to the adoption of the procedure outlined above.

I am also to suggest that the authorities should make full use of the services of their appropriate officers, such as health visitors and sanitary inspectors, in order to

(*a*) This Act (11 Halsbury's Statutes 785) was repealed by the P.H.A., 1936, *ante*, p. 732. See ss. 187 *et seq.*, *ante*, pp. 459 *et seq.*, for the present law, but the general observations in the present circular, issued between the giving of Royal Assent to and the commencement of the Act of 1936, are still in point.

NURSING HOMES

bring to light the existence of unregistered Homes, and that with the same object in view arrangements should be made for a regular examination by the appropriate staff of the authority of advertisements from Nursing Homes for patients or staff which appear in the Press.

At the same time, I am to remind the authority of the importance of adequate supervision of all Nursing Homes registered under the Act, and to request them to take steps to satisfy themselves that their arrangements for the periodical inspection of registered Homes are sufficient to ensure that the requirements of the Act are in all cases fully observed.

If a county council have delegated their powers and duties under the Act to the councils of any county districts within the county, the Minister requests that he may be informed of the names of those councils in order that he may supply them with copies of this Circular.

I am, Sir,
Your obedient Servant,
A. B. MACLACHLAN,
Assistant Secretary.

The Clerk of the Council,
or
The Town Clerk.

CIRCULAR 1674.

County and County Borough Councils (Outside London).

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
4th February, 1938.

REGISTRATION OF NURSING HOMES.

SIR,—I am directed by the Minister of Health to refer to section 187 (2) of the Public Health Act, 1936 (*a*), relating to the registration of nursing homes and to state that he has considered it desirable to prescribe, in pursuance of the powers conferred on him by section 283 (2) of the Act (*b*), the form to be used in connection with an application made under section 187 (2) for the registration of a nursing home. The Minister has accordingly made the Public Health (Nursing Homes Registration Form) Regulations, 1938, copies of which are enclosed. The form set out in the Schedule to those Regulations is to be used in lieu of the form which was appended to Circular 862 of March 22nd, 1928.

In the case of a County Council, I am to request that the provisions of these Regulations may be brought to the notice of the Council of any district within the County to whom the functions of the County Council relating to nursing homes may have been delegated.

A copy of this Circular has been sent to the Medical Officer of Health. Additional copies of the Circular and Regulations may be purchased directly from His Majesty's Stationery Office at any of the addresses shown below, or through any bookseller.

I am, Sir,
Your obedient Servant,
E. D. MACGREGOR,
Assistant Secretary.

The Clerk of the Council,
or
The Town Clerk.

(*a*) *Ante*, p. 459.
(*b*) *Ante*, p. 574.

S. R. & O., 1938, No. 32.

THE PUBLIC HEALTH (NURSING HOMES REGISTRATION FORM) REGULATIONS, 1938, DATED JANUARY 21ST, 1938, MADE BY THE MINISTER OF HEALTH.

The Minister of Health, in exercise of the powers conferred on him by subsection (2) of section 283 of the Public Health Act, 1936 (*a*), hereby makes the following Regulations.

1. These Regulations may be cited as the Public Health (Nursing Homes Registration Form) Regulations, 1938, and shall come into operation on the date hereof.

2. The form set out in the Schedule hereto or a form to the like effect shall in lieu of any form previously prescribed be the form to be used in connection with an application for registration of a nursing home made under subsection (2) of section 187 of the said Act.

3. The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

SCHEDULE.

NURSING HOME.

Application for Registration.

I (or We) hereby apply to the Council in pursuance of the provisions of Section 187 of the Public Health Act, 1936, for registration in respect of a Nursing Home (as defined in Section 199 (1) of the Act), and furnish below particulars in regard to the Home:

1.—(*a*) Full name of the applicant or applicants. (*a*)

(*b*) Private address of applicant. (*b*)

(*c*) Technical qualifications (if any). (*c*)

(*d*) Nationality of applicant. (*d*)

2. If the application is made by a company, society, association or body, state:

(*a*) Full name of individual responsible for the management of the Home. (*a*)

(*b*) Private address of person named under (*a*). (*b*)

(*c*) Registered or principal office of company, society, association or body. (*c*)

3.—(*a*) Name, style or title under which the Home is carried on. (*a*)

(*b*) Address of the Home. (*b*)

(*c*) Brief description of situation, construction, accommodation and equipment of the premises. (*c*)

(*d*) What other business (if any) is or will be transacted on the same premises as the Home? (*d*)

4. Number of patients to be provided for:

(*a*) Maternity patients. (*a*)

(*b*) Other patients. (*b*)

5.—(*a*) Names and qualifications of nursing staff.

(*b*) Where are the nursing staff accommodated? (*b*)

6. Names and qualifications of resident or visiting physicians or surgeons.

(*a*) *Ante*, p. 574.

NURSING HOMES

7. If the Home is not a Maternity Home (as defined in Section 199 (1) of the Act) state:

(a) Whether it is and will be under the charge of a registered medical practitioner or a qualified nurse (as defined in Section 199 (1) of the Act), resident in the Home (giving name and qualifications). (a)

(b) What proportion of qualified nurses there is among the persons superintending or employed in the nursing of the patients. (b)

If the Home is a mixed Home (*i.e.*, makes provision for maternity and non-maternity patients) this question should be answered with reference to the provision made for non-maternity patients.

8. If the Home is a Maternity Home (as defined in Section 199 (1) of the Act) state:

(a) Whether the person who has and will have the superintendence of the nursing of the patients is a qualified nurse or a certified midwife (give name and qualifications). (a)

(b) Whether there is any person employed or proposed to be employed in attending any woman in the Home in childbirth or in nursing any patient in the Home, who is not either a registered medical practitioner, a certified midwife, a pupil midwife (as defined in Section 199 (1) of the Act) or a qualified nurse (as defined in the same). (b)

If the Home is a mixed Home this question should be answered with reference to the provision made for maternity patients.

9. Does the applicant employ in connection with the Home any persons of alien nationality? If so, give number and particulars.

10. What fees are charged to patients?

11. Address of any other Nursing Home or business in which applicant is interested, and the nature and extent of applicant's interest therein.

I (or We) declare that the above particulars are true in every respect.

Date 19 .

Signature or Signatures.

Given under the official seal of the Minister of Health this twenty-first day of January, nineteen hundred and thirty-eight.

(L.S.)

LOUIS INFIELD,
Assistant Secretary,
Ministry of Health.

OFFICERS.

CIRCULAR No. 162 (ROADS).

MINISTRY OF TRANSPORT, ROADS DEPARTMENT,
7, WHITEHALL GARDENS, S.W.1.
August 15th, 1922.

GRANTS TOWARDS SALARY OF ENGINEER OR SURVEYOR FROM THE ROAD FUND UNDER SECTION 17 (2) OF THE MINISTRY OF TRANSPORT ACT, 1919 (*a*).

SIR,—I am directed to refer to paragraph 8 of Circular Letter No. 150 (Roads), which was issued on the 22nd May, 1922, and to inform you that, in approved cases, the Minister of Transport is now in a position to defray, by agreement with the local authority, a proportion of the salary of the surveyor or engineer to a local authority.

A draft of the agreement which local authorities will be required to enter into is set out overleaf and if your council desire to obtain a contribution towards the salary of their surveyor or engineer, I am to request that you will submit the enclosed Form 163 (Roads) duly completed, before the 15th September next, when copies of the proposed agreement will be forwarded for completion by the council.

I am to add that whilst it is open to all local authorities to apply for a grant towards the salary of their surveyor or engineer irrespective of the classification of the roads under their control, the Minister is not prepared at the present time to entertain any applications for contributions towards the travelling expenses and establishment charges of such officers.

I am, Sir,
Your obedient Servant,
H. H. PIGGOTT,
Assistant Secretary.

AN AGREEMENT made the day of 19 between the MINISTER OF TRANSPORT (hereinafter called "the Minister") of the one part and

The county council of the (*b*) administrative county of ;
The mayor, aldermen and burgesses of the (county) borough of acting by the council;
The urban district council of in the county of ;
The rural district council of in the county of ;
The mayor, aldermen, and councillors of the metropolitan borough of ;
The provost, magistrates, and councillors of the Burgh of ;

(hereinafter called "the council") of the other part.

Whereas by sub-section 2 of section 17 of the Ministry of Transport Act, 1919, it is enacted that for the purpose of advances for the construction, improvement, or maintenance of roads the Minister may *inter alia* by agreement with the local authority defray half the salary and establishment charges of the engineer or surveyor to a local authority responsible for the maintenance of such roads subject to the conditions that the appointment, retention, and dismissal of such engineer or surveyor and the amount of such establishment charges shall be subject to the approval of the Minister.

And whereas the council is a local authority responsible for the maintenance of roads.

And whereas in exercise of the powers conferred by the hereinbefore recited

(*a*) In connection with this Circular it should be observed that certain road grants are discontinued under Sched. II. of the L. G. A., 1929, and that under Part III. of that Act rural district councils ceased to be highway authorities (s. 30), and that classified roads in urban districts became "county roads" vested in and maintainable by the county council (s. 31), subject to the right of the larger urban district councils to "claim" the county roads in their district (s. 32). See a letter of June 26th, 1929, at p. 3434, *post*.

(*b*) Omit for Scotland.

OFFICERS

sub-section the Minister and the council have agreed to enter into the agreement hereinafter contained.

1. Subject to the conditions and stipulations hereinafter contained, the Minister will pay to the council in each year a contribution of £ towards (but in no case exceeding one-half of) so much of the salary of the surveyor/engineer of the council as is paid in respect of his duties in connection with the construction, improvement, or maintenance of roads and bridges and is chargeable to the highways and bridges account of the council.

2. For the purpose of this agreement the proportion of the salary of such surveyor/engineer so chargeable to the highways and bridges account shall be deemed to be £ per annum: provided that the said sum of £ may be increased or decreased from time to time with the prior approval in writing of the Minister, and that in the event of such approval being given the Minister may make a proportionate modification in the amount of the contribution payable under section 1 of this agreement.

3. The council shall not appoint, retain or dismiss any such surveyor/engineer without obtaining the previous approval of the Minister and the Minister shall not be bound to make any payment in relation to the salary of any surveyor/engineer who has been appointed or retained without such approval.

4. This agreement may be determined by either party giving to the other six calendar months' notice in writing under the hand of an assistant secretary of the Ministry of Transport or the clerk to the council as the case may be.

Original	{Given under the seal of the Minister of Transport this day of , 19 .
Duplicate	{Given under the seal of the this day of , 19 in the presence of .

CIRCULAR 294 (ROADS) (*a*).

MINISTRY OF TRANSPORT, Roads Department,
7, Whitehall Gardens, S.W.1.
June 26th, 1929.

SURVEYORS' SALARIES AND TRAVELLING EXPENSES.

GRANTS FROM THE ROAD FUND TO COUNTY COUNCILS AND RURAL DISTRICT COUNCILS UNDER SECTION 17 (2) OF THE MINISTRY OF TRANSPORT ACT, 1919.

SIR,—I am directed by the Minister of Transport to acquaint you that he has had under review the question of the grants made from the Road Fund, under section 17 (2) of the Ministry of Transport Act, 1919, towards the salaries and travelling expenses of highway surveyors to county councils and rural district councils having regard to the changes in highway administration which will become effective on the 1st April, 1930, under the provisions of the Local Government Act, 1929.

2. By section 30 of that Act rural district councils will cease to be highway authorities, and the responsibility for the maintenance of roads in a rural district will pass to the county council. The Minister is advised that under the terms of section 17 (2) of the Ministry of Transport Act, 1919, it will no longer be open to him to make grants towards the salary of an officer of a rural district council, even though the functions of the county council with respect to the maintenance, repair and improvement of certain roads in the district may have been delegated to the rural district council by the county council in pursuance of section 35 of the Local Government Act, 1929.

3. The Minister accordingly proposes that from 1st April, 1930, the following basis shall be adopted for any agreements that shall be entered into by him under section

(*a*) Supplemented by Circulars 388 dated Nov. 13, 1933, and 459 dated Aug. 19, 1936, *post*, pp. 3706 and 3716.

17 (2) of the Ministry of Transport Act, 1919, to defray half the approved salary and establishment charges of the highway surveyor to a county council:— OFFICERS

(1) As soon as may be after the commencement of each financial year the county council will forward a statement showing the personnel, the organisation and the salaries of the county highway supervisory staff.

The salaries of this staff in so far as they are attributable to the discharge of highway functions, will, if approved by the Minister, be accepted for a grant under the agreement. Where an officer is not wholly employed upon highway duties, a proper apportionment should be made showing the amount of salary attributable to those duties.

Supplementary statements can be submitted if additions are made to the highway supervisory staff later in the year.

(2) The statement referred to in paragraph (1) should be confined to the county surveyor himself, his deputy, assistant or divisional surveyors or engineers and also any engineers engaged for particular works, and surveyors employed on building line and improvement line surveys, etc. Where, however, an agreement has been entered into by a county council and a rural district council under the proviso to section 120 of the Local Government Act, 1929, for the joint user by both councils of the services of a surveyor or engineer, the portion of the salary of such officer which is paid by the county council as representing his highway duties, will also be accepted for grant.

(3) The reasonable travelling expenses incurred on highway duties by the county surveyor himself will be accepted for grant, subject to the conditions at present in force, but not the travelling expenses of any member of his staff.

If any member of the staff is paid an inclusive salary to cover travelling expenses, an allocation must be made in the statement referred to in paragraph (1) above of the portion of the salary attributable to travelling expenses and this will be deducted in arriving at the portion of the salary to be accepted for grant.

4. The grants indicated above will, save in very special circumstances, constitute the only direct assistance from the Road Fund after 31st March, 1930, towards expenditure incurred by county councils on engineering or surveying staff and establishment charges. Expenditure under these headings under normal conditions will no longer be admitted for grant in connexion with particular works or surveys.

5. The agreements heretofore entered into with Highway authorities under section 17 (2) of the Ministry of Transport Act, 1919, in respect of contributions from the Road Fund towards the surveyor's or engineer's salary and travelling expenses contain a provision requiring the Minister to give six months' notice of his intention to discontinue the contributions. The Minister, therefore, hereby gives formal notice of his intention to discontinue on the 31st March, 1930, all contributions under existing agreements with county councils and rural district councils with a view to entering into fresh agreements with county councils as from 1st April, 1930, on the lines indicated in this Circular Letter.

6. Two further copies of this Circular Letter are enclosed for transmission to the highway surveyor and the accounting officer of your Council.

I am, Sir,
Your obedient servant,
H. H. PIGGOTT,
Assistant Secretary.

Clerk to the Council.

OFFICERS

S. R. & O., 1930, No. 69.

THE LOCAL GOVERNMENT (QUALIFICATIONS OF MEDICAL OFFICERS AND HEALTH VISITORS) REGULATIONS, 1930, DATED FEBRUARY 6, 1930, MADE BY THE MINISTER OF HEALTH UNDER SECTION 59 OF THE LOCAL GOVERNMENT ACT, 1929 (*a*).

The Minister of Health, in pursuance of his powers under section 59 of the Local Government Act, 1929 (*b*), and of all other powers enabling him in that behalf, hereby makes the following regulations, that is to say:—

Interpretation and Commencement.

1.—(1) These regulations may be cited as the Local Government (Qualifications of Medical Officers and Health Visitors) Regulations, 1930, and shall come into operation on the first day of April, 1930.

(2) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

2. In these regulations, unless the context otherwise requires—

"Local authority" means, as the case may be, the mayor, aldermen and commons of the City of London, in common council assembled, the council of a metropolitan borough, the council of an administrative county or county borough, the council of a non-county borough or other urban district, or the council of a rural district;

"Medical Officer of Health" means the medical officer of health of a local authority;

"Minister" means the Minister of Health;

"Tuberculosis officer" means a medical officer in clinical charge of a tuberculosis dispensary provided by a local authority under their arrangement for the treatment of tuberculosis;

"Medical superintendent" means a medical officer in clinical charge of a residential institution for the treatment of patients suffering from tuberculosis in the early or curative stages of the disease, which contains not less than 75 beds;

"Venereal diseases pathologist" means a medical officer in charge of a laboratory provided by a local authority for the purposes of Article I. of the Public Health (Venereal Diseases) Regulations, 1916;

"Venereal diseases officer" means a medical officer in clinical charge of a treatment centre provided by a local authority for the diagnosis and treatment of venereal diseases in pursuance of Article II. of the Public Health (Venereal Diseases) Regulations, 1916;

"Senior maternity and child welfare officer" means a medical officer (other than a medical officer of health) who is in charge of the work of a local authority under the Maternity and Child Welfare Act, 1918, subject to the administrative supervision of the medical officer of health, and who has responsibility for the work of other medical officers employed by the local authority under that Act;

"Medical officer of an ante-natal clinic" means a medical officer in charge of a clinic provided by a local authority for the purpose of giving advice to, and supervising the health of, pregnant women;

"Health visitor" means a woman appointed by a local authority as a whole-time officer whose duties include the visiting of women and children in their homes for the purpose of giving advice as to the nurture, care and management of young children, and as to the health of expectant and nursing mothers;

"Tuberculosis visitor" means a woman appointed by a local authority being the council of a county, county borough or metropolitan borough as a whole-time officer whose duties include the visiting of the homes of persons

(*a*) See as to this Order Circular 1072 of 12th February, 1930, *ante*, p. 3293.

(*b*) Now repealed by the P.H.A., 1936, *ante*, p. 732, but these regulations are kept alive by proviso (*c*) to s. 346 (1) of that Act, *ante*, p. 721: see note (*f*) to s. 106 (1) of the L.G.A., 1933, *ante*, p. 882.

suffering from tuberculosis for the purpose of giving advice as to the care and hygiene of such persons and as to the measures necessary to prevent the spread of infection.

Tuberculosis Officer or Medical Superintendent.

3. Any person appointed by the council of a county, county borough or metropolitan borough, or by a joint committee of any such councils, to be a tuberculosis officer or medical superintendent shall be a registered medical practitioner who, prior to the 1st April, 1930, has held the appointment of tuberculosis officer or medical superintendent with the approval of the Minister, or who, subsequent to qualification, (1) has had at least three years' experience in the practice of his profession, (2) has spent in general clinical work a period of not less than eighteen months of which not less than six months have been spent in a hospital as resident officer in charge of beds occupied by general medical or surgical cases, and (3) has received special training, for a period of not less than six months, in the diagnosis and treatment of tuberculosis.

Venereal Diseases Pathologist.

4. Any person appointed by the council of a county or county borough to be a venereal diseases pathologist shall be a registered medical practitioner who, prior to the 1st April, 1930, has held the appointment of venereal diseases pathologist with the approval of the Minister, or who (1) has had at least three years' experience in the practice of his profession subsequent to qualification, and (2) is in possession of a certificate, given by a pathologist in charge of a laboratory approved by the Minister under the Public Health (Venereal Diseases) Regulations, 1916, testifying that, under his supervision, the medical practitioner, within the preceding two years, (*a*) has personally carried out not less than 500 serum tests for syphilis by a method approved by the Minister, and is competent to perform such tests, and (*b*) has personally examined microscopically not less than 300 specimens from lesions suspected to be syphilitic, gonorrhœal or chancroidal, and is competent to conduct such examinations.

Venereal Diseases Officer.

5. Any person appointed by the council of a county or county borough to be a venereal diseases officer shall be a registered medical practitioner who, prior to the 1st April, 1930, has held the appointment of venereal diseases officer with the approval of the Minister, or who (1) has had at least three years' experience in the practice of his profession subsequent to qualification, and (2) is in possession of a certificate, given by the venereal diseases officer of a treatment centre at which not less than 500 patients attended for the first time during the 12 months preceding the issue of the certificate, testifying that he has attended at the treatment centre for a period of not less than three months and has received during that period not less than 130 hours' instruction in the modern methods of diagnosis and treatment of venereal diseases.

Senior Maternity and Child Welfare Officer.

6. Any person appointed by a local authority to be a senior maternity and child welfare officer shall be a registered medical practitioner who, prior to the 1st April, 1930, has held the appointment of senior maternity and child welfare officer with the approval of the Minister, or who, subsequent to qualification, (1) has had at least three years' experience in the practice of his profession, (2) has had special experience in midwifery and child welfare work, and (3) has been employed by a local authority under the Maternity and Child Welfare Act, 1918.

Medical Officer of an Ante-Natal Clinic.

7. Any person appointed by a local authority to be a medical officer of an ante-natal clinic shall be a registered medical practitioner who, prior to the 1st April, 1930, has held the appointment of medical officer of an ante-natal clinic with the approval of the Minister, or who, subsequent to qualification, has had at least three years' experience in the practice of his profession and special experience of practical midwifery and ante-natal work.

OFFICERS

Health Visitor.

8. Any person appointed to be a health visitor shall be a woman who, prior to the 1st April, 1930, has held the appointment of health visitor with the approval of the Minister, or who has obtained the health visitors' certificate issued by the Royal Sanitary Institute under conditions approved by the Minister or the diploma issued under the Board of Education (Health Visitors' Training) Regulations, 1919. (*a*)

Tuberculosis Visitor.

9. Any person appointed to be a tuberculosis visitor shall be a woman who, prior to the 1st April, 1930, has held the appointment of tuberculosis visitor with the approval of the Minister, or who has obtained the health visitors' certificate issued by the Royal Sanitary Institute under conditions approved by the Minister, or the diploma issued under the Board of Education (Health Visitors' Training) Regulations, 1919, or who is a fully-trained nurse and has had at least three months' special experience at a sanatorium or hospital for the treatment of tuberculosis, or at a tuberculosis dispensary.

General.

10. The Minister may dispense with any of the requirements of these regulations in any case in which it appears to him desirable so to do, on such terms and conditions as he thinks fit, and such dispensation may be given at any time provided that the Minister is satisfied that the interests of any person will not be prejudiced thereby.

Given under the Official Seal of the Minister of Health this sixth day of February, in the year One thousand nine hundred and thirty.

(L.S.)

R. H. H. KEENLYSIDE,
Assistant Secretary,
Ministry of Health.

CIRCULAR 1484.

County Councils.
Town Councils.
Urban District Councils.
Rural District Councils.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
31*st May*, 1935.

LOCAL GOVERNMENT ACT, 1933.

PROVISIONS AS TO COMPENSATION.

SIR,—I am directed by the Minister of Health to refer to subsection (4) of section 150 of the Local Government Act, 1933 (*b*), which provides that a scheme or order made under Part VI of that Act and providing for the payment of compensation to existing officers, as defined in subsection (5) of that section, shall incorporate the provisions set out in the Fourth Schedule to that Act. Paragraph 11 of that schedule provides that the Minister may prescribe the form of any notice, statement, award or other document to be used in connection with a claim for compensation. A copy of the Regulations made by the Minister under this paragraph is enclosed.

Section 120 of the Local Government Act, 1888 (*c*), is repealed by section 307 of the Act of 1933 (with a saving for compensation payable and any title to compensation) and the Minister is advised that in view of the terms of the last-mentioned section and section 38 of the Interpretation Act, 1889 (*d*), references in any Act or

(*a*) See also Circular 1694 dated April 12th, 1938, *post*, p. 3464.
(*b*) *Ante*, p. 961.
(*c*) 10 Halsbury's Statutes 767.
(*d*) 18 Halsbury's Statutes 1005.

document to section 120 of the Local Government Act, 1888, must now be construed as references to the Fourth Schedule to the Act of 1933.

The Regulations will be applicable in all such cases and where they apply the forms prescribed or forms as near thereto as circumstances admit are to be used.

The Regulations do not apply to claims for compensation under section 123 of and the Eighth Schedule to the Local Government Act, 1929, or those provisions as incorporated in any order but the prescribed forms might conveniently be used with any necessary adaptations for the purposes of such claims.

Further copies of this circular and of the Regulations may be bought directly, or through any bookseller, from His Majesty's Stationery Office at any of the addresses shown below.

I am, Sir,
Your obedient Servant,
W. A. Ross,
Assistant Secretary.

The Clerk of the Council,
or
The Town Clerk.

S. R. & O., 1935, No. 489.

THE LOCAL GOVERNMENT (COMPENSATION FORMS) REGULATIONS, 1935, DATED MAY 20TH, 1935, MADE BY THE MINISTER OF HEALTH.

The Minister of Health, in exercise of the powers conferred on him by paragraph 11 of the Fourth Schedule to the Local Government Act, 1933 (*a*), hereby makes the following Regulations.

1. These Regulations may be cited as the Local Government (Compensation Forms) Regulations, 1935.

2. The forms set out in the Schedule hereto or forms as near thereto as circumstances admit shall be the forms to be used in connection with a claim for compensation in all cases to which those forms are applicable.

3. The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

SCHEDULE.

FORM NO. 1.

Claim for Compensation for Direct Pecuniary Loss.
Local Government Act, 1933.

.....Scheme (or Order).

To the.....Council(s).

I, ..., hereby claim compensation under the above mentioned Scheme (or Order) for the direct pecuniary loss suffered by me by reason of {the determination of my appointment* / diminution of my emoluments*} as.....

in the {whole time* / part time*} service of the.....

A statement is attached giving particulars in support of my claim.

Signature .....
Address .....
Date .....

* Strike out words not required.

(*a*) *Ante*, p. 1258.

OFFICERS

FORM NO. 2.

Statement to accompany Claim for Compensation.

Local Government Act, 1933.

..... Scheme (or Order).

1. Name in full . . . . . .

2. Date of birth . . . . . .

3. Description of {whole time* / part time*} office {which has been determined* / the emoluments† of which has been diminished*}

. . . . . .

4. Material date ‡ . . . . . .

5. Amount of annual pecuniary loss . . . .

6. The following are the grounds upon which I contend that the loss was sustained by virtue of the above-mentioned Scheme (or Order) or of something done in pursuance or in consequence of its provisions—

. . . . . .

7.—(*a*) Particulars of the emoluments of the office and any expenses incurred by me in connection with the office in respect of the period of five years next before the material date set out in Part I of the First Schedule hereto.

(*b*) In Part II of the First Schedule § are set out estimates of the emoluments of the office and of the expenses to be incurred by me in the office after the material date and a statement of any emoluments actually received and of any expenses actually incurred after the material date.

8. The date of appointment to the office and the terms of the appointment are as follows—

. . . . . .

9. Particulars are set out in the Second Schedule hereto of all my service in any office || after attainment of the age of 18 years, including any service reckonable under paragraph 7 ¶ of the Fourth Schedule to the Local Government Act, 1933.

10. At the material date the whole of my time {was devoted* / was not devoted*} to service in offices.||

11*ϕ*. I have not obtained by virtue of the above-mentioned Scheme (or Order) or of anything done in pursuance or in consequence thereof any increase of the emoluments enjoyed by me at the material date.

* Strike out any words not required.

† Emoluments, as defined in section 305 of the Local Government Act, 1933, includes all salary, wages, fees, poundage and other payments paid or made to an officer as such for his own use, including the money value of any apartments, rations or other allowances in kind appertaining to his office, but does not include payments for overtime or any sum paid to him to cover travelling expenses, cost of office accommodation, assistance of deputies, or clerical or other assistance.

‡ "Material date," as defined in paragraph 12 of the Fourth Schedule to the Local Government Act, 1933, means the date on which the determination of office or diminution of emoluments, as the case may be, takes effect.

§ Part II of the First Schedule is to be completed only in a case where the office is not determined but there has been a diminution of emoluments.

|| "Office" as defined in paragraph 12 of the Fourth Schedule to the Local Government Act, 1933, means any place, situation or employment, and includes the office of superintendent registrar, registrar of births and deaths, registrar of marriages, and the office of teacher in a public elementary school maintained but not provided by a local education authority, and "Officer" has a corresponding meaning.

¶ This paragraph is as follows:

"If an officer was temporarily absent from his office during the late war whilst serving in His Majesty's Forces, or the forces of the Allied or Associated Powers, either compulsorily or with the sanction or permission of the authority in whose employment he was immediately before such temporary absence, such period of temporary absence shall be reckoned as service under that authority:

Provided that in the case of an officer who, after the eleventh day of November, nineteen hundred and eighteen, voluntarily extended his term of service in the forces, no period of absence during any such extension shall be reckoned."

* Strike out and fill in as applicable.

12† On the.....I obtained by virtue of the above-mentioned Scheme (or Order) or of something done in pursuance or in consequence thereof the following increase of the emoluments enjoyed by me at the material date.

13†. On the.. . . . . (being a date not earlier than the material date) I accepted [the office [offices] of . .. . [and] .. ..]* [the public appointment‡ [appointments] of ....[and] ... .. .]* the annual emoluments of which are £ .. .. s . . d. [, £ .. . .s .. . .d., £ .. .. s .. . d., and £ .. . .s ..... d. respectively.]*

14†. I have not declined the emoluments of any office or public appointment which I might have obtained on or after the material date if I had accepted an offer made to me.

15†. I have declined the emoluments of the following [office]* [offices]* [and public appointment [appointments]]* which I might have obtained on or after the material date if I had accepted [an offer]* [offers]* made to me, namely ... .

The emoluments of [this office]* [these offices]* [and this public appointment]* [and these public appointments]* were [respectively]* as follows : ....

My reasons for refusing them were . ...

No other offer of the emoluments of an office or other public appointment was made to me.

16. The following particulars relate to the fact that I was appointed as a specially qualified person or had before my appointment been employed (otherwise than in an office within the meaning of paragraph 12 of the Fourth Schedule to the Local Government Act, 1933) as a deputy, assistant or clerk by a permanent officer for the purpose of the discharge of the latter's official duties ....

I, ... of . . . .
in the County of . . .. DO SOLEMNLY AND SINCERELY DECLARE that the foregoing statement is a true statement to the best of my knowledge, information and belief, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

Declared at... . . . . }
in the County of ... . } ....
this . . . . day of . ... . , 19 . }

Before me,

....
Justice of the Peace or
Commissioner for Oaths.

Notes.—(1) This declaration will require a 2*s.* 6*d.* stamp, which should be impressed before the declaration is made.

(2) Paragraph 1 (5) of the Fourth Schedule to the Local Government Act, 1933, reads as follows :

> "A claimant, if so required by any member of the local authority by notice sent through the clerk of the authority, shall attend at a meeting of the authority, or of any committee appointed by the authority for the purpose, and answer on oath, which any justice of the peace present may administer, all questions asked by any member of the authority or committee touching the matters set forth in his claim and in the said statement, and shall further produce all books, papers and documents in his possession or under his control relating to the claim."

* Strike out any words not required.

† Strike out this paragraph if not applicable.

‡ "Public appointment," as defined in paragraph 12 of the Fourth Schedule to the Local Government Act, 1933, means any employment the emoluments of which are payable out of public funds.

First Schedule.

PART I.

Statement of emoluments of the office and any expenses incurred in respect of the office up to material date.

	(1) Year ended	(2) Year ended	(3) Year ended	(4) Year ended	(5) Year ended	Totals.	Annual rates of emoluments and expenses immediately before the material date .....
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1. Gross Emoluments : (*a*) Salary . . (*b*) Wages . . (*c*) Fees . . (*d*) Other emoluments (specifying them)							
Total emoluments . .							
2. Expenses : (*a*) For office accommodation . . . (*b*) For clerical assistance . . (*c*) Other expenses (specifying them)							
Total expenses . .							
3. Net emoluments .							

PART II.

Estimate of emoluments and expenses of office after material date and statement of emoluments actually received and expenses actually incurred in respect thereof after that date.

Estimated emoluments and expenses of office.			Emoluments received and expenses incurred.		
Amount of annual salary or wages			Amount of salary or wages received or earned for period from material date to the ..... day of		
,, ,, fees			Amount of fees received or earned during the same period		
,, ,, other emoluments (specifying them) per annum			Amount of other emoluments (specifying them) received or earned during the same period		
TOTAL . .			TOTAL . .		
Estimated amount of expenses per annum (specifying items).			Amount of expenses incurred during the same period (specifying items)		
NET EMOLUMENTS . . .			NET EMOLUMENTS . . .		

Second Schedule.

Particulars of Service after attaining the age of 18 years.

Name of Local Authority.	Description of office.	Whether whole time or part-time.	Date of commencement of service.	Date of termination of service or diminution of emoluments.	Period of whole-time service.			Period of part-time service.			Remarks.
					Years.	Months.	Days.	Years.	Months.	Days.	
				TOTALS . .							

FORM No. 3.

Notice of Council(s) decision on claim for Compensation.

Local Government Act, 1933.

. . . . . Scheme or Order).

To . . . . . .

You are hereby informed that the decision of the . . . . . Council(s) upon the claim for compensation made by you under the above-mentioned {Scheme* / Order*} on the . . . . . .19 , in respect of . . . . . is as follows :

(*a*) That no compensation be granted to you.

(*b*) That an annuity of £ . . (figures and words) be granted to you as from the . . . . . day of . . . . . , 193 . , payable in equal {monthly* / quarterly*} instalments (on the . . . day of each month, the first payment being made on the . . . . . day of . . . . .)* (on the . . . . . day of . . . . . , the . . . . . day of . . . . . , the . . . . day of . . . . . and the . . . day of . . . . . in each year).*

(*c*) That a capital sum of £ . . . . . (figures and words) be granted to you, payable on the . . . . . day of . . . . . .

Dated this . . . . . day of . . . . . , 193 . .

Signed . . . . . .

Clerk of the Council.*
Town Clerk.*

Notes.—(1) If a claimant is aggrieved by the refusal of the local authority to grant any compensation or by the amount of compensation assessed, he may within three months after the date on which he receives notice of the decision of the authority appeal to the Minister of Health, Whitehall, London, S.W.1.

(2) The claimant should immediately notify the Council in the event of his becoming subject to the provisions of paragraph 10 of the Fourth Schedule to the Local Government Act, 1933, which reads as follows :

" 10.—(1) If a person receiving compensation under the scheme or order—

(*a*) obtains any office or other public appointment ; or

(*b*) receives, by virtue of the scheme or order, or of anything done in pursuance of or in consequence of the scheme or order, any increase of the emoluments which were enjoyed by him at the date as at which the compensation was assessed,

he shall not, so long as he holds that office or other public appointment or receives those increased emoluments, be entitled to receive any greater sum by way of compensation in respect of the office for which compensation is awarded than would make up the amount, if any, by which the emoluments which he is receiving fall short of the emoluments of the office in respect of which compensation was awarded :

Provided that where a person held two or more offices at the date as at which the compensation was assessed or has been awarded compensation in respect of two or more offices, the Minister may, on the application of that person or of any authority by whom the compensation is payable, modify the operation of the foregoing sub-paragraph in relation to that person so far as is, in the opinion of the Minister, necessary in order equitably to meet the circumstances of the case.

(2) Where an officer to whom compensation has been awarded under any scheme or order subsequently becomes entitled to a superannuation allowance in respect of any office or other public appointment which he has accepted after the material date, and in calculating the amount of such allowance account is taken of any period of service in respect of which compensation is payable, then, if the compensation does not exceed such part of the superannuation allowance as is attributable solely to that service, the compensation shall cease to be payable, and if it exceeds such part of the superannuation allowance as aforesaid, it shall be reduced by an amount equal to that part of the allowance."

(*a*), (*b*), (*c*) The paragraphs which are inappropriate should be struck out.

* Strike out words not required.

FORM No. 4.

Notice of Appeal to the Minister of Health by a Claimant for Compensation.

Local Government Act, 1933.

....Scheme (or Order).

To the Minister of Health,
Whitehall, London S.W.1.

I, ... , hereby appeal to the Minister of Health, being aggrieved by *(i) the refusal of the ....Council(s) to grant any compensation *(ii) the amount of compensation assessed by the .... Council(s) upon the claim delivered by me to them on the .... in respect of ....

I enclose a copy of my claim for compensation and of the statement which accompanied it, together with a statement of the grounds on which I am aggrieved by the decision of the Council(s), notice of which was received by me on .... †

Dated this ....day of ...., 193 ..

Signature ....

Address ....

* Strike out (i) or (ii).

† Under paragraph 8 of the Fourth Schedule to the Local Government Act, 1933, the appeal must be lodged within three months after this date. If the requirements of the second paragraph of this Form cannot be complied with within that period, it will be sufficient if they are complied with as soon as possible thereafter, but it is essential that the appeal should be lodged within that period.

Given under the official seal of the Minister of Health this twentieth day of May nineteen hundred and thirty-five.

(L.S.) J. C. WEIGLEY,
Assistant Secretary,
Ministry of Health.

CIRCULAR 1505.

County Councils.
Town Councils.
Urban District Councils.
Rural District Councils.
Port Sanitary Authorities.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
21*st November*, 1935.

SANITARY OFFICERS (OUTSIDE LONDON) REGULATIONS, 1935. (*a*)

SIR,—1. I am directed by the Minister of Health to transmit to the Authority the accompanying copies of the Sanitary Officers (Outside London) Regulations, 1935, which relate to County Medical Officers of Health and to Medical Officers of Health and Sanitary Inspectors appointed by the Councils of Boroughs and Urban and Rural Districts and by Port Sanitary Authorities. The Regulations do not apply to London. They come into force on January 1st, 1936, and replace the Sanitary Officers Order, 1926 (except in so far as it applies to London), with certain alterations which experience has shown to be desirable.

At the same time it has been considered desirable to make the Regulations comprehensive by applying certain of their provisions to Port Sanitary Authorities, and paragraphs 3 to 7 of this Circular should be read as applying, with the necessary modifications, to the Medical Officers of Health and Sanitary Inspectors of those Authorities.

(*a*) For the sections of the Local Government Act, 1933, mentioned in this circular, see Vol. I of this work; the notes there appended to the sections are necessary to understanding some parts of the circular.

OFFICERS

2. Section 103 (4) of the Local Government Act, 1933, provides that a County Medical Officer of Health shall perform such duties as may be prescribed by the Minister and such other duties as may be assigned to him by the County Council. The duties prescribed by the Minister are set out in Part II of the Regulations. It has been thought desirable to include in paragraph (1) of Article 6 of specific requirement to visit county districts as occasion may require, a provision which is similar to that contained in paragraph (1) of the County Medical Officers of Health (Duties) Order, 1910.

3. Parts III and IV contain the Regulations made in pursuance of Section 108 (1) of the Local Government Act, 1933.

The Regulations prescribing the qualifications to be held and the duties to be performed by the Medical Officers of Health of Boroughs (including County Boroughs), and of Union and Rural Districts, apply in every case and are obligatory (Articles 8 and 17). Compliance with the Regulations regarding the mode of appointment and terms as to salary and tenure of office of Medical Officers of Health and Sanitary Inspectors of Boroughs and Urban and Rural Districts, and the qualifications and duties of such Sanitary Inspectors (Articles 9 to 16, and 20 to 28), is a condition of the right of the Council of any County District to receive from the County Council under Section 109 of the Act of payment of one-half of the salary. Any resolution appointing such officers should state whether the appointment is subject to the provisions of the Regulations.

The tenure of office of existing officers is not affected by these Regulations, but the duties now prescribed apply to all Medical Officers of Health and to those Sanitary Inspectors whose appointment has been approved by the Minister.

4. In the Sanitary Officers Order, 1926, it was provided that, as an alternative to the possession of a registered diploma in sanitary science, public health or state medicine, a Medical Officer of Health should have had not less than three years' experience of the duties of a Medical Officer of Health. This alternative is not included in Article 8 of the new Regulations in which the qualifications of Medical Officers of Health are prescribed. It has been represented to the Minister that some Medical Officers of Health now in office do not hold a diploma in sanitary science, public health or state medicine. In the event of the expiration of the existing appointment of any such officer, and if his re-appointment becomes necessary, the Minister has power under Article 29 of the Regulations to dispense with the requirements of Article 8 with respect to qualifications.

In the case of Districts having a population of 50,000 or more, the possession of a diploma as above is a statutory requirement by virtue of Section 108 (3) (*b*) of the Act of 1933.

5. The requirements of Article 11 (2) with respect to the advertisement of proposed appointments, which apply both to Medical Officers of Health and to Sanitary Inspectors (see Article 21), will be satisfied if the appointment is advertised, in the case of a Medical Officer of Health, in the medical journals or, in the case of a Sanitary Inspector, in the appropriate technical journals. Such advertisements will, as a rule, attract a wider selection of candidates than advertisements in the non-technical press.

6. Article 12 provides that future appointments of Medical Officers of Health who are not by the terms of their appointments restricted from engaging in private practice shall be for a limited term only. This will apply where the County Council has not yet formulated arrangements under Section 111 (1) of the Local Government Act, 1933 (which re-enacts Section 58 (1) of the Local Government Act, 1929), for securing that Medical Officers of Health for County Districts shall be restricted by the terms of their employment from engaging in private practice, or where, although such arrangements have been formulated, the Minister in a particular case decides to exercise his power of dispensation under Subsection (4) of Section 111.

Under the Sanitary Officers Order, 1926, a Medical Officer of Health who was not restricted from private practice had to be appointed for a specified term expiring on the 31st day of March next following the date of his appointment, after which he continued to hold office from year to year without further appointment by the Local Authority or approval by the Minister, subject to the right of the Local Authority

to determine the appointment by giving three months' notice to expire on March 31st in any year. In recent years, however, it has been the practice of the Minister, having regard to the provisions of Section 58 of the Local Government Act, 1929, and Section 111 of the Act of 1933, and with a view to facilitating the early appointment of officers restricted from private practice, to give his approval to the appointment of a Medical Officer of Health not restricted from private practice for a limited period only, and/or to require that the officer shall give an undertaking to resign his appointment at any time on being called upon to do so either by the Local Authority or the Minister in order that an officer restricted from engaging in private practice may be appointed. Having regard to these considerations, no provision has been made in the new Regulations for the automatic continuance of the appointment of a Medical Officer of Health not restricted from private practice beyond the 31st day of March next following the date of his appointment, and it will be necessary for the approval of the Minister to be obtained if a further appointment of the officer is found necessary.

Under Section 110 of the Act certain Medical Officers of Health and Sanitary Inspectors of Boroughs, Urban Districts and Rural Districts outside London who, in the case of Medical Officers of Health, are restricted by the terms of their appointments from engaging in private practice, or, in the case of certain Sanitary Inspectors, are required by the terms of their appointments to devote the whole of their time to public duties, may not be appointed for a limited time and may not be dismissed except by the Minister or with his consent. The provisions of this Section do not apply to every County Borough and for the sake of convenience a list is given in the Schedule to this Circular of the County Boroughs and the Sanitary Officers thereof to whom these provisions do apply.

7. Article 17 prescribes briefly the duties of a Medical Officer of Health of a Borough or Urban or Rural District.

By Section 11 of the Housing Act, 1935 (*a*), the Minister is required to include in the Regulations prescribing the duties of these officers provisions for imposing on them a duty of furnishing annually to the Minister certain particulars in relation to overcrowding in their districts. These provisions are included in paragraph (4) of Article 17 of these Regulations.

8. Reference is made in Article 18 to the union of two or more Districts for the appointment of a Medical Officer of Health. Provision for such union is made in Section 112 of the Local Government Act, 1933. It is not, however, essential that the Districts of Councils who contemplate the appointment of the same officer as Medical Officer of Health should be formally united in this manner.

9. Sections 115 and 116 of the Act provide for the appointment of standing or temporary deputies to act in place of a Medical Officer of Health or Sanitary Inspector whenever the office is vacant or the holder thereof is for any reason unable to act. The present Regulations do not apply in terms to such officers, but the Act provides that they shall have all the functions of the holder of the office and it will therefore fall to them to carry out the duties prescribed for a Medical Officer of Health or Sanitary Inspector, as the case may be, in the appropriate Articles in the Regulations.

10. It may be convenient to draw attention to the following changes which were made by the Local Government Act, 1933, in the law affecting Medical Officers of Health and Sanitary Inspectors of Boroughs and Urban and Rural Districts:

(*a*) A vacancy in these offices must be filled within six months, or such longer period as the Minister may permit, after its occurrence (Sections 106 (4) and 107 (3)).

(*b*) Where in a county district a deputy appointed as in paragraph 9 above acts during a vacancy in the substantive office, his salary for the period when he so acts ranks for the payment of one-half by the County Council if such a payment is made towards the salary of the holder of the substantive office (Section 117).

(*a*) 28 Halsbury's Statutes 209. Repealed; see now s. 67 of the Housing Act, 1936, *ante*, p. 1677.

OFFICERS

11. Copies of this Circular and of the Regulations have been sent to the Medical Officer of Health, and further copies may be purchased from His Majesty's Stationery Office at any of the addresses given below, or through any bookseller.

I am, Sir,
Your obedient Servant,
A. B. MACLACHLAN,
Assistant Secretary.

The Clerk of the Authority,
or
The Town Clerk.

SCHEDULE.

COUNTY BOROUGHS TO WHICH SECTION 110 OF THE LOCAL GOVERNMENT ACT, 1933, APPLIES.

(NOTE.—In cases marked* the section applies only to the Medical Officer of Health and in those marked† to the Senior Sanitary Inspector. In all other cases it applies to both officers.)

*Bath,
Birmingham,
Blackpool,
Bournemouth,
*Bristol,
Canterbury,
Cardiff,
Carlisle,
Chester,
*Coventry,
*Croydon,
Darlington,
Dewsbury,
Doncaster,
Eastbourne,
East Ham,
*Gateshead,
†Gloucester,
Great Yarmouth,
Grimsby,
Huddersfield,
Liverpool,
Merthyr Tydfil,
*Newport,
Northampton,
Portsmouth,
*Preston,
Reading,
†Rotherham,
St. Helens,
Smethwick,
Southampton,
Southend-on-Sea,
Southport,
South Shields,
Sunderland,
Swansea,
Tynemouth,
Wakefield,
Wallasey,
*Warrington,
West Bromwich,
West Hartlepool.

S. R. & O., 1935, No. 1110.

THE SANITARY OFFICERS (OUTSIDE LONDON) REGULATIONS, 1935, DATED NOVEMBER 7TH, 1935, MADE BY THE MINISTER OF HEALTH.

The Minister of Health in pursuance of his powers under sections 103 and 108 of the Local Government Act, 1933 (*a*), section 11 of the Housing Act, 1935 (*b*), and all other powers enabling him in that behalf hereby makes the following Regulations, that is to say:

PART I.

Interpretation, etc.

1. These Regulations may be cited as the Sanitary Officers (Outside London) Regulations, 1935, and shall come into force on the 1st day of January, 1936.

2.—(1) In these Regulations, unless the context otherwise requires—

"the Minister" means the Minister of Health;

"local authority" means—

(*a*) in the case of a borough, urban district or rural district the council thereof;

(*b*) in the case of a port sanitary district constituted under the Public Health Act, 1875 (*c*), as amended by the Public Health (Ships, etc.) Act, 1885 (*c*), the port sanitary authority;

(*a*) *Ante*, pp. 871, 886.
(*b*) Now s. 67 of the Housing Act, 1936, *ante*, p. 1677: *vide* notes thereto.
(*c*) Now s. 2 of the P.H.A., 1936, *ante*, p. 5: *vide* notes, pp. 5 *et seq.*

" district " means a borough, urban district, rural district, or a port sanitary district, and also a union of districts for the appointment of a medical officer of health and includes a part of a district.

(2) The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3. The Sanitary Officers Order, 1926 (*a*) (except in so far as it applies to London) is hereby revoked, but without prejudice to any right, privilege, obligation or liability acquired, accrued or incurred thereunder.

4. Nothing in these Regulations shall apply to London.

PART II.

Medical Officers of Health of Counties.

5. This Part of these Regulations shall apply in the case of every medical officer of health of a county.

6. A medical officer of health of a county shall, in respect of the county for which he is appointed, in addition to any other duties which may be assigned to him by the county council, carry out the following duties:

(1) He shall inform himself as far as practicable respecting all matters affecting or likely to affect the public health in the county and be prepared to advise the county council on any such matter. For this purpose he shall visit the several county districts in the county as occasion may require, giving to the medical officer of health of each county district prior notice of his visit, so far as this may be practicable;

(2) He shall perform all the duties imposed on a medical officer of health of a county by statute and by any orders, regulations or directions from time to time made or given by the Minister;

(3) He shall as soon as practicable after the 31st day of December in each year make an annual report to the county council for the year ending on that date on the sanitary circumstances, the sanitary administration and the vital statistics of the county, containing in addition to any other matters upon which he may consider it desirable to report, such information as may from time to time be required by the Minister, and furnish the Minister with as many copies of such report as the Minister may from time to time require;

(4) He shall furnish the Minister with one copy of any special report which he may make to the county council.

PART III.

Medical Officers of Health of Districts.

7.—(1) This Part of these Regulations shall apply in the case of every medical officer of health of a district.

(2) Articles 8 and 17 comprise the regulations compliance with which is by virtue of subsection (2) of section 108 of the Local Government Act, 1933, obligatory on the council of every borough and of every urban and rural district, and Articles 9 to 16 comprise the regulations compliance with which is by virtue of the said subsection a condition of the right to receive from the county council any such payment as is mentioned in section 109 of the said Act.

(3) In the case of port sanitary authorities paragraph (2) of this Article shall apply with the substitution for references to the statutory provisions mentioned therein of references to the corresponding provisions relating to such authorities, and as if the words " county council " included a county borough council.

(*a*) S. R. & O., 1926, No. 552.

OFFICERS

8. A person shall not be qualified to be hereafter appointed as a medical officer of health of any district unless, in addition to the qualification prescribed by any statute, he is also registered in the medical register as the holder of a diploma in sanitary science, public health, or state medicine.

9. The appointment of a medical officer of health shall be subject to the approval of the Minister.

10. When a vacancy in the office of medical officer of health has occurred or is impending, the local authority shall forthwith report the fact to the Minister, stating the cause of the vacancy or impending vacancy.

11.—(1) A local authority shall, before appointing any medical officer of health, submit to the Minister a statement in such form and containing such particulars relating to the appointment as may from time to time be required by the Minister.

(2) A local authority shall, as soon as the approval of the Minister has been given to the proposals contained in the statement so submitted, cause to be inserted in some newspaper or newspapers circulating in the district, at least fourteen days before the date on which it is proposed that the appointment shall be considered by the authority, an advertisement specifying the district for which the appointment is to be made, together with the amount of the salary and of any travelling or other allowances proposed to be assigned, and stating the address to which applications for the appointment should be sent.

12. If any medical officer of health hereafter appointed is not by the terms of his appointment restricted from engaging in private practice as a medical practitioner, he shall be appointed for a specified term ending on the 31st day of March next following the date of his appointment:

Provided that the appointment of the officer may be determined at any time without notice by the Minister or by the local authority with the consent of the Minister, but not otherwise.

13. A local authority may suspend any medical officer of health from the discharge of his duties and shall forthwith report every such suspension, together with the cause thereof, to the Minister, and if the Minister directs that such suspension shall determine the local authority shall forthwith remove the suspension.

The local authority may withhold the whole or any part of the officer's salary payable in respect of the period of suspension. If the suspension is removed the amount so withheld shall be paid to the officer. If the officer dies or resigns or is removed from office during the period of suspension the amount so withheld shall not be paid unless the local authority otherwise determine.

14. A medical officer of health shall not be appointed by a local authority who does not, as one of the terms of his engagement, agree to give at least one month's notice before resigning his office or to forfeit as liquidated damages such sum as may be agreed upon at the date of his appointment.

15. A local authority shall pay to every medical officer of health such salary as may from time to time be approved by the Minister:

Provided that the local authority may, with the approval of the Minister, pay to any medical officer of health a reasonable gratuity on account of extraordinary services performed by him, or on account of other unforeseen or special circumstances connected with his duties as medical officer of health or the necessities of the district for which he is appointed.

16. The terms of the engagement of a medical officer of health appointed under this Part of these Regulations shall not be varied without the consent of the Minister.

17. A medical officer of health, in respect of the district for which he is appointed, shall—

(1) inform himself as far as practicable respecting all matters affecting or likely to affect the public health in the district and be prepared to advise the local authority on any such matter;

(2) perform all the duties imposed on a medical officer of health by statute and by any orders, regulations or directions from time to time made or given by the Minister, and by any byelaws or instructions of the local authority applicable to his office;

(3) forward to the Minister by post every week in time to ensure its delivery on Monday, or the morning of Tuesday at the latest, a return, in such form as the Minister may from time to time require, of the number of cases of infectious disease notified to him during the week ended on the preceding Saturday night; and also (in the case of a county district) forward at the same time a duplicate of the return to the medical officer or officers of health of the county or counties in which the district is situated;

(4) as soon as practicable after the 31st day of December in each year furnish to the Minister a report for his district (or in the case of a union of districts for each constituent district), for the year ending on that date, relating to overcrowding within the meaning of the Housing Act, 1935, and showing—

(*a*) the number of dwellings overcrowded at the end of the year together with the number of families and the number of persons dwelling therein;

(*b*) the number of new cases of overcrowding reported;

(*c*) the number of cases of overcrowding relieved and the number of persons concerned;

(*d*) particulars of any cases in which dwelling-houses in respect of which the local authority have taken steps for the abatement of overcrowding have again become overcrowded;

(*e*) any other particulars with respect to conditions in relation to overcrowding upon which he may consider it desirable to report or which the Minister may from time to time require.

(5) as soon as practicable after the 31st day of December in each year make an annual report to the local authority for the year ending on that date on the sanitary circumstances, the sanitary administration, and the vital statistics of the district, containing in addition to any other matters upon which he may consider it desirable to report, such information as may from time to time be required by the Minister, and furnish the Minister with as many copies of such report as the Minister may from time to time require;

(6) furnish the Minister and in the case of a county district the county council each with one copy of any special report which he may make to the local authority;

(7) forthwith report to the Minister any case of plague, cholera, or smallpox, or any serious outbreak of disease in the district which may be notified to him, or which may otherwise come or be brought to his knowledge, and, in the case of a county district, also notify the medical officer of health of the county.

18. Where two or more districts have been united for the appointment of a medical officer of health and a committee or other body has been constituted for the purpose of appointing or removing such officer that committee or other body shall be deemed to be the local authority for the purposes of Articles 10 to 15 of these Regulations.

PART IV.

Sanitary Inspectors.

19.—(1) This Part of these Regulations shall apply in the case of every sanitary inspector of a district and comprises the regulations compliance with which is not obligatory but is by virtue of subsection (2) of section 108 of the Local Government Act, 1933, a condition of the right to receive from the county council any such payment as is mentioned in section 109 of the said Act.

(2) In the case of port sanitary authorities paragraph (1) of this Article shall apply with the substitution for references to the statutory provisions mentioned therein of references to the corresponding provisions relating to such authorities, and as if the words "county council" included a county borough council.

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20. A person shall not be qualified to be hereafter appointed as a sanitary inspector of any district unless he is the holder of—

(*a*) a certificate of the Royal Sanitary Institute and Sanitary Inspectors Examination Joint Board; or

(*b*) a certificate of the late Sanitary Inspectors Examination Board; or

(*c*) a certificate of the Royal Sanitary Institute issued before the 1st day of January, 1926:

Provided that if the local authority employ a qualified veterinary surgeon for purposes connected with the inspection of meat they may, with the approval of the Minister, appoint him as a sanitary inspector for the purpose only of exercising the powers and duties of such an officer in relation to meat, notwithstanding that he does not possess any of the qualifications prescribed by this Article.

21. The provisions of Articles 9, 10 and 11 of these Regulations shall apply, with the necessary modifications, to the appointment of a sanitary inspector as they apply to the appointment of a medical officer of health.

22.—(1) Every sanitary inspector hereafter appointed, to whom the provisions of section 110 of the Local Government Act, 1933, or in the case of a port sanitary authority, the provisions of section 2 of the Public Health (Officers) Act, 1921 (*a*), do not apply, shall be appointed for a specified term ending on the 31st day of March next following the date of his appointment.

(2) Subject to the provisions of these Regulations every sanitary inspector appointed for a specified term shall, on the expiration of that term, unless the local authority not less than three months before the expiration of the term by resolution otherwise determine and give notice to him accordingly, continue to hold office from year to year, subject to the right of the local authority to give not less than three months' notice expiring on the 31st day of March in any year, until he dies or resigns or retires on superannuation, or is removed by the Minister or by the local authority with the consent of the Minister.

23. Every sanitary inspector hereafter appointed who by the terms of his appointment is not required to devote the whole of his time to the duties of his office or to the duties of that office and of any other office or offices held by him under any local authority or public body shall as one of the terms of his engagement undertake to abstain wholly in his private business from any work arising out of or in any way connected with the discharge of his duties as sanitary inspector.

24. The provisions of Article 13 (with respect to suspension from duty) and of Article 14 (with respect to notice of resignation) of these Regulations shall apply, with the necessary modifications, to a sanitary inspector as they apply to a medical officer of health.

25. The provisions of Article 15 with respect to salary shall apply, with the necessary modifications, to a sanitary inspector as they apply to a medical officer of health.

26. The terms of the engagement of a sanitary inspector appointed under this Part of these Regulations shall not be varied without the consent of the Minister.

27. The sanitary inspector as regards the district for which he is appointed shall, except as provided in Article 28 of these Regulations—

(1) perform under the general direction of the medical officer of health all the duties imposed on a sanitary inspector by statute and by any orders, regulations or directions from time to time made or given by the Minister, and by any byelaws or instructions of the local authority applicable to his office;

(2) by inspection of his district, both systematically and at intervals as occasion requires, keep himself informed of the sanitary circumstances of the district and of the nuisances therein that require abatement;

(*a*) 10 Halsbury's Statutes 859; see now the First Schedule to the P.H.A., 1936, *ante*, p. 725 and notes thereto.

(3) report to the local authority any noxious or offensive businesses, trades, or manufactories established within his district, and the breach or non-observance of any byelaws or regulations made in respect thereof;

(4) report to the local authority any damage done to any works of water supply or other works belonging to them, and also any case of wilful or negligent waste of water supplied by them, or any fouling by gas, fifth, or otherwise of water used or intended to be used for domestic purposes;

(5) from time to time, and forthwith upon complaint, visit and inspect the shops and places kept or used for the preparation or sale of any article of food to which the provisions of the statutes and regulations in that behalf apply, and examine any article of food therein, and take such proceedings as may be necessary:

Provided that in any case of doubt arising under this paragraph, he shall report the matter to the medical officer of health, with the view of obtaining his advice thereon;

(6) if so directed by the local authority, carry out the duties of a sampling officer under the Food and Drugs (Adulteration) Act, 1928 (*a*);

(7) if so directed by the local authority, inspect premises used as dairies for the purposes of the Milk and Dairies (Consolidation) Act, 1915, or the Milk and Dairies (Amendment) Act, 1922, or any Act amending those Acts, and any Orders or Regulations made thereunder (*b*);

(8) give immediate notice to the medical officer of health of the occurrence within his district of any infectious or epidemic disease or other serious outbreak of illness; and whenever it appears to him that the intervention of such officer is necessary in consequence of the existence of any nuisance injurious to health, or of any overcrowding in a house or of any other conditions affecting the health of the district, forthwith inform the medical officer of health thereof;

(9) if so directed by the medical officer of health, remove, or superintend the removal of, patients suffering from infectious disease to an infectious diseases hospital, and perform or superintend the work of disinfection after the occurrence of cases of infectious disease;

(10) if so directed by the local authority, supervise the scavenging of his district or any part thereof;

(11) if so directed by the local authority, act as officer of the local authority under the Canal Boats Acts, 1877 and 1884 (*c*), and the Rats and Mice Destruction) Act, 1919 (*d*), and under any orders or regulations made thereunder;

(12) if so directed by the local authority, act as designated officer for the purposes of the Housing Consolidated Regulations, 1925 and 1932 (*e*);

(13) if so directed by the local authority, perform duties of inspection under Part I of the Housing Act, 1935;

(14) if so directed by the local authority, superintend and see to the due execution of all works which may be undertaken by their direction for the suppression or removal of nuisances;

(15) carry out any duties imposed upon him by the local authority with reference to the provisions of the Shops Act, 1934 (*f*), relating to ventilation, temperature, and sanitary conditions;

(16) enter from day to day, in a book or on separate sheets or cards provided by the local authority, particulars of his inspections and of the action taken by him in the execution of his duties;

(*a*) See now Part VI of the Food and Drugs Act, 1938, *ante*, pp. 1402 *et seq.*
(*b*) See now Part II of the Food and Drugs Act, 1938, *ante*, pp. 1337 *et seq.*
(*c*) See now Part X of the P.H.A., 1936, *ante*, p. 512.
(*d*) 13 Halsbury's Statutes 965.
(*e*) See the 1925 Regulations printed as amended by the 1932 Regulations, *ante*, p. 2871.
(*f*) 27 Halsbury's Statutes 226.

OFFICERS

(17) at all reasonable times, when applied to by the medical officer of health, produce to him his books, or any of them, and render to him such information as he may be able to furnish with respect to any matter to which the duties of sanitary inspector relate;

(18) as soon as practicable after the 31st day of December in each year, furnish the medical officer of health with a tabular statement containing the following particulars:

(a) the number and nature of inspections made by him during the year;

(b) the number of notices served during the year, distinguishing statutory from other notices;

(c) the result of the service of such notices.

28. When in any district there are two or more sanitary inspectors, nothing in these Regulations shall be deemed to prevent the local authority from distributing among them the duties directed by these Regulations to be performed by a sanitary inspector.

PART V.

General.

29. The Minister may dispense with any of the requirements of these Regulations in any case in which it appears to him desirable so to do, on such terms and conditions as he thinks fit, and such dispensation may be given at any time, provided that the Minister is satisfied that the interest of any person will not be prejudiced thereby.

Given under the official seal of the Minister of Health this seventh day of November, nineteen hundred and thirty-five.

(L.S.)

J. N. BECKETT,
Assistant Secretary,
Ministry of Health.

CIRCULAR 1525.

County Councils.
Town Councils.
Metropolitan Borough Councils.
Urban District Councils.
Rural District Councils.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
31st March, 1936.

DEPARTMENTAL COMMITTEE ON LOCAL GOVERNMENT OFFICERS.

SIR,—1. I am directed by the Minister of Health to invite the attention of the Council to the report made in 1934 by the Committee appointed under the Chairmanship of Sir Henry Hadow to inquire into and make recommendations on the qualifications, recruitment, training, and promotion, of Local Government Officers. Since the issue of the report discussion of the recommendations made (which are set out in Appendix I to this Circular) has been proceeding with the Associations of Local Authorities and with other interested bodies.

2. The principal recommendation of the Committee was directed to the establishment of a Standing Central Advisory Committee representative of the Associations of Local Authorities. On this recommendation the Committee observe:

"157. *Importance attached to recommendation.*—The establishment of a central advisory committee is the chief of our recommendations. The more far-reaching of our proposals are closely bound up with it, and we feel that substantial progress depends on the setting up of such a body. Quite apart from individual recommendations, we regard the absence of a central organisation as one of the most serious defects in the existing system. It is absurdly wasteful that there should be no one body empowered to supply information regarding

entry to the local government service, no one body to which suggestions, representations, criticisms can be made. Representatives of schools and universities have told us that they have known able young men who might have done well in local government, but who have been diverted to other channels simply because they did not know how to enter the service of local authorities. Nor is this all. Excellent work has been done by individual local authorities in the recruitment and training of their officers, but the value of this work is dispersed through the lack of machinery for passing on the results to other local authorities. A central service of informed advice would be invaluable. Local authorities would find it useful to compare the practice of the civil service, of large business firms, of other countries, in the management of staff, and this would naturally be done by a central committee. We have no hesitation in saying that a central advisory body would provide one of the most effective means of securing an improved service."

"158. *Functions and constitution of the committee.*—We contemplate that the committee should ordinarily act in a purely advisory capacity, except so far as they may be used as agents by authorities."

3. Unfortunately, while the London County Council and certain Associations have ndorsed this recommendation, it has not as yet proved possible to secure its acceptnce by all the Associations. In the absence of general agreement, and particularly f the support of the Association of Municipal Corporations, it seems better to uspend any steps in this direction for the present. It has, however, become clear, n the correspondence and discussions which have taken place, that there is widepread, and in some cases unanimous, support for other recommendations of the ommittee (*a*).

4. Many of these recommendations have, in fact, already been accepted by local uthorities for their own guidance. In particular, recommendations 1, 2, 3, 4, and 4, which relate to matters covered by the model standing orders issued by the Minister on December 31st, 1934, for the guidance of local authorities, are applied n many areas as the result of the adoption of standing orders substantially following he model.

5. Other recommendations which have received a large measure of support are hose numbered 5, 6, 7, 12, 13, 15, 16, 17, 18, 21, and 22, and the Minister trusts that ll local authorities will give careful consideration to the issues raised. He feels that nly special and unusual circumstances would justify a local authority in disregarding hese recommendations.

6. I am to draw special attention to recommendation 11, which relates to the ecruitment of university candidates to the local government service. The Minister entirely concurs with the view of the Committee that a service so large and so far reaching as the local government service has now become loses a source of strength when, on the one hand, its possibilities are not brought to the notice of young men in their last years at the University, and, on the other, the system of recruitment generally adopted penalises in practice though not in theory candidates of this class. He realises that while the establishment of a Central Advisory Committee remains in abeyance it may sometimes be difficult to bring suitable vacancies in the service to the knowledge of these possible candidates.

Local authorities will, however, often find it desirable to keep in touch with the Appointments Boards which have been established at the Universities: a list, supplied by the University Grants Committee, is printed as Appendix II to this Circular. These Boards are understood already to be in touch with many local education authorities, and to be giving assistance as regards educational appointments, and they should be able to give similar assistance where other appointments are concerned.

(*a*) The suggested Committee was afterwards established, in November, 1937, under the chairmanship of Lord Phillimore. The bodies represented are the County Councils Association, the Association of Non-County Boroughs, the Urban District Councils Association, the Rural District Councils Association, the Metropolitan Boroughs Standing Joint Committee, and the London County Council. The terms of reference are "to consider general issues relating to the recruitment, qualifications, training, promotion, and grading of local government officers, and to advise local authorities thereon."

OFFICERS

In this connection, local authorities should bear in mind that they are now substantial contributors to University funds, and it is (as Sir Henry Hadow's Committee pointed out) illogical to spend money on higher education while not securing the full advantage of employing persons so educated.

7. As has been said, the recommendations of the Committee are set out in Appendix I to this Circular (*a*). Every local authority is, however, recommended to study the whole report, and particularly, where the authority have followed the normal practice of having a Committee (under whatever name) charged specially with questions relating to their staff, to instruct that Committee, if it has not already done so, to examine the report and recommendations and see how far those recommendations can be adopted, looking to the circumstances of the authority's own district.

8. The appointment and training of local government officials is a responsibility of local authorities themselves. In this the Minister has no desire to intervene. It will be clear to them that the increasing importance and complexity of their work makes it year by year more necessary to increase the efficiency and improve the organisation of their staffs. The authoritative character of the Committee, on which the Associations of Local Authorities and the principal Associations of their officials were represented, make it his duty to urge that the most careful consideration to the Committee's conclusions shall be given.

Copies of the Report and additional copies of this Circular may be obtained from His Majesty's Stationery Office at any of the addresses shown on the back hereof, or through any bookseller.

I am, Sir,
Your obedient Servant,
H. W. S. FRANCIS,
Director: Local Government Division.

The Town Clerk,
or
The Clerk of the Council.

APPENDIX I.

RECRUITMENT.

General Considerations and Proposals.

1. *Notification of vacancies.*—All vacancies should be widely notified, except where it is intended to fill them by promotion inside the office.

2. *Selection.*—Candidates should ordinarily be interviewed by a committee of the Council; selection by an officer should be exceptional.

3. *Disqualification of interested persons.*—The candidature of near relations of members or officers should be closely scrutinised; members, officers and candidates being required to disclose relationship.

4. Canvassing should invariably disqualify a candidate.

5. *Probation.*—All newcomers to the service should be appointed on a term of probation, should be thoroughly tested, and should be appointed to the established staff only if reports are satisfactory.

6. *Security of tenure.*—Before a senior officer is dismissed, notice should be given to all members of the authority, and, if the officer so requests, the notice should state the grounds of the complaint.

7. *Employment of authority.*—Local authorities should not authorise their officers to appoint and pay their own assistants, but should be directly responsible for the appointment and salary of every member of their staff.

(*a*) These should be compared with the related provisions of the model standing orders, *ante*, p. 3271.

Junior Clerical Officers.

8. *Minimum qualifications.*—Sixteen years should be the minimum age for entry and a school certificate the minimum educational qualification. Vacancies should be open to girls as well as to boys.

9. *Recruitment from a higher age group.*—Local authorities should recruit a certain proportion of junior clerical officers at eighteen or nineteen years of age, the larger local authorities making systematic arrangements to do so.

10. *Method of recruiting clerical officers.*—Junior clerical officers should preferably be recruited by open competitive examination, neighbouring local authorities combining for the purpose.

University Graduates.

11. University graduates should be systematically recruited by the larger local authorities, and there should be central machinery for the selection of this type of candidate. Competitive examination is recommended.

Professional and Technical Officers.

12. *Field of recruitment.*—In recruiting their professional and technical officers, local authorities should look to all available sources, whether inside or outside the service.

13. *Articled pupilage.*—No premium should be required from pupils articled to officers; and the selection of pupils by officers should be subject to the authority's approval.

QUALIFICATIONS OF PRINCIPAL OFFICERS.

14. *Clerks.*—The essential qualification of a clerk is administrative ability; a legal qualification may be convenient, but should not be insisted on to the exclusion of persons of proved administrative ability who do not possess the qualification.

To secure that sufficient officers of administrative ability are available, local authorities should broaden the basis of recruitment, provide training in administration for junior officers, and encourage the study of the principles of administration.

15. *Other principal officers.*—No radical change in the existing system of requiring principal officers to possess technical qualifications is suggested, but more attention should be paid to administrative ability and experience.

16. *Subordinate administrative officers.*—Large authorities might consider the appointment of responsible administrative assistants to the principal officers.

TRAINING AND PROMOTION.

Grades and Salary Scales.

17. Every local authority should adopt a scheme of grading and salary scales. The grades of different authorities should as far as possible be comparable.

Variety of Experience.

18. Selected clerical officers should be given experience of different departments. Freer movement of clerical officers between different authorities is also desirable, and senior clerical vacancies should ordinarily be advertised. Universal superannuation schemes are required.

The Use of Examinations.

19. *An examination bar.*—Local authorities should require junior officers to pass a qualifying examination before they will be considered eligible for promotion from the general grade.

20. *Nature of the examinations.*—The examinations qualifying officers for promotion from the general grade should be either the first part of a recognised technical examination; or an administrative examination. Local authorities should combine to secure that an administrative examination of suitable standard is available.

Promotion.

21. *Method of promotion.*—Principal officers should keep records of the progress of all officers in their department, and these records should be referred to the appropriate committee if the officer is either unusually promising, or not up to standard.

22. *Grants, increments, special leave.*—Grants or increments might be made to officers obtaining approved qualifications. Grants might also be made to educational institutions providing approved courses, on condition that selected officers are allowed to attend. Special leave should be granted in exceptional cases.

OFFICERS

TECHNICAL QUALIFICATIONS.

23. Several questions arise and a thorough investigation is required. The investigation should be carried out by a central body, representative of local authorities.

GENERAL CONCLUSIONS.

Establishment Committees.

24. All questions affecting the recruitment, qualifications, training and promotion of officers, should be assigned to a central committee in every local authority.

A Central Advisory Committee.

25. The principal need of the service is a standing body charged with the supervision of all questions affecting officers. The associations of local authorities and the London County Council should combine to appoint a standing committee for this purpose.

APPENDIX II.

APPOINTMENTS BOARDS OR COMMITTEES AT UNIVERSITIES.

Birmingham University.—The Secretary, Appointments Board, The University, Edmund Street, Birmingham.

Bristol University.—The Secretary, Appointments Board, University Union, Victoria Rooms, Clifton, Bristol, Glos.

Cambridge Unversity.—The Secretary, Cambridge University Appointments Board, Lensfield House, Lensfield Road, Cambridge.

Durham University.—The Secretary, University of Durham Appointments Board, University Offices, 38, North Bailey, Durham.

Leeds University.—The Secretary, Appointments Board, The University, 8, Moor Park Avenue, Headingley, Leeds, Yorks.

Liverpool University.—The Secretary for Appointments for Men Students, The University, Liverpool. The Secretary for Appointments for Women Students, The University, Liverpool.

London University.—The Secretary, University of London, Commerce Degree Bureau and Appointments Board, 46, Russell Square, London, W.C.1.

Manchester University.—The Secretary, University Appointments Board, The University, Manchester.

Oxford University.—The Secretary, Appointments Committee, University of Oxford, 36, Beaumont Street, Oxford. The Secretary, Appointments Committee for Women Students, St. John's House, St. Giles, Oxford.

Reading University.—The Registrar, The University, Reading, Berks.

Sheffield University.—The Secretary, Appointments Board, The University, Sheffield, Yorks.

University of Wales.—The Secretary, Appointments Board, University of Wales Cathays Park, Cardiff, Glam.

Aberdeen University.—The Secretary, Appointments Committee, The University, Aberdeen.

Edinburgh University.—The Secretary, Appointments Committee, The University, Edinburgh.

Glasgow University.—The Secretary, Appointments Committee, The University, Glasgow.

St. Andrews University, including Dundee University College.—The Secretary, Appointments Board, The University, St. Andrews.

CIRCULAR 1598. OFFIC

Port and Riparian Sanitary Authorities.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
10*th February*, 1937.

I. ANNUAL REPORTS OF MEDICAL OFFICERS OF HEALTH (*a*).

SIR,—1. I am directed by the Minister of Health to refer to Article 17 (5) of the Sanitary Officers (Outside London) Regulations, 1935, and to request that the Sanitary Authority will direct their Medical Officer of Health to draw up his Annual Reports for 1936 and subsequent years on the lines indicated in the enclosed memorandum.

2. In the case of a Riparian Sanitary Authority the Medical Officer of Health should include in his Annual Reports, in addition to the matters set out in Circular 1561 and in similar circulars for subsequent years, such of the information indicated in the enclosed memorandum in regard to shipping, etc., as is applicable to the circumstances of the district.

3. Any permanent arrangements which have been fully described in previous Annual Reports and have not been altered may be omitted from the Report for 1936.

II. SPECIAL REPORTS OF MEDICAL OFFICERS OF HEALTH TO MINISTER OF HEALTH.

4. Article 17 (7) of the Sanitary Officers (Outside London) Regulations, 1935, requires the Medical Officer of Health forthwith to report to the Minister any case of plague, cholera or smallpox, or any serious outbreak of disease in the district. Suspected cases of plague, cholera, smallpox, yellow fever or typhus fever, cases of rodent plague and severe outbreaks of malaria on arriving ships, should also be reported. Such reports should in all cases be made promptly, and independently of the figures of notified cases sent weekly by postcard to the Registrar-General.

5. A copy of this Circular is being sent to the Medical Officer of Health.

I am, Sir,
Your obedient Servant,
J. N. BECKETT,
Assistant Secretary.

The Clerk to the Authority.

MEMO. 204/S.A.

PORT AND RIPARIAN SANITARY AUTHORITIES.

ANNUAL REPORTS OF MEDICAL OFFICERS OF HEALTH.

1. Article 17 (5) of the Sanitary Officers (Outside London) Regulations, 1935, provides that a Medical Officer of Health shall, as soon as practicable after the 31st day of December in each year, make an Annual Report to the Authority up to the end of December on the sanitary circumstances, the sanitary administration and the vital statistics of the District, containing, in addition to any other matters upon which he may consider it desirable to report, such information as may from time to time be required by the Minister.

2. Article 27 (18) of the Regulations provides that the Sanitary Inspector shall, as soon as practicable after the 31st day of December in each year, furnish the

(*a*) Circular 1933, dated December 29th, 1939 (not reproduced in this work), forwarded to local authorities a collection of forms altered to meet the conditions of war.

OFFICERS

Medical Officer of Health with a tabular statement containing the following particulars:

(*a*) the number and nature of inspections made by him during the year;

(*b*) The number of notices served during the year, distinguishing statutory from informal notices;

(*c*) The result of the service of such notices.

3. The records of the Authority should accordingly be kept in such form as to enable their Medical Officer of Health to prepare his Report without delay at the close of each year. *The Report should be in the form and sequence indicated herein—the lettering of the tables being adhered to.*

4. The Medical Officer of Health should include in his Report any comments which he may think desirable (1) under the several heads indicated herein, and (2) in regard to the need for any developments or extensions which, in his opinion, are necessary to render the work of the Authority fully efficient.

5. In the case of those ports which are approved under the Aliens Order, 1920, for the landing of aliens, the Medical Officer of Health should report generally upon the work of medical inspection of aliens.

6. The Medical Officer of Health should send to the Minister three copies of his Report by March 31st of the year following that to which the report relates. The copies should be addressed to The Secretary, Ministry of Health, Whitehall, London, S.W.1. If the Authority are not the Council of a County Borough, the Medical Officer of Health should also send a copy of his Report to the County Council and, where a Port Sanitary District is in more than one administrative county, a copy should be sent to the Council of each County concerned.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
February, 1937.

APPENDIX.

MATTERS TO BE DEALT WITH IN THE ANNUAL REPORTS OF PORT MEDICAL OFFICERS OF HEALTH.

I. Amount of Shipping Entering the Port during the Year.

TABLE A.

—	Number.	Tonnage.	Number inspected.		Number reported to be defective.	Number of vessels on which defects were remedied.	Number of vessels reported as having, or having had, during the voyage infectious disease on board.
			By the Medical Officer of Health.	By the Sanitary Inspector.			
FOREIGN { Steamers .							
*Motor .							
Sailing .							
Fishing .							
Total Foreign .							
COASTWISE { Steamers.							
*Motor .							
Sailing .							
Fishing .							
Total Coastwise .							
Total Foreign and Coastwise . .							

II. *Character of Trade of Port.*

TABLE B.

(*a*) Passenger Traffic during the year.

No. of Passengers.	1st Class.	2nd Class.	3rd Class.	Transmigrants.
Inwards . . .				
Outwards . . .				

(*b*) Cargo Traffic.

Principal imports. Principal exports.

(*c*)

Foreign Ports from which vessels arrive.

III. *Water Supply.*

(1) Source of supply for (*a*) the port, (*b*) shipping.

(2) Hydrants and hosepipes. What precautions are taken against contamination ?

(3) Number of water boats and their sanitary condition.

IV. *Port Sanitary Regulations*, 1933.

(1) Arrangements for dealing with Declarations of Health.

(2) Boarding of vessels on arrival.

(3) Notification to the Authority of inward vessels requiring special attention (wireless messages, land signal stations, information from pilots, Customs Officers, etc.).

(4) Mooring stations designated under Article 10 : (*a*) within the docks, (*b*) outside the docks.

(5) Particulars of any standing exemptions from the provisions of Article 14.

(6) Experience of working of Article 16.

(7) What, if any, arrangements have been made for :

(*a*) Premises and waiting rooms for medical examination.
(*b*) Cleansing and disinfection of ships, persons and clothing and other articles.
(*c*) Premises for the temporary accommodation of persons for whom such accommodation is required for the purposes of the Regulations.
(*d*) Hospital accommodation available for Plague, Cholera, Yellow Fever, Smallpox and other infectious diseases.
(*e*) Ambulance transport.
(*f*) Supervision of contacts.

(8) Arrangements for the bacteriological or pathological examination of rats for plague.

(9) Arrangements for other bacteriological or pathological examinations.

(10) Arrangements for the diagnosis and treatment of venereal disease among sailors under international arrangements.

(11) Arrangements for the interment of dead.

(12) Other matters, if any, requiring or receiving attention.

TABLE C.

Cases of Infectious Sickness landed from Vessels.

Disease.	No. of Cases during the year.		No. of Vessels concerned.	Average No. of Cases for previous 5 years.
	Passengers.	Crew.		

OFFICERS

TABLE D.

Cases of Infectious Sickness occurring on Vessels during the voyage but disposed of prior to arrival.

Disease.	No. of Cases during the year.		No. of Vessels concerned.	Average No. of Cases for previous 5 years.
	Passengers.	Crew.		

If any case of Plague, Cholera, Yellow Fever, Smallpox or Typhus occurred, or if plague-infected rats were discovered, or if any severe outbreak of Malaria occurred on an arriving ship during the year, a short account should be given of the steps taken.

V. *Measures against Rodents.*

(1) Steps taken for detection of rodent plague (*a*) In ships in the port. (*b*) On quays, wharves, warehouses, etc., in the vicinity of the port.

(2) Measures taken to prevent the passage of rats between ships and the shore.

(3) Methods of deratisation of (*a*) Ships. (*b*) Premises in the vicinity of docks or quays.

(4) Measures taken for the detection of rat prevalence in ships and on shore.

(5) Rat-proofing.

(*a*) To what extent are docks, wharves, warehouses, etc., rat proof?

(*b*) Action taken to extend rat-proofing.
(i) in ships; (ii) on shore.

Rats destroyed during the year.

TABLE E.

(1) On Vessels.

Number of Rats.	Jan.	Feb.	Mar.	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Total in Year.
Black .													
Brown .													
Species not recorded.													
Examined													
Infected with plague													

TABLE F.

(2) In Docks, Quays, Wharves and Warehouses.

Number of Rats.	Jan.	Feb.	Mar.	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Total in Year.
Black .													
Brown .													
Species not recorded .													
Examined													
Infected with plague													

TABLE G.

Measures of Rat Destruction on Plague "infected" or "suspected" Vessels or Vessels from plague infected ports arriving in the Port during the year.

Total Number of such Vessels arriving.	Number of such Vessels fumigated by SO_2.	Number of Rats killed.	Number of such Vessels fumigated by HCN.	Number of Rats killed.	Number of such Vessels on which trapping, poisoning, &c., were employed.	Number of Rats killed.	Number of such Vessels on which measures of Rat destruction *were not carried out.*
1.	2.	3.	4.	5.	6.	7.	8.

TABLE H.*

Deratisation Certificates and Deratisation Exemption Certificates issued during the year.

Net Tonnage.	No. of Ships.	No. of Deratisation Certificates Issued.					No. of Deratisation Exemption Certificates Issued.	Total Certificates Issued.
		After fumigation with			After Trapping, Poisoning, etc.	Total.		
		HCN.	Sulphur.	HCN. and Sulphur.				
1.	2.	3.	4.	5.	6.	7.	8.	9.
Ships up to 300 tons .								
Ships from 301 tons to 1,000 tons . .								
Ships from 1,001 tons to 3,000 tons . .								
Ships from 3,001 tons to 10,000 tons . .								
Ships over 10,000 tons .								
TOTALS . .								

* Applicable only to those Ports approved by the Minister of Health for the issue of Deratisation Certificates and Deratisation Exemption Certificates in accordance with the provisions of Article 28 of the International Sanitary Convention, 1926. (Form Port 11.)

OFFICERS

VI. *Hygiene of Crews' Spaces.*

TABLE J.

Classification of Nuisances.

Nationality of Vessel.	Number inspected during the year.	Defects of original construction.	Structural defects through wear and tear.	Dirt, verm and other condition prejudicial health.
British . . .				
Other Nations . .				

VII. *Food Inspection.*

(1) Action taken under the Public Health (Imported Food) Regulations, 1925, Public Health (Imported Food) Amendment Regulations, 1933, the Public Health (ported Milk) Regulations, 1926, and the Public Health (Preservatives, etc., in F Regulations, 1925 to 1927.

(2) *Shell-fish.*—Information respecting any shell-fish beds or layings within the j diction of the P.S.A. stating whether they are in the opinion of the Medical Officer li to pollution. Report of any action taken under the Public Health (Shell-fish) Regulati 1934, or the Public Health (Cleansing of Shell-fish) Act, 1932.

Any available information on the following points:

(i) the places to which shell-fish taken from layings in the district are sent t marketed;

(ii) the layings from which shell-fish (specifying the kinds of shell-fish) which ma marketed in the district, are derived.

(3) *Number of Samples of Food examined by:*

(*a*) Bacteriologist.
Nature of Sample. Result of Examination.

(*b*) Analyst.
Nature of Sample. Result of Examination.

CIRCULAR 1694.

Welfare Authorities (England).

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
12*th April*, 1938.

HEALTH VISITORS: TRAINING.

SIR,—1. I am directed by the Minister of Health to say that, as a result o revision of the Rules of the Central Midwives Board for the training of midw he has had under consideration the midwifery training which Health Visitors sh in future be required to undertake.

2. Hitherto, as the Council are aware, under the conditions of grant relating t training of Health Visitors set out in Memorandum 101/M.C.W. (*a*), dated Febr 1925, Health Visitors have been required to obtain, or to declare in writing intention of obtaining, the Certificate of the Central Midwives Board. Unde above-mentioned Rules, which the Minister has approved, the Central Mid Board have extended the period of training for intending midwives and divid into two parts, (i) a first period of six months in the case of pupils who are tr

(*a*) Not reproduced.

nurses and of eighteen months in all other cases, and (ii) a second period extending over six months in all cases. OFF

3. The Minister, after consultation with the Council of the Royal Sanitary Institute, has come to the conclusion that students intending to qualify only as Health Visitors should no longer be required to obtain the Certificate of the Central Midwives Board, and he understands that the Institute propose to amend their regulations accordingly. In future, therefore, the conditions of grant laid down in Memorandum 101/M.C.W. will be construed as if for any requirement relating to the certificate of the Central Midwives Board there were substituted a requirement that intending Health Visitors shall undertake the course of midwifery training appropriate to their qualifications in the first period only referred to above, that is to say, a course of six months in the case of trained nurses and of eighteen months in all other cases. Appropriate Exchequer grant as set out in the enclosed Memorandum will continue to be available in aid of the midwifery training of Health Visitors, in addition to the grant already payable towards the cost of her training as a Health Visitor under the conditions prescribed in Memorandum 101/M.C.W.

4. Courses of instruction under the new Rules of the Central Midwives Board will begin not later than November 1st, 1938, and accordingly no pupils can enter for training under the old Rules later than September 1st, 1938, if they are trained nurses, or May 1st, 1938, if they are not trained nurses.

5. Various suggestions bearing on the training of Health Visitors have been brought to the notice of the Minister from time to time. These are receiving attention and will form the subject of a communication to local authorities at a later date.

6. A copy of this Circular has been sent to the Medical Officer of Health, and further copies of the Circular and Memorandum may be purchased through any bookseller or directly from His Majesty's Stationery Office at the addresses mentioned below.

I am, Sir,
Your obedient Servant,
E. D. MACGREGOR,
Assistant Secretary.

The Clerk of the Council,
or
The Town Clerk.

MEMO. 211/M.C.W.

MEMORANDUM AS TO THE CONDITIONS UPON WHICH GRANTS WILL BE MADE BY THE MINISTER OF HEALTH IN AID OF MIDWIFERY TRAINING.

I.—INTRODUCTION.

1. The Central Midwives Board have recently revised their rules relating to the training of midwives and have decided to extend the training and divide it into two parts (i) a first period of six months in the case of pupils who are trained nurses and of eighteen months in all other cases, and (ii) a second period extending over six months in all cases. An examination will be held after the first period of training, but only candidates successful at the examination held after the second period of training will be admitted to the Roll of Midwives. The revised rules have been approved by the Minister. No pupils will be admitted under the old rules later than May 1st, 1938, if they are not fully trained nurses, or September 1st, 1938, if they are fully trained nurses.

Provision is made under the grant conditions in Part II below for an increase in the Exchequer grant commensurate with the extended periods of training now required under the rules of the Central Midwives Board. The opportunity has

OFFICERS

also been taken to make provision for the payment of grant in respect of th wifery training required to be undertaken by intending Health Visitors. Oth the conditions of grant remain substantially as before.

2. The Exchequer grant is given in order to maintain a full service of pra midwives and to assist students who intend to practise midwifery. As in th the authorities of the recognised training institutions must take all practicabl to satisfy themselves that grant-aided pupils carry out their intention to prac

3. It will be observed that the conditions of grant require the scale of fees a by a recognised institution to be approved by the Minister.

The fee charged for the course to pupils in respect of whom grant is payabl be reduced by the amount of the grant.

4. The Central Midwives Board have also made rules under Section 7 Midwives Act, 1936, requiring all practising midwives to attend a resident co instruction of not less than four consecutive weeks at least once in every seven and grant will be payable in respect of attendance at such courses as set out

II.—CONDITIONS UPON WHICH GRANTS WILL BE MADE.

General.

1. Grants will be made only to an institution which is recognised by the (Midwives Board (hereinafter called a " recognised institution ").

2. The scale of fees adopted by a recognised institution must be approved Minister.

3. The recognised institution must keep such records and furnish such retu may from time to time be required by the Minister.

Courses for intending Midwives.

4.—(*a*) Grants will be payable in respect of courses approved by the Minis intending midwives at a recognised institution for the first or second pe training.

(*b*) Courses in district nursing and other subjects may be included in the curr of the institution but such courses will not be approved for the payment of gr

Courses for intending Health Visitors.

5. Grants will be payable in respect of midwifery courses approved by the M for intending Health Visitors at a recognised institution for the first pe training.

Courses for practising midwives.

6. Grants will be payable in respect of courses approved by the Minis practising midwives at recognised institutions. These courses must be eithe

(*a*) whole-time courses intended for practising midwives desiring to for senior positions, *e.g.*, teachers of midwifery, and lasting for a period less than four months and not more than six months; or

(*b*) whole-time resident courses lasting not less than four consecutive

Grants.

7. The grants will be payable to recognised institutions on the following ba

(*a*) For such intending midwife who completes a first period of instruc six months' duration and a second period of six months' duration ap under paragraph 4 (*a*) of these conditions and in or after December, 1939, for the second examination—£20 per period of six months.

(*b*) For each intending midwife who completes a first period of instruc eighteen months' duration and a second period of six months' duration ap under paragraph 4 (*a*) of these conditions and in or after December enters for the second examination—£52 10*s*. per period of eighteen mont £20 per period of six months.

(*c*) For each intending Health Visitor who completes a first period of training of six months' duration approved under paragraph 5 of these conditions and in or after May, 1939, enters for the first examination—£20.

(*d*) For each intending Health Visitor who completes a first period of training of eighteen months' duration approved under paragraph 5 of these conditions and in or after May, 1940, enters for the first examination—£52 10*s*.

(*e*) For each practising midwife who completes a course approved under paragraph 6 (*a*) of these conditions—not exceeding £20.

(*f*) For each practising midwife who, after January 1st, 1939, completes a course approved under paragraph 6 (*b*) of these conditions—£1 a week.

8. Each grant will be payable after the pupil to whom it relates has completed her course of training and has (*a*) in respect of the first period, entered for the first examination and declared her intention of completing the training or of becoming a Health Visitor and (*b*) in respect of the second period has entered for the examination of the Central Midwives Board. An instalment of such amount as the Minister thinks fit may be paid at the commencement of each course.

9. Grant will not be payable in respect of a pupil unless she has declared in writing her intention of practising as a midwife or of completing a course of training approved by the Minister of Health for the training of Health Visitors.

10. Where a pupil, owing to illness or other unavoidable cause, is prevented from completing a course of training approved under these conditions, the Minister will, if he thinks fit, pay a proportionate grant.

11. The grants payable under these conditions may be reduced, withheld or recovered, as the case may be, if the Minister is not satisfied as to the suitability of the provision made, or as to the proportion of pupils who subsequently fulfil the terms of their declaration.

Ministry of Health.
April, 1938.

CIRCULAR 1833.

Food and Drugs Authorities (England).

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
11*th August*, 1939.

PUBLIC ANALYSTS REGULATIONS, 1939.

SIR,—1. I am directed by the Minister of Health to enclose for the information of the Authority a copy of the Public Analysts Regulations, 1939 (*a*). These Regulations have been made under Sections 66 (2) and 69 (3) of the Food and Drugs Act, 1938 (*b*), and will come into operation with the Act on October 1st next.

2. Section 66 (2) of the Act provides that no person shall be appointed a Public Analyst unless he possesses either the prescribed qualifications or such other qualifications as the Minister may approve, and, further, that no person shall be appointed Public Analyst for any area who is engaged directly or indirectly in any trade or business connected with the sale of food or drugs in that area. The Minister has prescribed qualifications in the Regulations. As indicating the qualifications which the Minister is prepared to approve other than those prescribed, I am to say that he will require evidence, satisfactory to him, that the candidate for the office of Public Analyst has attained a standard in analytical chemistry, therapeutics and microscopy equivalent to that required for the qualifications set out in the Regulations. A personal testimonial is of no value as evidence of competence, unless it is given by

(*a*) S. R. & O., 1939, No. 840, *post*, p. 3468.
(*b*) *Ante*, pp. 1404, 1408.

OFFICERS

a person who is himself a recognised expert of high standing in the subjects in question and testifies to his personal knowledge of the proficiency of the candidate in these subjects.

It will be noted that no new departure is being made from the existing practice as set out in paragraphs 10–14 of Memorandum 36/Foods (as revised in January, 1929) issued by this Department and the Regulation of March 7th, 1900, made by the Local Government Board (which will lapse when these Regulations become operative (*a*)).

When the appointment of a Public Analyst is submitted for the Minister's approval, particulars of the appointment should be given on a form obtainable from the Department.

3. Section 69 (3) of the Act requires a Public Analyst to give to a person submitting a sample to him for analysis a Certificate in the prescribed form specifying the result of the analysis. The form is prescribed in these Regulations and set out in the Schedule thereto. It will replace the form contained in the First Schedule to the Food and Drugs (Adulteration) Act, 1928.

4. A copy of this Circular is being sent to the Medical Officer of Health and to all Public Analysts. Further copies may be obtained through any bookseller or directly from H.M. Stationery Office at the addresses shown below.

I am, Sir,
Your obedient Servant,

R. STANTON,
Assistant Secretary.

The Clerk of the Council,
or
The Town Clerk.

S. R. & O., 1939, No. 840.

THE PUBLIC ANALYSTS REGULATIONS, 1939, DATED AUGUST 1ST, 1939, MADE BY THE MINISTER OF HEALTH UNDER SECTIONS 66 (2) AND 69 (3) OF THE FOOD AND DRUGS ACT, 1938.

Whereas it is provided by subsection (2) of section 66 of the Food and Drugs Act, 1938 (*b*), that no person shall be appointed a public analyst unless he possesses either the prescribed qualifications or such other qualifications as the Minister of Health may approve;

And whereas it is provided by subsection (3) of section 69 of the said Act (*c*) that the public analyst shall analyse as soon as practicable any sample sent to him in pursuance of that section and give to the person by whom it was submitted a certificate in the prescribed form specifying the result of the analysis:

Now therefore the Minister of Health in exercise of the powers conferred upon him by the said sections and of all other powers enabling him in that behalf hereby makes the following regulations:

1. These regulations may be cited as the Public Analysts Regulations, 1939, and shall come into operation on the first day of October, 1939.

2. The Interpretation Act, 1889 applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. A person shall not be qualified to be hereafter appointed as a public analyst under the Food and Drugs Act, 1938, unless either (a) he already holds an appointment as public analyst, or (b) he is the holder of the Diploma of Fellowship or Associateship of the Institute of Chemistry of Great Britain and Ireland and is also the holder of a certificate granted by that Institute after an examination conducted by them in the chemistry (including microscopy) of food, drugs and water.

(*a*) The latest reprint of Memorandum 36/Foods is printed, *post*, p. 4094.
(*b*) *Ante*, p. 1404.
(*c*) *Ante*, p. 1408.

4. The form set out in the schedule to these regulations is hereby prescribed as the form of certificate to be used by public analysts for the purpose of section 69 of the Food and Drugs Act, 1938.

OFFIC

SCHEDULE.

FOOD AND DRUGS ACT, 1938.

Form of Certificate of Public Analyst prescribed by the Minister of Health under Section 69 (3) of the Food and Drugs Act, 1938.

To[1] .....

I, the undersigned, public analyst for the ..... ,

do hereby certify that I received on the ..... day of.....

19 .., from[2].....(by registered post)[3], a sample submitted as a sample of....., for analysis which was marked[4] ..... and weighed (or measured)[5].....

I further certify that I have analysed it, and as a result of my analysis I am of opinion that :

it is a sample of .....

and/or

the constituents of the sample included the following substances in proportions as under :

.....

.....

Observations.[6]

.....

.....

As witness may hand this ..... day of .....

19 ... at .....

A.B.

.....

Given under the official seal of the Minister of Health this first day of August, nineteen hundred and thirty-nine.

(L.S.)

R. STANTON,
Assistant Secretary,
Ministry of Health.

Notes.

[1] Here insert the name of the person submitting the sample for analysis.

[2] Here insert the name of the person delivering or sending the sample.

[3] Delete if inapplicable.

[4] Insert particulars of marking, *e.g.*, date, number, etc.

[5] This may be left unanswered if the sample cannot be conveniently weighed or measured, or the weight or measurement is not material to the result of the analysis.

[6] Here the analyst may insert at his discretion his opinion whether the analysis indicates any addition, abstraction, or deficiency of any kind and whether the addition, abstraction or deficiency (if any) was for the purpose of rendering the article portable or palatable, or of preserving it, or of improving the appearance, or was unavoidable. He may also state whether the addition, abstraction or deficiency is in excess of what is ordinary, or otherwise, and whether it is or is not, injurious to health, and add any other observations he may wish to make. Where a sample of milk is found to be deficient both in milk fat and in other milk solids the analyst should indicate how much, if any, of the milk fat deficiency he considers to be due to abstraction, allowance being made for the effect of added water. In the case of a certificate regarding milk, or any other article liable to decomposition, the analyst should specially report whether in his opinion any change had taken place in the constitution of the sample that would interfere with the analysis.

OFFICES AND BUILDINGS

OFFICES AND BUILDINGS (*a*).

USE OF BUILDINGS OF LOCAL AUTHORITIES FOR MEETINGS OF

I am directed to add that this circular will be placed on sale, so that copies may shortly be obtained from Messrs. Wyman and Sons, Limited, Fetter Lane, E.C., either directly or through any bookseller.

I am, etc.

The Town Clerk or
The Clerk to the Urban or Rural District Council, or
The Clerk to the Guardians, or
The Clerk to the Parish Council.

USE OF BUILDINGS OF LOCAL AUTHORITIES FOR THE AUDIT OF THE ACCOUNTS OF APPROVED SOCIETIES AND PURPOSES CONNECTED THEREWITH—CIRCULAR.

LOCAL GOVERNMENT BOARD, WHITEHALL, S.W.,
December 5th, 1912.

SIR,—I am directed by the Local Government Board to state that representations have been made to them by the Lords Commissioners of His Majesty's Treasury as to a difficulty which it is anticipated will arise in some cases in finding suitable office accommodation for conducting the audit of the accounts of approved societies under the National Insurance Act, 1911. The Board are informed that many societies have no office of their own, and that where instructions are being given to the officials of such societies by the auditors of the National Health Insurance Commission it has been found necessary to make use of private premises. Their lordships consider that it is undesirable that the proceedings of a formal audit should take place in private houses or that recourse should be had to the use of rooms on licensed premises, and the Board concur in this view.

Apart from the provisions contained in section 27 (2) of the Act, it appears to the Board to be competent to a local authority to place accommodation provided for their own meetings or for the transaction of their business at the disposal, when not otherwise required, of approved societies for the purpose of the audits referred to on terms which may enable the societies to have a temporary use of the premises without expense to the local authority.

The Board are desirous of bringing this matter under the notice of local authorities and trust that they will be willing to allow the use of their buildings for the purposes in question where the circumstances admit of their doing so.

Usually no consent on the part of the Board will be requisite to the use of the buildings in the manner suggested. In the case of a room belonging to a board of guardians, however, such consent needs to be obtained, and the Board will be ready to give it subject to the guardians reserving to themselves the power to determine the arrangement if at any time it is regarded as inconvenient.

The Board hope that local authorities will give the suggested arrangement their favourable consideration.

I am directed to add that this circular will be placed on sale, so that copies may shortly be obtained from Messrs. Wyman and Sons, Limited, Fetter Lane, E.C. either directly or through any bookseller.

I am, etc.

The Town Clerk, or
The Clerk to the Urban or Rural District Council.
The Clerk to the Guardians.

PETRO-LEUM

PETROLEUM.

S. R. & O., 1926, No. 1422.

ORDER IN COUNCIL APPLYING THE PETROLEUM ACTS, 1871 TO 1926, TO BISULPHIDE OF CARBON CONVEYED BY ROAD.

At the Court at Buckingham Palace, the 5th day of November, 1926.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas it is provided by the Petroleum Act, 1871, that His Majesty may, from time to time, make, revoke, and vary Orders in Council directing that the said Act or any part thereof shall apply to any substance, and that the said Act or the part thereof specified in any such Order shall, during the continuance of the Order, apply to such substance, and shall be construed and have effect as if such substance had been included in the definition of Petroleum Spirit, subject *inter alia* to the qualification that the label on the vessel containing such substance shall be such as may be specified in that behalf in the Order:

And whereas the Petroleum Act, 1926, is to be construed as one with the Petroleum Act of 1871:

And whereas the provisions of section 1 of the Rules Publication Act, 1893, have been complied with:

Now, therefore, in pursuance of the above-mentioned provisions of the Petroleum Act, 1871, His Majesty is pleased, by and with the advice of His Privy Council, to order and prescribe that so much of the Petroleum Acts, 1871 to 1926, as relates to the conveyance of petroleum spirit by road shall apply to bisulphide of carbon, and that the label on the vessel or package containing bisulphide of carbon shall bear in conspicuous characters the words "Bisulphide of Carbon, Highly Inflammable," together with the name and address of the sender.

M. P. A. HANKEY.

S. R. & O., 1929, No. 952.

THE PETROLEUM-SPIRIT (MOTOR VEHICLES, &C.) REGULATIONS, 1929, DATED OCTOBER 28, 1929, MADE BY THE SECRETARY OF STATE UNDER SECTION 10 OF THE PETROLEUM (CONSOLIDATION) ACT, 1928, AS TO THE KEEPING AND USE OF PETROLEUM-SPIRIT FOR THE PURPOSES OF MOTOR VEHICLES, MOTOR BOATS, AIRCRAFT AND CERTAIN CLASSES OF ENGINES.

By virtue of the powers conferred on me by section 10 of the Petroleum (Consolidation) Act, 1928 (hereinafter referred to as "the Act"), I hereby make the following Regulations:—

Exemption from Act and application of Regulations.

1.—(1) Subject as hereinafter provided, the keeping and use of petroleum-spirit by persons intending to use it for the purpose of any motor vehicle, motor boat or aircraft, or of any class of engine specified in the Schedule to these Regulations and not either wholly or partly for the purposes of sale, shall be exempt from the operation of sections 1 to 9 inclusive of the Act (*a*), and petroleum-spirit and kept used by persons intending to use it as aforesaid shall be kept and used in accordance with the regulations hereinafter contained:

(2) Provided that on the application of any person intending to use petroleum-spirit as aforesaid, the local authority may grant a petroleum-spirit licence authorising

(*a*) Printed in a later volume of this work.

the keeping thereof, and the said exemption and regulations shall not apply in respect of any petroleum-spirit so authorised to be kept.

Keeping of Petroleum-spirit.

2. The petroleum-spirit shall not be kept otherwise than in metal vessels so constructed and maintained in such condition as :—

(*a*) to be reasonably secure against breakage ; and

(*b*) to prevent the leakage of any liquid or vapour therefrom.

3. No person shall repair or cause to be repaired any vessel in which, to his knowledge, any petroleum-spirit is or has been kept until he has taken all reasonable precautions to ensure that the vessel has been rendered free from petroleum-spirit and from inflammable vapour occasioned thereby.

4. Any vessel used for the purpose of keeping the petroleum-spirit, not being the fuel tank of a motor vehicle, motor boat, aircraft or engine, shall bear, in conspicuous characters, the words " petroleum-spirit " and the words " highly inflammable " indelibly marked on the vessel or, where that is impracticable, on a metal label attached thereto.

5. The petroleum-spirit shall not be kept in any storage place which does not comply with the following requirements, that is to say :—

(*a*) the storage place shall, unless it is in the open air, be effectively ventilated to the open air :

(*b*) there shall, unless the storage place is in the open air, be an entrance thereto direct from the open air :

(*c*) in the storage place, or as near thereto as is reasonably practicable, there shall be kept fire extinguishing apparatus of a type capable of extinguishing fires occasioned by burning petroleum-spirit, or a supply of sand or other effective means for extinguishing such fires :

(*d*) the storage place shall not form part of or be attached to any building used as a dwelling place or as a place where persons assemble for any purpose unless it is separated therefrom by a substantial floor or partition which—

(i) is constructed of material not readily inflammable ; and

(ii) has no opening therein, so, however, that in the case of a storage place in which the only petroleum-spirit kept, in addition to that contained in the fuel-tank of any motor vehicle, motor boat, aircraft or engine, is kept in not more than two vessels of capacity not exceeding two gallons each, there may be an opening in any such partition (not being a floor) if the opening is fitted with a self-closing door constructed of hard wood or other fire resisting material :

(*e*) the storage place, if in any building, shall not be situated under any staircase or under any other means of exit likely to be required to be used for escape in case of fire unless it is separated therefrom by a substantial floor or partition conforming to the requirements contained in sub-paragraphs (i) and (ii) of the last foregoing paragraph.

6. Not more than sixty gallons of petroleum-spirit shall be kept at the same time in any one storage place, and in computing for the purposes of this regulation the amount of petroleum-spirit kept in any one storage place—

(*a*) any petroleum-spirit contained in the fuel tank of, or otherwise carried on, any motor vehicle, motor boat, aircraft or engine for the time being within the storage place shall be deemed to be kept in the storage place ; and

(*b*) any two storage places not more than twenty feet apart, in the occupation of the same occupier, shall be deemed to be one storage place.

7.—(1) The petroleum-spirit shall not be kept in any vessel of capacity exceeding two gallons, not being the fuel-tank of a motor vehicle, motor-boat, aircraft or engine, unless—

(*a*) it is kept in a storage place situated more than twenty feet from any building, highway or public path ; and

(*b*) provision has been made by excavation or by the erection of retaining walls or otherwise to prevent the petroleum-spirit from flowing out of the storage place in case of fire ; and

PETROLEUM

(c) notice in writing that the petroleum-spirit is proposed to be so kept has been given to the local authority in accordance with the provisions of this regulation.

(2) The said notice shall be given by the occupier of the storage place before keeping the petroleum-spirit or permitting it to be kept in a vessel of capacity [illegible] after annually in the month of January

Supplementary.

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14.—(1) The Interpretation Act, 1889, applies for the purposes of the interpretation of these Regulations as it applies for the purposes of the interpretation of an Act of Parliament.

(2) In these Regulations the following expressions have the meanings hereby respectively assigned to them, that is to say :—

" Engine " means an engine of any class specified in the Schedule to these Regulations :

" Local authority," in relation to any storage place or petroleum-spirit, means the local authority empowered under the Act to grant petroleum-spirit licences in respect of the storage place or petroleum-spirit :

" Road " includes any highway and any street, bridge, lane, footway, square, court, mews, alley, or passage, whether a thoroughfare or not :

" Storage place " includes any room, building or place of any kind whatsoever, whether or not in the open air, used or proposed to be used for keeping therein petroleum-spirit for the purposes of any motor vehicle, motor boat, aircraft or engine.

15. The Regulations made by a Secretary of State under section 5 of the Locomotives on Highways Act, 1896, dated respectively the 31st July, 1907, and the 7th November, 1923, are hereby revoked :

Provided that any notice given in accordance with the requirements of those Regulations shall have effect as if given under these Regulations.

16. These Regulations shall come into force on the first day of December, 1929, and may be cited as the Petroleum-spirit (Motor Vehicles, &c.), Regulations, 1929.

J. R. CLYNES,
One of His Majesty's Principal Secretaries of State.

Home Office,
Whitehall, S.W.1.
28th October, 1929.

SCHEDULE.

Engines to which these Regulations apply.

1. Engines used for the propulsion of lawn mowers, rollers or sweepers or of agricultural implements.
2. Stationary engines kept for domestic or agricultural purposes and used for the generation of power transmitted to any machine.
3. Stationary engines kept for domestic purposes and used for the generation of heat or light by means of electricity or petroleum-spirit vapour.
4. Engines used in connection with the construction or maintenance of works forming part of a harbour or canal.
5. Engines used in connection with the making or repair of roads.

S. R. & O., 1929, No. 992.

THE PETROLEUM (CARBIDE OF CALCIUM) ORDER, 1929.

At the Court at Buckingham Palace, the 5th day of November, 1929.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas by the Petroleum (Consolidation) Act, 1928, (in this Order called " the Act of 1928 ") His Majesty is empowered by Order in Council to apply to any substance any of the provisions of the Act specified in the Order, with such modifications, if any, as may seem to His Majesty to be desirable having regard to the nature of the substance to which the Order relates :

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And whereas it is desirable that certain provisions of the Act shall apply to carbide of calcium:

And whereas the provisions of section 1 of the Rules Publication Act, 1893, have been complied with:

Now, therefore, His Majesty, by virtue of the powers conferred on Him by section 19 of the Act of 1928 and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. Subject to the modifications contained in this Order the whole of the Act of 1928 (*a*) shall apply to carbide of calcium in like manner as it applies to petroleum-spirit, except so much of the Act of 1928 as relates to the conveyance of petroleum-spirit by road, to the testing of petroleum-spirit, to the keeping and use of petroleum-spirit for the purpose of motor vehicles, motor boats, aircraft and engines, and to byelaws as to petroleum filling stations.

2. The following provisions as to the quantity of carbide of calcium which may be kept without a licence and the conditions of such keeping shall have effect in substitution for paragraphs (*a*) and (*b*) of the proviso to sub-section 1 of section 1 of the Act of 1928, that is to say,

(i) 5 lbs. of carbide of calcium may be so kept so long as it is kept in separate hermetically-closed metal vessels containing not more than 1 lb. each;

(ii) 28 lbs. of carbide of calcium may be so kept so long as the following conditions are observed:—

(*a*) The carbide shall be kept only in a metal vessel or vessels hermetically-closed at all times when the carbide is not actually being placed in or withdrawn from such vessel or vessels;

(*b*) The vessels containing carbide shall be kept in a dry and well-ventilated place;

(*c*) Due precautions shall be taken to prevent unauthorised persons from having access to the carbide;

(*d*) Notice shall be given of such keeping to the local authority.

Where a fixed generator is used on the premises:—

(*e*) Full and detailed instructions to be supplied by the maker, as to the care and use of the generator, shall be kept constantly posted up in such place as to be conveniently referred to by the generator attendant.

(iii) Where the carbide is kept by a general lighthouse authority, as defined by the Merchant Shipping Act, 1894, such quantity may be so kept as may be required for the purposes of such authority, provided that:—

(*a*) The carbide is kept only in a metal vessel or vessels hermetically-closed at all times when the carbide is not actually being withdrawn from such vessel or vessels.

(*b*) The vessels containing carbide are kept in a dry and well-ventilated building exclusively appropriated to the keeping of carbide, and detached from a dwelling-house or separated therefrom by a substantial partition with no opening in it.

(*c*) Due precautions are taken to prevent unauthorised persons from having access to the carbide.

(*d*) No artificial light capable of igniting inflammable vapour is allowed to be taken into the building in which the carbide is kept.

3. Instead of the words "Petroleum-Spirit" "Highly Inflammable" the label required in pursuance of section 5 of the Act of 1928 shall bear the words "Carbide of Calcium" "Dangerous if not kept dry" and the following caution: "The contents of this package are liable if brought into contact with moisture to give off a highly inflammable gas."

4. The Interpretation Act, 1889, shall apply to this Order in like manner as it applies to an Act of Parliament.

(*a*) Printed in a later volume of this work.

5. All previous Orders in Council relating to the keeping of carbide of calcium, viz., Orders dated 26th February, 1897, 7th July, 1897, 24th October, 1904, 8th August, 1911, 14th July, 1922, and 27th June, 1927, are hereby revoked. PETROLEUM

6. This Order may be cited as the Petroleum (Carbide of Calcium) Order, 1929.

M. P. A. HANKEY.

S. R. & O., 1929, No. 993.

THE PETROLEUM (MIXTURES) ORDER, 1929.

At the Court at Buckingham Palace, the 5th day of November, 1929.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas by the Petroleum (Consolidation) Act, 1928, (in this Order called "the Act of 1928") His Majesty is empowered by Order in Council to apply to any substance any of the provisions of the Act specified in the Order, with such modifications, if any, as may seem to His Majesty to be desirable having regard to the nature of the substance to which the Order relates:

And whereas it is desirable that certain provisions of the Act of 1928 shall apply to the Mixtures of Petroleum which are defined by the Schedule to this Order:

And whereas the provisions of section 1 of the Rules Publication Act, 1893, have been complied with:

Now, therefore, His Majesty, by virtue of the powers conferred on Him by section 19 of the Act of 1928 and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. Subject to the modifications contained in this Order the whole of the Act of 1928 (*a*) shall apply to the Mixtures of Petroleum which are defined by the Schedule to this Order in like manner as it applies to petroleum-spirit, except so much of Part II. of the Second Schedule to the Act as is inconsistent with or contradictory to Part II. of the Schedule to this Order (manner of testing mixtures of petroleum).

2. Where the mixture of petroleum is not sufficiently liquid to be measured by liquid measure, or is otherwise unsuitable to be measured by liquid measure, the following provisions as to the quantity which may be kept without petroleum-spirit licence and the conditions of such keeping shall have effect in substitution for paragraph (*b*) of the proviso to subsection (1) of section 1 of the Act that is to say,

The quantity of the mixture of petroleum-spirit shall not exceed 30 lbs. and may only be kept without a petroleum-spirit licence so long as it is enclosed in hermetically sealed packages or vessels, each of which shall contain not more than 1 lb.

3. The label required in pursuance of section 5 of the Act of 1928 shall bear the words "Petroleum Mixture giving off an inflammable heavy vapour" in substitution for the words "Petroleum Spirit" and the words "Highly Inflammable."

4. Wherever in the Act of 1928, or in any Order, Licence, Byelaw or Regulation issued under the said Act, a quantity is specified in gallons, such quantity shall, in the case of solid mixtures of petroleum defined by the Schedule to this Order, be read as though the weight of ten pounds were substituted for one gallon and of one and a quarter pounds for one pint.

5. The Interpretation Act, 1889, shall apply to this Order in like manner as it applies to an Act of Parliament.

6. The Petroleum (Mixtures) Orders of the 7th May, 1907, and of the 27th June, 1927, are hereby revoked.

7. This Order may be cited as the Petroleum (Mixtures) Order, 1929.

M. P. A. HANKEY.

(*a*) Printed in a later volume of this work.

PETRO-
LEUM

SCHEDULE.

PART I.

S. R. & O., 1930, No. 34.

THE PETROLEUM (COMPRESSED GASES) ORDER, 1930.

At the Court at Buckingham Palace, the 20th day of January, 1930.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas by the Petroleum (Consolidation) Act, 1928 (*a*) (in this Order called "the Act of 1928,") His Majesty is empowered by Order in Council to apply to any substance any of the provisions of the Act specified in the Order, with such modifications, if any, as may seem to His Majesty to be desirable having regard to the nature of the substance to which the Order relates:

And whereas it is desirable that certain provisions of the Act of 1928 shall apply to vessels containing certain gases compressed therein:

And whereas the provisions of section 1 of the Rules Publication Act, 1893, have been complied with:

Now, therefore, His Majesty, by virtue of the powers conferred on Him by section 19 of the Act of 1928 and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:

1. Sections five and six, subsections two and three of section thirteen and sections fourteen, fifteen, sixteen and eighteen of the Act of 1928 shall apply to the gases mentioned in the Schedule to this Order when any such gas is compressed in any metal cylinder, and the said sections and subsections shall, in their application to those gases when so compressed, have effect subject to the following modifications, that is to say: for references in the said sections and subsections to petroleum-spirit or to petroleum there shall be substituted references to the said gases when so compressed as aforesaid, and in the said section five, for the words from "words 'petroleum-spirit'" to the end of subsection one thereof there shall be substituted the words "name of the gas and the name and address of the person by whom it was compressed."

2. The Interpretation Act, 1889, shall apply with respect to the interpretation of this Order as it applies with respect to the interpretation of an Act of Parliament.

3. This Order may be cited as the Petroleum (Compressed Gases) Order, 1930.

COLIN SMITH.

SCHEDULE.

GASES TO WHICH, WHEN COMPRESSED IN METAL CYLINDERS, THE PETROLEUM (CONSOLIDATION) ACT, 1928, APPLIES.

Air, argon, carbon monoxide, coal gas, hydrogen, methane, neon, nitrogen, and oxygen.

S. R. & O., 1931, No. 679.

THE GAS CYLINDERS (CONVEYANCE) REGULATIONS, 1931, DATED JULY 31ST, 1931, MADE BY THE SECRETARY OF STATE FOR THE HOME DEPARTMENT IN PURSUANCE OF SECTION 6 OF THE PETROLEUM (CONSOLIDATION) ACT, 1928, AS APPLIED BY ORDER IN COUNCIL DATED JANUARY 20TH, 1930 (*b*).

In pursuance of Section 6 of the Petroleum (Consolidation) Act, 1928 (*a*), as applied by Order in Council dated January 20th, 1930, I hereby make the following Regulations (*c*) for the conveyance by road of vessels containing any of the gases specified in the First Schedule hereto in a compressed state.

(*a*) Printed in a later volume of this work.

(*b*) S. R. & O., 1930, No. 34, *supra*.

(*c*) The footnotes marked * or † were appended to the order when published by H.M.S.O. in 1931. Their present accuracy as regards matters of scientific fact should be verified by persons interested.

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1. No cylinder shall be used for the conveyance by road of any of the said gases in a compressed state unless (1) it is constructed in accordance with the specifications contained, and has complied with the tests described, in the Second Schedule hereto; (2) the conditions contained in the following Regulations are complied with.

2. Cylinders shall be maintained in good condition and the valves shall be securely closed so as to prevent leakage.

3. Cylinders shall be so conveyed as not to project beyond the sides or ends of the vehicle. Adequate means shall be taken to prevent cylinders falling off the vehicle. This Regulation shall not apply to any cylinder containing any of the gases specified in the First Schedule in a compressed state carried exclusively for the purposes of, and attached to, the vehicle.

4. Cylinders shall be legibly marked or labelled with the name of the gas and the name and address of the person or firm by whom it was compressed.

5. The working or internal pressure in any cylinder shall not exceed 1,800 lbs. to the square inch.

6. The valves of cylinders containing carbon monoxide, coal gas, hydrogen or methane shall be protected against damage, either by the design of the cylinder or by the provision of a stout metal cap or metal cover, securely attached to the body of the cylinder. The metal cap or cover shall be so made that it is nowhere in actual contact with any part of the valve or valve body. Every valve cap or cover shall be provided with a vent of such size as to prevent any gas pressure inside the cap or cover. This Regulation shall not come into force until after a period of one year from the date of these Regulations.

7. The valves of cylinders containing carbon monoxide, coal gas, hydrogen or methane shall be provided with left handed screw threads for the pipe or other connections.*

8. Oil or similar lubricant shall not be used on any valves or other fittings of any cylinder.

9. Each cylinder shall, before being filled with gas, have been submitted by the gas compressing person or firm within the preceding two years to the hydraulic test specified in the Second Schedule. Prior to any hydraulic test the cylinder shall be thoroughly cleaned and examined externally and, so far as practicable, internally, for surface defects, corrosion and foreign matter. Where internal rust or foreign matter is observed the cylinder, prior to the hydraulic test, shall be heated to a temperature not exceeding 300° C. and again cleaned and examined. After each hydraulic test and before being taken into use the cylinder shall be thoroughly dried internally, and shall be stamped on the neck end with marks and figures indicating the person or firm and the date of test as specified in Clause 8 of the Second Schedule. Any cylinder which fails to pass the test shall not be conveyed by road when containing any compressed gas to which these Regulations apply.

10. Cylinders containing gases shall be painted with the following identification colours:

Air	grey.
Argon	blue.
Carbon monoxide	red with yellow band.
Coal gas	red.
Hydrogen	red.
Methane	red.
Neon	medium brown with black band.
Nitrogen	dark grey with black band.
Oxygen	black.

The distinguishing colour band shall be painted round the neck of the cylinder close to the valve fitting.†

* Precautions should be taken to insure that the valves of emptied cylinders are securely shut before the cylinders are loaded for conveyance. These precautions apply more especially when the cylinders have contained inflammable gases and are conveyed in closed vehicles.

† The requirements of this Regulation will be met if the instructions contained in British Engineering Standards Association Specification No. 349/1931 are followed.

This Regulation shall not come into force until after a period of one year from the date of these Regulations.

11.—(*a*) The owner of a vehicle used for the conveyance of cylinders containing any compressed gas to which these Regulations apply, who employs any person in connection with such conveyance, shall take measures to ensure that any such person is acquainted with and carries out the provisions of Regulation 3.

(*b*) No person shall deliver or cause to be delivered any cylinder containing any compressed gas to which these Regulations apply to any carrier for the purpose of conveyance by road :

(i) unless he shall have brought to the notice of such carrier the provisions of Regulation 3 ;

(ii) unless he delivers any such cylinder or causes it to be delivered, as the case may be, to the carrier in such a state as to comply with the requirements of these Regulations.

12. In proceedings for a breach of Regulation 1 in respect of the material and manufacture of cylinders it shall be a good defence to produce a certificate from the makers stating that the cylinders were manufactured in accordance with the requirements of the Second Schedule.

13. These Regulations shall not apply to the conveyance of :

(i) Any cylinder the capacity of which does not exceed 12 lbs. of water.

(ii) Any air receiver to be used in connection with the starting of an internal combustion engine.

(iii) Any air receiver which forms part of a compressing plant.

14. If the Secretary of State is satisfied that in respect of any class of cylinders or any mode of conveyance any of the requirements of these Regulations may be safely suspended or modified, he may by Order authorise such suspension or modification for such period or under such conditions as he may think fit. Any such Order may be revoked by the Secretary of State at any time.

15. These Regulations shall come into force on the 1st day of September, 1931, and may be cited as the Gas Cylinders (Conveyance) Regulations, 1931.

J. R. CLYNES,
One of His Majesty's Principal Secretaries of State.

Whitehall.
31*st July*, 1931.

FIRST SCHEDULE.

Air, argon, carbon monoxide, coal gas, hydrogen, methane, neon, nitrogen and oxygen.

SECOND SCHEDULE.

1. Cylinders shall be made of :

Steel, of seamless construction to specifications A or B. Provided that cylinders manufactured prior to the date of coming into force of these Regulations may be made of :

(*a*) Wrought iron, lap welded, or

(*b*) Steel to specification C, lap welded or of seamless construction, or

(*c*) Steel to Admiralty Specification if made by British manufacturers prior to the year 1921.

2. *Specification A.**

(*a*) The steel shall be made by the acid or by the basic open hearth process and shall have the following chemical composition :

Carbon	0·43 to 0·48 per cent.
Manganese	0·5 to 0·9 per cent.
Silicon	Not to exceed 0·3 per cent.
Sulphur	Not to exceed 0·045 per cent.
Phosphorus	Not to exceed 0·045 per cent.
Iron	The remainder.

* *Note.*—Cylinders manufactured in accordance with the British Engineering Standards Association Specification No. 399/1930 (High Carbon Steel Cylinders) will conform with Specification " A " above.

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(*b*) Before the necking or closing in operations, each cylinder shall be examined for maximum and minimum thickness and for external and internal surface defects,

(*c*) Cylinders after manufacture shall be raised to a temperature not less than 820° C. and not exceeding 850° C. in a furnace, remaining within the furnace only for a time sufficient to ensure that all parts of the cylinder are at the same temperature. Before the temperature falls appreciably, they shall be removed and allowed to cool in still air in such a position that they are not subjected to draughts.

(*d*) Tensile tests shall be made on the material of one finished cylinder in every batch or, where the number of cylinders in any batch exceeds one hundred, from one finished cylinder in every hundred. The tensile tests shall be made on a bar cut longitudinally from the finished cylinder, of the form and dimensions shown in Fig. 1 (*a*). In cases where a test piece of this size cannot be obtained from the cylinder, a test piece geometrically similar shall be prepared. The yield stress and the ultimate stress shall be not less than 20 tons per square inch and 40 tons per square inch respectively. The elongation shall be not less than 14 per cent. on a 6-inch gauge length, or on a corresponding length in cases where a test piece geometrically similar to the standard test piece has to be used.

(*e*) Impact tests shall be made in the case of cylinders of not less than 6 inches diameter. Six test pieces shall be cut, three in a longitudinal and three in a transverse direction, from the same cylinder from which the test pieces were taken in accordance with paragraph (*d*), and machined to the dimensions shown in Fig. 1 (*a*). The mean energy required for fracture shall be not less than 3 foot-pounds for the transverse test pieces and 5 foot-pounds for the longitudinal test pieces.

(*f*) Another finished cylinder in every batch, or, where the number of cylinders in any batch exceeds one hundred, one cylinder in every hundred shall be subjected to and prove satisfactory under a flattening test as follows:

The middle part of the cylinder shall be placed between two compression blocks having flat faces $2\frac{3}{4}$ inches wide with corners rounded to $\frac{1}{4}$-inch radius, and pressure shall be applied until cracks appear at the folded surface between the compression blocks. The test shall be deemed to be unsatisfactory if the distance between the faces of the blocks in contact with the cylinder, when cracks appear, is more than eight times the wall thickness of the cylinder. If the cylinders are of such length that from the cylinders used for the tests in paragraphs (*d*) and (*e*) above there can be obtained a parallel portion four diameters long, this parallel portion may be used for the flattening test.

3. *Specification B.**

(*a*) The steel shall be made by the acid or basic open hearth process and shall have the following composition:

Carbon	0·20 to 0·25 per cent.
Manganese	0·25 to 0·75 per cent.
Silicon	Not to exceed 0·2 per cent.
Sulphur	Not to exceed 0·045 per cent.
Phosphorus	Not to exceed 0·045 per cent.
Iron	The remainder.

(*b*) Before the necking or closing in operations, each cylinder shall be examined for maximum and minimum thickness and for external and internal surface defects.

(*c*) Cylinders after manufacture shall be raised to a temperature not less than 860° C. and not exceeding 890° C. remaining within the furnace only for a time sufficient to ensure that all parts of the cylinder are at the same temperature. Before the temperature falls appreciably, they shall be removed and allowed to cool in still air in such a position that they are not subjected to draughts.

(*d*) Tensile tests shall be made on the material of one finished cylinder in every batch or, where the number of cylinders in any batch exceeds one hundred, from one finished cylinder in every hundred. The tensile tests shall be made on a bar cut longitudinally from the finished cylinder, of the form and dimensions shown in Figure 2 (*b*).

* *Note.*—Cylinders manufactured in accordance with British Engineering Standards Association Specification No. 400/1931 (Low Carbon Steel Cylinders) will conform with Specification "B" above.

(*a*) For Fig. 1, not here reproduced, refer to a King's Printer's copy of the Regulations.
(*b*) For Fig. 2, not here reproduced, refer to a King's Printer's copy of the Regulations.

The yield stress shall be not less than 15 tons per square inch.

Provided that, if the yield stress is less than 17 tons per square inch, the hydraulic stretch test to be applied to the completed cylinders of that batch, in accordance with the provisions of Clause 6, shall be carried out by the manufacturers of the cylinders by the "water jacket" method.*

The ultimate stress shall be not less than 28 tons per square inch nor more than 33 tons per square inch.

The elongation shall be not less than 15 per cent., the gauge length for specimens of different thickness being as follows:

Thickness of Test Piece. Inch.	Gauge Length. Inches.
Over 0·40	8
0·20 to 0·40	6
Less than 0·20	4

(*e*) Another finished cylinder in every batch, or, where the number of cylinders in any batch exceeds one hundred, one cylinder in every hundred shall be subjected to and prove satisfactory under a flattening test as follows:

The middle part of the cylinder shall be placed between two compression blocks having flat faces $2\frac{3}{4}$ inches wide with corners rounded to $\frac{1}{4}$-inch radius, and pressure shall be applied until cracks appear at the folded surface between the compression blocks. The test shall be deemed to be unsatisfactory if the distance between the faces of the blocks in contact with the cylinder, when cracks appear, is more than four times the wall thickness of the cylinder. If the cylinders are of such length that from the cylinders used for the tests in paragraph (*d*) above there can be obtained a parallel portion four diameters long, this parallel portion may be used for the flattening test.

4. *Specification C.*

(*a*) The steel shall contain not more than 0·25 per cent. of carbon and not less than 99 per cent. of total iron.

(*b*) The ultimate stress of the steel shall be not less than 26 tons per square inch and not more than 33 tons per square inch. The ultimate elongation shall be not less than 1·2 inches on a test piece of 8-inch gauge length. The test piece shall be cut from a finished cylinder.

5. The thickness of the cylinder wall of cylinders made to specifications A and B shall not be less than the value of t (in inches) as given by the following formula:

$$t = \frac{pD}{2f + p}$$

Where p = maximum working pressure (1,800 lbs. per square inch).
D = external diameter in inches.
f = 22,400 pounds per square inch for cylinders made to specification A and for cylinders made to Admiralty specification, and 17,920 pounds per square inch for cylinders made to specification B.

(*Note*).—The formula in use for wrought iron, lap welded cylinders and for steel cylinders, lap welded or of seamless construction made to Specification C, was

$$t = \frac{pD}{2(f + p)}$$

Where f = 14,560 pounds per square inch for wrought iron cylinders.
= 16,800 pounds per square inch for lap welded steel cylinders to Specification C.
= 17,920 pounds per square inch for seamless steel cylinders to Specification C.

6. Each completed cylinder when ready to be put into service shall be subjected to a hydraulic stretch test. The proof pressure applied in this test shall be 3,000 lbs. per square inch.

* Details of the "water jacket" method will be found in the Fourth Report of the Gas Cylinders Research Committee, to be obtained direct from H.M. Stationery Office or through any Bookseller.

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No pressure greater than the working pressure shall have been applied to any cylinder before the test.

The permanent stretch shown by the test shall not exceed 10 per cent. of the total stretch under the test pressure. Should the permanent stretch exceed 10 per cent. of the total stretch under the proof pressure, the cylinder may be re-heat treated and if it then passes the test it may be retained in service.

The re-heat treatment applied shall be, in the case of cylinders made to Specification A and to Admiralty specification that given in paragraph (*c*) of Specification A and in the case of cylinders made to Specification B and C that given in paragraph (*c*) of Specification B.

7. Cylinders made by British manufacturers prior to the year 1921 to Admiralty specification shall be of steel having from 0·43 to 0·53 per cent. of carbon and may be conveyed by road provided :

(i) In the case of complete cylinders that they have been re-heat treated and tested by the manufacturers with satisfactory results.

(ii) In the case of cylinders made by cutting the original cylinder into lengths, that the new cylinders as constructed withstand the foregoing mechanical and hydraulic tests for finished cylinders, except that the flattening test may be limited to a flattening to 10 thicknesses of the cylinder walls without fracture occurring.

8. Each cylinder shall be permanently and visibly marked with :

(*a*) Manufacturer's and owner's identification marks and rotation number.

(*b*) Date of last hydraulic test. This may be indicated by the month and year or by the year with a symbol to denote the quarter of the year.

(*c*) For cylinders manufactured after the date of these Regulations—a mark denoting the specification to which the cylinder has been manufactured. This mark may be that of the British Engineering Standards Association Specification No. 399/1930 (B.S.S. No. 399/1930) for cylinders to Specification "A" or Specification No. 400/1931 (B.S.S. No. 400/1931) for cylinders to Specification "B."

The marks shall be stamped on the neck end of the cylinder with the exception of the manufacturer's mark, which may be on the base.

9. If, for any reason, the re-heat treatment of any cylinder becomes necessary, that specified in Clause 6 above shall be applied. After any such re-heat treatment the cylinder shall be thoroughly examined and subjected to the hydraulic stretch test.

S. R. & O., 1932, No. 1052.

THE PETROLEUM-SPIRIT (CONVEYANCE) REGULATIONS, 1932, DATED DECEMBER 12TH, 1932, MADE BY THE SECRETARY OF STATE FOR THE HOME DEPARTMENT IN PURSUANCE OF SECTION 6 OF THE PETROLEUM (CONSOLIDATION) ACT, 1928.

In pursuance of Section 6 of the Petroleum (Consolidation) Act, 1928, I hereby make the following Regulations for the conveyance of petroleum-spirit by road :

(A) PROVISIONS RELATING TO CONVEYANCE OF PETROLEUM-SPIRIT OTHERWISE THAN IN TANK WAGONS.

1. Any vehicle on which petroleum-spirit is conveyed shall be constructed strongly and with sides and back of adequate height, and shall be maintained in good condition.

Provided that in the case of a horse-drawn vehicle the foregoing requirement as to the sides and back of the vehicle shall not apply if the following conditions are observed, viz. : (*a*) the load must be securely fastened to the vehicle ; (*b*) all vessels of two gallons capacity and under must be packed in wooden cases.

The load shall be protected from sparks, lighted matches or fire from without by a cover, whether fixed or loose, of fire resisting material.

2.—(i) The petroleum-spirit shall be conveyed in strong metal vessels in good condition and securely closed so as to prevent leakage.

(ii) If empty vessels which have contained petroleum-spirit are carried on the same vehicle with petroleum-spirit, they shall be securely closed.

All vessels shall be so packed as not to project beyond the sides or back of the vehicle.

3. If the vehicle is mechanically-driven, the engine, which shall be of an internal combustion type, fuel tank and electric batteries shall be effectively screened from the body of the vehicle by a fire-resisting shield carried up above the height of the load and down to within twelve inches of the ground, and the exhaust shall be wholly in front of this shield.

Provided that—

(1) The fuel tank of a vehicle other than an articulated vehicle may be behind the shield if,

(a) a fuel feed apparatus, placed in front of the shield, is used to lift the contents from the fuel tank : and

(b) the fuel tank is protected from blows by a frame or by stout steel guards, and the filling hole cover is provided with a lock ; and

(2) The fuel tank of any vehicle may be behind the shield if the fuel used in the engine does not give off an inflammable vapour at a temperature of less than one hundred and fifty degrees Fahrenheit.*

If windows are provided in the shield they shall be fitted with wired glass.

A quick action cut-off valve shall be fitted to the fuel feed pipe in an easily accessible position, which shall be clearly marked.

Provided that in the event of the breakdown of any vehicle conveying petroleum-spirit, and of there not being any vehicle constructed in accordance with the requirements of this Regulation available within a reasonable time to replace it, it shall be permissible to use a vehicle not so constructed and fitted for the purpose of conveying the petroleum-spirit to its destination.

(B) PROVISIONS RELATING TO CONVEYANCE OF PETROLEUM-SPIRIT IN TANK WAGONS.

4. A tank wagon used for the conveyance of petroleum-spirit shall be constructed in accordance with the provisions contained in the Schedule, and together with its connections and fittings shall be maintained in good condition.

5. The capacity of a tank wagon shall not, in any case, exceed 2,500 gallons, nor shall the capacity exceed 1,500 gallons, nuless the general design of the vehicle used shall have been approved by order of the Secretary of State as suitable for the conveyance of quantities exceeding 1,500 gallons.

6. The filling and dipping pipes shall be kept securely closed at all times except during the operations of filling or emptying a tank wagon. Where the filling pipes are not provided with the liquid seal, the covers shall be kept locked at all times except during the operation of filling a tank wagon, and the keys shall not be carried on the wagon.

7. The space of not less than six inches required by paragraph 1 of the Schedule to be left between the fire-resisting shield and the end of the tank shall not be used to accommodate any equipment or other article.

8. During the filling or emptying of a tank wagon the following precautions shall be observed :

(i) If the wagon is mechanically-driven the engine shall be stopped the whole time the filling or emptying is proceeding and shall not be run until all tanks have been securely closed.

(ii) If the wagon is horse-drawn, the horses shall be removed and the wheels securely scotched before the filling or emptying is begun.

(iii) Adequate provision shall be made to prevent the accumulation of a dangerous static charge of electricity.

(iv) The vehicle shall be constantly attended by a competent person.

9. Petroleum-spirit in cans or other packages shall not be conveyed on any tank wagon used for the conveyance of petroleum-spirit unless it is so constructed (composite vehicle) as to comply with the conditions applicable to conveyance on wagons other than tank wagons as well as with the conditions applicable to conveyance

* The standard method for testing Flash Points of such fuels is given in " Standard Methods of Testing Petroleum and its Products," published by the Institution of Petroleum Technologists.

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on tank wagons, and unless, if intended to be used for conveying petroleum-spirit to or from any place within the Administrative County of London or County Borough of West Ham, it has been approved by a Government Inspector.

(C) PROVISIONS OF GENERAL APPLICATION.

10.—(1) Every vehicle while engaged in the conveyance of petroleum-spirit by road, shall—

(*a*) if the quantity exceeds 1,500 gallons or if it is being trailed by another vehicle, be constantly attended by at least two persons; or

(*b*) in any other case, be constantly attended by at least one person;

Provided that, while any vehicle so engaged is halted on a highway, it shall not in any case be necessary for the vehicle to be constantly attended by more than one person.

(2) A vehicle so engaged as aforesaid shall, while halted elsewhere than on a highway, be exempt from the requirements of paragraph (1) of this Regulation if and so long as the vehicle is in some place for the time being approved for the purpose by the local authority empowered under the Petroleum (Consolidation) Act, 1928, to grant petroleum-spirit licences.

11. Trailers other than articulated vehicles.—(*a*) A trailer not exclusively used or intended to be used exclusively for conveying petroleum-spirit shall not be attached to any vehicle conveying petroleum-spirit;

(*b*) A trailer conveying petroleum-spirit shall not be attached to any vehicle except to a motor tractor or to a vehicle used or intended to be used exclusively for conveying petroleum, and not more than one trailer shall be so attached. A trailer shall have two axles. The total quantity of petroleum and petroleum-spirit together conveyed shall not exceed 2,500 gallons.

(*c*) If a trailer conveying petroleum-spirit is attached to a vehicle conveying petroleum other than petroleum-spirit, the vehicle shall comply with all the provisions of these regulations relating to vehicles conveying petroleum-spirit.

(*d*) A trailer other than a tank trailer shall not be attached to a tank wagon. The capacity of a tank trailer shall not exceed 800 gallons, and no trailer shall be attached to a tank wagon of greater capacity than 1,500 gallons.

(*e*) A trailer conveying petroleum-spirit which is attached to a motor tractor shall be efficiently screened from the motor tractor by a fire resisting shield carried down to within 12 inches of the ground and upwards to the level of the top of the tank or load. In the case of a tractor being wider than the trailer, the shield shall be carried back to a distance of not less than two feet on each side unless the sides of the trailer themselves provide an efficient fire-resisting shield. The exhaust shall be wholly in front of the shield.

(*f*) No trailer attached to a tank wagon shall be employed within the administrative County of London or the County Borough of West Ham.

12. In these regulations the tank forming part of a tank wagon or tank trailer means one or more tanks on the same chassis and any limitation herein prescribed on the capacity of a tank shall be construed so as to permit of the tank containing the amount specified under varying degrees of temperature.

13. No fire or artificial light capable of igniting inflammable vapour shall be allowed on any vehicle or trailer conveying petroleum-spirit, nor shall any explosive substance or substance or article capable of causing fire or explosion be carried on such vehicle or trailer.

14. If electric lighting is employed on any vehicle, including a trailer or tractor used in the conveyance of petroleum-spirit, the following conditions shall be complied with:

(i) The pressure shall not exceed sixteen volts.

(ii) The circuit shall be heavily insulated and shall be independent of the chassis, and the wiring shall be so fixed and protected as to reduce as far as possible risk of damage.

(iii) The generator, battery, switches and fuzes shall be carried in front of the fire-resisting screen and the battery shall be in an easily accessible position.

(iv) Means of cutting off the current close to the battery by a double pole switch or other suitable method shall be provided.

15. A supply of sand or other efficient means of extinguishing an outbreak of fire shall be carried in an easily accessible position on every vehicle conveying petroleum-spirit.

16. A person while on or attending to any vehicle or trailer conveying petroleum-spirit shall not smoke.

17. Petroleum-spirit shall not be conveyed on any public vehicle whilst carrying passengers.

18. All persons engaged in the loading, unloading or conveyance of petroleum-spirit shall observe all precautions necessary for preventing fire or explosion.

19. It shall be illegal on a highway to fill or replenish with petroleum-spirit the fuel tanks of mechanically-driven vehicles direct from vehicles carrying petroleum-spirit in bulk, except with the sanction of the local authority under the Act, and then only at such places and under such conditions as the local authority may approve.

Provided that, during such filling or replenishment of the fuel tank of any public vehicle used for the conveyance of passengers, no passenger shall be allowed to remain in the vehicle.

20. Care shall be taken to prevent any petroleum-spirit escaping into any drain or sewer.

21. The owner of a vehicle or trailer used for the conveyance of petroleum-spirit, who employs any person in connection with such conveyance, shall furnish a copy of these Regulations to, or affix a copy thereof in some place where it can be conveniently read by any such person and shall take all other measures necessary to ensure that any such person is acquainted with and carries out the provisions of these Regulations.

22. If the vehicle is used for the hawking of petroleum-spirit and the petroleum-spirit is drawn off from any vessel in the course of such hawking the following conditions shall be observed :

(i) The quantity of petroleum-spirit conveyed at any one time shall not exceed twenty gallons.

(ii) Any petroleum, other than petroleum-spirit, which is carried on the vehicle, shall for the purpose of these Regulations be deemed to be petroleum-spirit.

The delivery of petroleum-spirit to premises licensed under the Act shall not be deemed to be the hawking of petroleum-spirit for the purpose of this Regulation.

Regulations 3 and 14 shall not apply to a vehicle used in accordance with the foregoing conditions.

23. These Regulations shall not apply to the conveyance of petroleum-spirit on any vehicle for use only in the propulsion of that vehicle.

24. These Regulations shall not apply to the conveyance of petroleum-spirit on a vehicle (not being a tank wagon or a public vehicle used for the conveyance of passengers,* or a vehicle used for hawking of petroleum-spirit to which Regulation 22 applies) in a quantity not exceeding thirty gallons of petroleum-spirit in securely closed containers of a capacity not exceeding two gallons or in securely closed metal cans or drums of a capacity not exceeding ten gallons, or in a quantity not exceeding fifty gallons of petroleum-spirit contained in a single securely closed steel barrel.

25. The requirements of these Regulations shall be in addition to and not in derogation of any requirements of regulations made by the Minister of Transport under powers conferred upon him by the Road Traffic Act, 1930, or any other Act.

26.—(i) It shall be the duty of every local authority having power to grant licences to keep petroleum-spirit to enforce within their district the provisions of these Regulations, and the owner of a vehicle used for the conveyance of petroleum-spirit or his employee shall provide all reasonable facilities to an authorised officer

* *Note.*—It is recommended that in the case of a public service vehicle, the number of spare two-gallon tins carried exclusively for the use of the vehicle should not exceed ten, and that the tins whether full or empty should be securely closed.

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of such local authority for the purpose of ascertaining that the provisions of these Regulations are duly observed.

(ii) Every such local authority shall institute and carry on such proceedings in respect of breaches of the Regulations as may be necessary to secure the observance thereof; and an inspector appointed by the local authority for the purposes of the Petroleum (Consolidation) Act, 1928, may, if so authorised by the local authority institute and carry on any proceedings under the Regulations on behalf of the authority.

(iii) The expenses incurred by a local authority in the enforcement of the Regulations shall be defrayed as part of the general expenses of the local authority under the Public Health Acts or in Scotland out of the Burgh General Assessment in the case of Burghs, and the General County Purposes Assessment in the case of Counties.

(iv) Paragraph (ii) of this Regulation shall not apply to Scotland.

27. If the Secretary of State is satisfied that in respect of any class of vehicle or any mode of conveyance any of the requirements of these Regulations may be safely suspended or relaxed, he may by Order authorise such suspension or relaxation for such period or under such conditions as he may think fit. Any such Order may be revoked by the Secretary of State at any time.

28. These Regulations may be cited as the Petroleum-Spirit (Conveyance) Regulations, 1932, and shall come into force on the first day of February, 1933, as from which date the Regulations made on October 18th, 1926 (*a*), and on May 31st, 1927 (*b*), shall be revoked.

JOHN GILMOUR,
One of His Majesty's Principal Secretaries of State.

Home Office,
Whitehall, S.W.1.
12th December, 1932.

SCHEDULE.

(A) MECHANICALLY-DRIVEN ROAD TANK WAGONS AND TANK TRAILERS.

1. The vehicle, including the tank and fittings, shall be strongly constructed of fire-resisting materials. The engine, which shall be of an internal combustion type, fuel tank and electric batteries shall be effectively screened from the body of the vehicle by a fire-resisting shield carried down to within 12 inches of the ground, and (a) to the top of the cab, and (b) unless the roof of the cab is of fire-resisting construction and is without an opening, to the level of the top of the tank. The exhaust shall be wholly in front of this shield.

Provided that—

(1) The fuel tank of a vehicle, other than an articulated vehicle, may be behind the shield if,

(*a*) a fuel feed apparatus, placed in front of the shield, is used to lift the contents from the fuel tank; and

(*b*) the fuel tank is protected from blows by the frame or by stout steel guards, and the filling hole cover is provided with a lock; and

(2) The fuel tank of any vehicle may be behind the shield if the fuel used in the engine does not give off an inflammable vapour at a temperature of less than one hundred and fifty degrees Fahrenheit.*

If windows are provided in the shield they shall be fitted with wired glass.

A space of not less than six inches, which shall be left clear and unobstructed except for any part of the framework of the wagon shall intervene between the tank and the fire-resisting shield. The tank, if not a component part of the frame of the vehicle, shall be securely attached thereto; provided that in the case of a composite vehicle to which Regulation 9 applies a removable tank securely fastened to a cradle may be used.

* The standard method for testing Flash Points of such fuels is given in "Standard Methods of Testing Petroleum and its Products," published by the Institution of Petroleum Technologists.

(*a*) S. R. & O., 1926, No. 1340.
(*b*) S. R. & O., 1927, No. 511.

A quick action cut-off valve shall be fitted to the fuel feed pipe in an easily accessible position.

2. The tank, if of more than 600 gallons capacity, shall be divided into self contained compartments, no one of which shall contain more than 600 gallons.

3. The draw-off pipes shall be fitted with internal valves in addition to strong and secure taps and screw caps; and the taps shall be (i) enclosed in a strong locked box of hard wood or other suitable material, or (ii) provided with locks and protected against blows by the frame or by stout steel guards. All taps at the rear shall be protected by the rear cross member of the frame, protection being afforded also when necessary to the lower rear portion of the tank. Where a syphon system of emptying the tank is employed internal valves are not required. Provided that where the taps of a composite vehicle to which Regulation 9 applies do not project beyond the back of the vehicle, and are adequately protected from damage from collision the requirements as to taps shall not apply.

4.—(*a*) Each filling pipe shall be carried down nearly to the bottom of the tank and shall terminate in such a way as to provide at all times a liquid seal at the bottom of the pipe; or alternatively (*b*) the covers over the fillings openings shall be provided with locks. Any openings in the filling pipes other than the orifices at the top and bottom shall be covered with fine wire gauze of not less than 28 meshes to the linear inch.

Provided that as regards tank wagons of over 1,000 gallons capacity used for conveying petroleum-spirit to or from any place within the Administrative County of London or County Borough of West Ham, the provision in paragraph (*a*) shall be complied with in all cases.

5. The dipping pipes shall be carried down to the bottom of the tank, and any openings in them other than the upper orifice shall be covered with fine wire gauze of not less than 28 meshes to the linear inch.

6. The ventilating openings, if separate from the dip pipes, shall be covered with fine wire gauze of not less than 28 meshes to the linear inch, protected by covers when not in use.

(B) HORSE-DRAWN ROAD TANK WAGONS.

7. The vehicle, including the tank and fittings, shall be strongly constructed and the tank shall be securely fastened to the body of the vehicle and shall, if of more than 600 gallons capacity, be divided into self-contained compartments, no one of which shall contain more than 600 gallons.

8. The draw-off pipes shall be fitted with internal valves in addition to strong and secure taps and screw caps; and the taps at the rear shall be enclosed in a strong locked box of hard wood or other suitable material.

9. The ventilating openings, if separate from the dip pipes, shall be covered with fine wire gauze of not less than 28 meshes to the linear inch, protected by covers when not in use.

PROV. R. & O., 1933.

THE COMPRESSED GAS CYLINDERS (FUEL FOR MOTOR VEHICLES) PROVISIONAL REGULATIONS, 1933, DATED JULY 12TH, 1933, MADE BY THE SECRETARY OF STATE FOR THE HOME DEPARTMENT IN PURSUANCE OF SECTION 6 OF THE PETROLEUM (CONSOLIDATION) ACT, 1928, AS APPLIED BY ORDER IN COUNCIL DATED JANUARY 20TH, 1930 (*a*).

In pursuance of Section 6 of the Petroleum (Consolidation) Act, 1928, as applied by Order in Council dated January 20th, 1930, I hereby make the following Regulations for the conveyance by road of cylinders, which (i) contain any of the gases specified in the First Schedule hereto in a compressed state, and (ii) are fitted to a motor vehicle solely for the purpose of storage of gaseous fuel under pressure for the propulsion of the vehicle.

1. No cylinder to which these Regulations apply shall be used unless (i) it is constructed in accordance with the specification contained in the Second Schedule and has complied with the tests and other requirements set out in the said Schedule, and (ii) the manufacture and testing of the cylinder have been supervised by an authority approved by the Secretary of State for the purpose of these Regulations,

(*a*) S. R. & O., 1930, No. 34, *ante*, p. 3479.

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and (iii) the steel used in the construction of the cylinder has been made by a manufacturer approved by the Secretary of State for the purpose of these Regulations.

2.—(*a*) Each cylinder and valve or other fitting for the connection of the cylinder with the pipe line shall be of forged steel, and shall be provided with left handed screw threads at the point of connection with the pipe line.

(*b*) Each cylinder or said valve or other fitting shall be fitted with a fusible plug designed to fuse at 150° C. or with a bursting disc designed to shear at a pressure of 4,500 lbs. to the square inch.

(*c*) The cylinders and the said valves or other fittings shall be maintained in good condition.

3. The working or internal pressure in any cylinder shall not exceed 3,000 lbs. to the square inch.

4. No cylinder shall be filled with any of the said gases unless it has been submitted within the preceding 12 months to the hydraulic test specified in the Second Schedule. Prior to any hydraulic test the cylinder shall be thoroughly cleaned and examined externally, and so far as practicable, internally for surface defects, corrosion and foreign matter. Where internal rust or foreign matter is observed the cylinder, prior to the hydraulic test, shall be heated to a temperature not exceeding 300° C. and again cleaned and examined. After each hydraulic test and before being taken into use the cylinder shall be clearly and permanently marked on the neck end with marks and figures indicating the person or firm by whom the test was carried out and the date of the test as specified in paragraph 9 of the Second Schedule. Any cylinder not passing the test shall be destroyed.

5. Except as provided in Regulation 4 and paragraph 7 of the Second Schedule no cylinder after completion of manufacture shall be subject to any heat treatment process or be mechanically altered in any way.

6. There shall be affixed to the vehicle and maintained in a legible condition a table showing:

(*a*) The manufacturer's identification mark and rotation number of each cylinder;
(*b*) The water capacity of the cylinder in cubic feet;
(*c*) The date of manufacture of the cylinder; and
(*d*) The date of its last hydraulic test.

7. Cylinders shall not be retained in service for a longer period than five years reckoning from the date of manufacture.

8. Cylinders shall be clearly marked in a distinctive paint with the words, FOR GAS PROPULSION ONLY, WORKING PRESSURE 3,000 LBS. PER SQUARE INCH, and with the water capacity in cubic feet.

9. The owner of a vehicle fitted with cylinders for gas propulsion who employs any person in connection with such vehicle, shall take measures to ensure that any such person is acquainted with and carries out the provisions of these Regulations within the scope of his duties.

10. In proceedings for a breach of Regulation 1 in respect of the material and manufacture of cylinders it shall be a good defence to produce a certificate from the makers stating that the cylinders and the steel of which they were constructed were manufactured in accordance with the requirements of Regulation 1 and the Second Schedule.

11. If the Secretary of State is satisfied that in respect of any class of cylinders or any mode of conveyance any of the requirements of these Regulations may be safely suspended or modified, he may by Order authorise such suspension or modification for such period or under such conditions as he may think fit. Any such Order may be revoked by the Secretary of State at any time.

12. Nothing in the Gas Cylinders (Conveyance) Regulations, 1931 (*a*), shall apply to cylinders to which these Regulations apply.

13. The requirements of these Regulations shall be in addition to and not in derogation of any requirements of Regulations made by the Minister of Transport under powers conferred upon him by the Road Traffic Act or any other Act.

(*a*) S. R. & O., 1931, No. 679, *ante*, p. 3479.

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14. These Regulations may be cited as The Compressed Gas Cylinders (Fuel for Motor Vehicles) Provisional Regulations, 1933.

In pursuance of Section 2 of the Rules Publication Act, 1893, I HEREBY CERTIFY that on account of urgency the foregoing Regulations should come into immediate operation, and I direct that they shall come into operation forthwith as provisional rules.

JOHN GILMOUR,
One of His Majesty's Principal Secretaries of State.

Whitehall,
12*th July*, 1933.

FIRST SCHEDULE.

Coal gas, carbon monoxide, hydrogen and methane.

SECOND SCHEDULE.

Quality of Material.

1. The steel used in the manufacture of the cylinders shall be made by the acid or basic open-hearth process or in electric furnaces.

Chemical Composition.

2. The composition of the steel used in the manufacture of the cylinders shall be left to the discretion of the manufacturer, provided that the proportion of—

Silicon shall not exceed 0·30 per cent.
Sulphur shall not exceed 0·04 per cent.
Phosphorus shall not exceed 0·03 per cent.

Steel Maker's Certificate.

3. A certificate shall be supplied by the steel maker to the cylinder maker that the material from which the billets have been produced has been made by one of the processes specified in paragraph 1 and giving details of the chemical analysis.

Manufacture of Cylinders.

4. The cylinders shall be solid drawn and no welding shall be permitted.

Thickness of Cylinder Walls.

5. The thickness of the cylinder wall shall be not less than the value of t (in inches), given by the following formula:

$$t = \frac{pD}{2f + D} = 0{\cdot}026D$$

where p = the maximum working pressure of 3,000 lbs. per square inch.
f = the maximum working stress of 56,000 lbs. per square inch.
D = external diameter in inches.

The neck of the cylinder shall be of sufficient strength to prevent permanent distortion during the fitting of the valves or other connection.

Examination of Cylinder before Closing-in.

6. Each cylinder shall be examined before the closing-in operations for maximum and minimum thickness and for external and internal surface defects. The tolerance on wall thickness shall be + 20 per cent. — 0.

Heat Treatment.

7. The details of the heat treatment to which the cylinders are to be subjected are left to the discretion of the manufacturer, but must be such as to enable the cylinders and material to pass the tests detailed in paragraphs 10, 11, 12, 13, 14 and 15.

Oil and Grease.

8. No oil or grease in any form shall be used inside or outside the cylinder after heat treatment, and all particles of grit, filings, or other matter which may have collected inside the cylinder in course of manufacture, heat treatment or testing, shall be removed completely.

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Marking.

9. Each cylinder shall be permanently and clearly marked with

(*a*) Maker's identification marks and rotation number,
(*b*) Date of the last hydraulic test; this may be indicated by the month and year, or by the year with a symbol to denote the quarter of the year,
(*c*) A mark indicating the Specification in this Schedule, viz., H.O.G.P.; or corresponding British Standards Institution Specification,
(*d*) A mark by the Authority approved by the Secretary of State denoting that the supervision required by Regulation 1 has been exercised.

The permanent marks specified in this paragraph shall be put on the neck end of the cylinder; they shall not be put on the parallel portion or base of the cylinder.

Tensile Test.

10. Tensile tests shall be made on the material of one finished cylinder in every batch* or when the number in any batch exceeds 100, on the material of at least one finished cylinder in every 100.

The tests shall be made on a strip, cut longitudinally from the finished cylinder, of the form shown in Fig. 1 (*a*).

In preparing the test pieces, only the edges shall be machined; the face and back of the test piece shall each represent the surface of the cylinder as manufactured.

The elongation shall be measured on a gauge length which is equal to—

$$L \text{ (inches)} = 15\sqrt{\text{Area of cross section of test piece}}$$
$$= 13\sqrt{t}$$

where t = measured average thickness of specimen, in inches.

NOTE:—This gauge length has a value of 6 inches for a cylinder of 8 inches external diameter and having the designed thickness (0·21 inch) as given by the formula in paragraph 5.

The results of the tensile test shall conform to the following conditions:

Yield Stress: Not less than 45 tons per square inch.
Ultimate Tensile Strength: Not less than 55 tons per square inch.
Elongation on specified gauge length: 7 per cent.

Impact Test.

11. Impact test pieces shall be cut from the same cylinder as that used for the tensile test (paragraph 10).

Six test pieces shall be cut—three in a longitudinal and three in a transverse direction—and machined to the dimensions shown in Fig. 2 (*b*). The energy required for any single fracture shall not be less than 4·5 ft. lbs. for a transverse test piece, and 10 ft. lbs. for a longitudinal test piece.

Flattening Test.

12. One finished cylinder in every batch or when the number in any batch exceeds 100, one finished cylinder in every 100, shall be subjected to a flattening test as follows:

The middle part of the empty cylinder shall be placed between two compression blocks having flat faces $2\frac{3}{4}$ inches wide with corners rounded to a $\frac{1}{4}$ inch radius, and pressure applied until cracks appear at the folded surface of the cylinder between the compression blocks.

The distance between the faces of the blocks in contact with the cylinder, when cracks appear, shall not be more than twelve times the wall thickness of the cylinder.

If the cylinders are of such length that from the cylinder used for the tensile and impact tests (paragraphs 10 and 11) there can be obtained, in addition to the tensile and impact test pieces, a parallel portion 4 diameters long, this parallel portion can be used for the flattening test.

Bend Test.

13. Cold bend tests shall be made on six strips cut from the same cylinder as that used for the tensile and impact tests; three strips shall be cut in the longitudinal direction and three in the circumferential direction. Each strip shall be one inch in width and machined

* By a batch is meant a group of cylinders of similar analysis heat treated in the same manner and at the same temperature.

(*a*) For Fig. 1, not here reproduced, refer to a King's Printer's copy of the Regulations.
(*b*) For Fig. 2, not here reproduced, refer to a King's Printer's copy of the Regulations.

on the edges only. Each strip shall be bent cold through 180° round a radius tool of which the radius shall not exceed four times the thickness of the test specimen.

The material shall be deemed to have passed the test if no cracks appear.

Hydraulic Streich Test.

14. Each completed cylinder shall be subject to a hydraulic stretch test, by the "water-jacket"* method. The proof pressure applied internally in this test shall be 4,500 lbs. per square inch. No pressure greater than the working pressure shall have been applied to the cylinder before the test. The cylinder shall be deemed to have passed the test if the permanent stretch is not greater than 2 per cent. of the amount of the increased temporary stretch under the proof pressure.

Hydraulic Test to Destruction.†

15. One finished cylinder in every batch, or when the number in any batch exceeds 100, one finished cylinder in every 100, shall be subjected to a hydraulic test to destruction,† or to a pressure exceeding 6,600 lbs. per square inch. The bursting pressure shall not be less than 6,600 lbs. per square inch. The cylinder must in any case be destroyed.

Record of Test.

16. A record shall be kept of all tests made at the cylinder-maker's works and copies forwarded to the purchaser of the cylinder.

S. R. & O., 1935, No. 583.

THE BISULPHIDE OF CARBON (CONVEYANCE) REGULATIONS, 1935, DATED JUNE 19TH, 1935, MADE BY THE SECRETARY OF STATE FOR THE HOME DEPARTMENT IN PURSUANCE OF SECTION 6 OF THE PETROLEUM (CONSOLIDATION) ACT, 1928, AND ORDER IN COUNCIL DATED NOVEMBER 5TH, 1926 (*a*).

In pursuance of Section 6 of the Petroleum (Consolidation) Act, 1928, as applied by Order in Council dated November 5th, 1926, I hereby make the following regulations for the conveyance of Bisulphide of Carbon by road:

1. Bisulphide of Carbon shall not be conveyed except—
   (*a*) In steel or iron containers each of a capacity not exceeding 50 gallons, constructed in accordance with the specification contained in the First Schedule, maintained in good condition and securely closed so as to prevent leakage; or
   (*b*) in luted and tied-over stoppered bottles, each containing not more than 7 lbs. securely packed in strong wooden cases in sawdust, kieselguhr, or other suitable material. Each bottle shall be separated from other bottles by wooden partitions and the total weight of bisulphide of carbon in any one case shall not exceed 30 lbs.; or
   (*c*) In mechanically-driven tank wagons, subject to the provisions of these regulations.

(A) *Provisions relating to Conveyance of Bisulphide of Carbon otherwise than in Tank Wagons.*

2. Containers and cases containing bottles shall be packed so as not to project beyond the sides and ends of the vehicle.

3. Containers shall be loaded and carried bung uppermost. Where the position of the bung renders it necessary for containers such as barrels or drums to be carried on their sides in order that the bung may be uppermost, each container shall, unless packed in a strong wooden perforated case or crate, be carried on a cradle or on runners fixed to the floor of the vehicle. The load shall be securely fastened to the vehicle by ropes or otherwise, unless sides and back of adequate height are provided.

* Details of the "water-jacket" method will be found in the Fourth Report of the Gas Cylinders Research Committee, to be obtained from H.M. Stationery Office or through any bookseller.

† The test should be carried out under precautions.

(*a*) S. R. & O., 1926, No. 1422.

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4. Containers, bottles, and cases containing bottles shall be legibly marked or labelled with the words " Bisulphide of Carbon, Highly Inflammable " together with the name and address of the sender.

5. When containers are filled, allowance shall be made for an air space of at least 7½ per cent.

(B) *Provisions relating to Conveyance of Bisulphide of Carbon in Tank Wagons.*

6. A tank wagon used for the conveyance of bisulphide of carbon shall be constructed in accordance with the provisions contained in the Second Schedule to these regulations, and together with its connections and fittings shall be maintained in good condition.

7. The capacity of a tank wagon shall not exceed 2,000 gallons. Trailers shall not be employed with tank wagons.

8. The openings for filling and discharging shall be kept securely closed at all times, and the covers kept locked except during the operations of filling or emptying the tank wagon.

9. The space of not less than six inches required by paragraph 1 of the Second Schedule to be left between the fire-resisting shield and the end of the tank shall not be used to accommodate any equipment or other article.

10. During the filling or emptying of a tank wagon the following precautions shall be observed :

(i) If the wagon is mechanically-driven the engine shall be stopped the whole time the filling or emptying is proceeding and shall not be run until all tanks have been securely closed.
(ii) Adequate provision shall be made to prevent the accumulation of a dangerous static charge of electricity.
(iii) The vehicle shall be constantly attended by a competent person.

11. Bisulphide of carbon in cans or other packages shall not be conveyed on any tank wagon used for the conveyance of bisulphide of carbon.

12. If electric lighting is employed on the vehicle, the following conditions shall be complied with :

(i) The pressure shall not exceed sixteen volts.
(ii) The circuit shall be heavily insulated and shall be independent of the chassis, and the wiring shall be so fixed and protected as to reduce as far as possible risk of damage.
(iii) The generator, battery, switches and fuzes shall be carried in front of the fire-resisting screen and the battery shall be in an easily accessible position.
(iv) Means of cutting off the current close to the battery by a double pole switch or other suitable method shall be provided.

13. The tank of any tank wagon conveying bisulphide of carbon shall be legibly marked with the words " Bisulphide of Carbon, Highly Inflammable."

14. In these regulations the tank forming part of a tank wagon one or more tanks on the same chassis and any limitation herein prescribed on the capacity of a tank shall be construed so as to permit of the tank containing the amount specified under varying degrees of temperature.

(C) *Provisions of General Application.*

15.—(1) Every vehicle while engaged in the conveyance of Bisulphide of Carbon by road shall—

(*a*) if the quantity exceeds 1,000 gallons, be constantly attended by at least two persons ; or
(*b*) in any other case, be constantly attended by at least one person ;

Provided that, while any vehicle so engaged is halted on a highway, it shall not in any case be necessary for the vehicle to be constantly attended by more than one person.

(2) A vehicle so engaged as aforesaid shall, while halted elsewhere than on a highway, be exempt from the requirements of paragraph (1) of this Regulation if and so long as the vehicle is in some place for the time being approved for the purpose by the local authority empowered under the Petroleum (Consolidation) Act, 1928, to grant petroleum-spirit licences.

16. No fire or artificial light capable of igniting inflammable vapour shall be allowed on any vehicle conveying bisulphide of carbon, nor shall any explosive substance or substances or article capable of causing fire or explosion be carried on such vehicle. This regulation shall not apply to petroleum spirit or fuel carried for use in the propulsion of a mechanically-driven vehicle.

17. A supply of sand or other efficient means of extinguishing an outbreak of fire shall be carried in an easily accessible position on every vehicle conveying bisulphide or carbon.

18. A person while on or attending to any vehicle conveying bisulphide of carbon shall not smoke.

19. Bisulphide of carbon shall not be conveyed on any public vehicle whilst carrying passengers.

20. All persons engaged in the loading, unloading or conveyance of bisulphide of carbon shall observe all precautions necessary for preventing fire or explosion.

21. Care shall be taken to prevent any bisulphide of carbon escaping into any drain or sewer.

22.—(*a*) The owner of a vehicle used for the conveyance of bisulphide of carbon, who employs any person in connection with such conveyance, shall furnish a copy of these regulations to, or affix a copy thereof in some place where it can be conveniently read by any such person and shall take all other measures necessary to ensure that any such person is acquainted with and carries out the provisions of these regulations.

(*b*) No person shall deliver or cause to be delivered any bisulphide of carbon to any carrier for the purpose of conveyance by road—

(i) unless he shall, with a view to ensure that these regulations are brought to the notice of the carrier, have delivered to such carrier a copy thereof;

(ii) unless such carrier is in possession of, or has available for use, such vehicles and equipment as are or may be adequate and necessary for the purpose of fulfilling the requirements of Regulations 2 and 3 or of complying with the provisions relating to the conveyance of bisulphide of carbon in tank wagons;

(iii) unless where a tank wagon is not employed he delivers the bisulphide of carbon or causes it to be delivered, as the case may be, to the carrier in such a state as to comply with the requirements of Regulations 1 (*a*) or 1 (*b*), and Regulations 4 and 5.

23. These Regulations shall not apply to the conveyance of bisulphide of carbon on a vehicle (not being a tank wagon) when the weight does not exceed 14 lbs. Provided that the weight of bisulphide of carbon in any one container other than a metal container shall not exceed 7 lbs.

24. The requirements of these Regulations shall be in addition to and not in derogation of any requirements of regulations made by the Minister of Transport under powers conferred upon him by the Road Traffic Act, 1930 (*a*), or any other Act.

25. If the Secretary of State is satisfied that in respect of any class of vehicle or any mode of conveyance any of the requirements of these Regulations may be safely suspended or relaxed, he may by Order authorise such suspension or relaxation for such period or under such conditions as he may think fit. Any such Order may be revoked by the Secretary of State at any time.

26. The Regulations made on July 27th, 1928 (*b*), are hereby revoked.

(*a*) 23 Halsbury's Statutes 633.
(*b*) S. R. & O., 1928, No. 597.

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27. These Regulations may be cited as the Bisulphide of Carbon (Conveyance) Regulations, 1935.

JOHN SIMON,
One of His Majesty's Principal Secretaries of State.

Whitehall.
19*th June*, 1935.

FIRST SCHEDULE.

SPECIFICATION OF IRON OR STEEL CONTAINERS.

A.—Containers up to 1 *gallon capacity.*

1. Containers shall be made of iron or mild steel with strongly constructed seams. Each container shall be provided with a screw bung with leather washer or faced joint. Containers shall be galvanised or painted externally.

B.—Containers of 1 *gallon to* 50 *gallons capacity.*

2. Containers shall be made of iron or mild steel, of not less than the following thicknesses:

Capacity.	Body.	Ends.
1 to 9 gallons . .	14 B.G.	14 B.G.
10 to 29 gallons . .	12 B.G. (2·517 mm.) .	10 B.G. (3·175 mm.)
30 to 50 gallons . .	9 B.G. (3·551 mm.) .	7 B.G. (4·480 mm.)

The bodies of barrels of ten gallons capacity and upwards, after rolling in process of manufacture, shall not be reduced in thickness in any part by more than one-tenth of the original thickness of the plate.

3. All seams shall be welded or riveted and sweated with lead so as to make a solid joint. The pitch of the rivets shall not exceed one inch.

4. Drums shall be strengthened and protected at each end by a strong iron or steel chime-hoop welded or riveted on to the body of the drum. Drums exceeding 25 gallons capacity shall have two solid rolling hoops welded or securely shrunk on to the body of the drum; these hoops shall project sufficiently to protect the bung from damage when the drum is rolled.

5. Barrels shall have a bilge of not less than one-fifteenth of their length. The chime at each end shall consist of the body of the barrel, the flange of the end and an inner and outer chime-hoop, strongly and durably welded together. The bung shall be as nearly as possible flush with the outside of the body.

6. Each container shall be provided with a boss, welded or riveted and sweated to the body or end of the container. The boss shall be closed by a well-fitting wrought-iron or forged-steel screw bung with leather washer. In the case of drums of ten-gallon capacity and under, a faced joint made tight with soap may be used instead of the leather washer.

7. Each container shall be capable of standing a hydraulic pressure of 20 lb. per square inch without sign of injury or leakage.

8. Containers shall be galvanised or painted externally.

SECOND SCHEDULE.

MECHANICALLY-DRIVEN ROAD TANK WAGONS.

1. The vehicle, including the tank and fittings, shall be strongly constructed of fire-resisting materials. The engine, which shall be of an internal combustion type, fuel tank and electric batteries shall be effectively screened from the body of the vehicle by a fire-resisting shield carried down to within 12 inches of the ground, and (*a*) to the top of the cab, and (*b*) unless the roof of the cab is of fire-resisting construction and is without an opening, to the level of the top of the tank. The exhaust shall be wholly in front of this shield.

Provided that—

(1) The fuel tank of a vehicle, other than an articulated vehicle, may be behind the shield if—

(a) a fuel feed apparatus, placed in front of the shield, is used to lift the contents from the fuel tank; and

(b) The fuel tank is protected from blows by the frame or by stout steel guards, and the filling hole cover is provided with a lock; and

(2) The fuel tank of any vehicle may be behind the shield if the fuel used in the engine does not give off an inflammable vapour at a temperature of less than one hundred and fifty degrees Fahrenheit.*

If windows are provided in the shield they shall be fitted with wired glass.

A space of not less than six inches, which shall be left clear and unobstructed except for any part of the framework of the wagon shall intervene between the tank and the fire-resisting shield. The tank, if not a component part of the frame of the vehicle, shall be securely attached thereto.

A quick action cut-off valve shall be fitted to the fuel feed pipe in an easily accessible position.

2. The tank, if of more than 500 gallons capacity, shall be divided into self-contained compartments, no one of which shall contain more than five hundred gallons.

3. Discharge valves shall be fitted only at the top of the tank and discharge shall be by the pressure of an inert gas or of water. The valve for the attachment of the pressure pipe shall be fitted with a cover, which shall be kept closed and locked except during the operation of emptying the tank, and the keys shall be retained by a responsible person.

4. The filling and discharge pipes shall be carried down nearly to the bottom of the tank and shall each terminate in such a way as to provide at all times a liquid seal at the bottom of the pipe.

5. The dipping pipes shall be carried down to the bottom of the tank and any openings in them other than the upper orifice shall be covered with fine wire gauze of not less than 28 meshes to the linear inch.

6. The ventilating openings, if separate from the dip pipes, shall be covered with fine wire gauze of not less than 28 meshes to the linear inch, protected by covers when not in use.

PORT SANITARY AUTHORITIES.

See DISEASES *and* OFFICERS, *ante*.

PROVISIONAL ORDERS.

See also AREAS OF LOCAL GOVERNMENT, *ante*.

CIRCULAR TO TOWN COUNCILS, URBAN DISTRICT COUNCILS, AND RURAL DISTRICT COUNCILS.

PROVISIONAL ORDERS UNDER THE PUBLIC HEALTH ACT, 1875.

MINISTRY OF HEALTH, WHITEHALL, S.W.1.
September 1*st*, 1920.

SIR,—I am directed by the Minister of Health to enclose herewith copies of instructions which he has had prepared for the assistance of local authorities in making application for Provisional Orders under the Public Health Act, 1875.

I am to point out that Standing Order 193 (A) of the House of Commons provides that no Bill originating in that House for confirming a Provisional Order shall be read the first time after Whitsuntide; and experience shows that, unless this date

* The standard method for testing Flash Points of such fuels is given in "Standard Methods of Testing Petroleum and its Products," published by the Institution of Petroleum Technologists.

PRO-VISIONAL ORDERS

is strictly adhered to, it will probably be impossible for Bills to confirm Provisional Orders to reach the House of Lords by the date necessary to ensure compliance with the Lords' Sessional Order relating to the second reading of such Bills.

The Minister has consequently determined that all applications for Provisional Orders under the Act referred to must be received by him not later than the dates mentioned in the Provisional Order instructions, and it must be clearly understood that those dates are fixed as the latest at which applications for such Orders can be received, if it is wished that the Orders should be confirmed during the Session of 1921. It is, however, very desirable that, wherever practicable, applications should be made earlier, and the Minister would impress on every local authority who may propose to apply for a Provisional Order the importance of making their application as soon as they are in a position to furnish the requisite particulars.

It is particularly desirable that applications for Provisional Orders to alter Local Acts should be made at the earliest possible date. These applications generally require much consideration, and more attention can be given to them in the autumn than is possible during the earlier part of the following year.

The Minister has revised the instructions previously issued relating to these applications, and particular attention is drawn to paragraph 7 of the revised instructions (B).

I am to add that, in dealing with applications for the sanction by the Minister of the costs incurred by a local authority in promoting or opposing a Provisional Order under section 298 of the Public Health Act, 1875, the Minister will require that such costs shall be taxed by the taxing officer of one of the Houses of Parliament. It will not, therefore, be necessary to submit such costs for taxation by the Clerk of the Peace.

In connection with the question of costs the Minister thinks it necessary to draw attention to the fact that one of the advantages which should attach to procedure by Provisional Order as compared with procedure by Private Bill is the opportunity of saving expense which the former method affords. This advantage is largely discounted if, instead of conducting their case at a local inquiry with the assistance of their officers, who are usually perfectly capable of placing the facts before the inspector appointed to hold the inquiry, local authorities employ counsel for the purpose.

I am, Sir,
Your obedient servant,
F. J. WILLIS,
Principal Assistant Secretary.

The Clerk to the Local Authority.

PROVISIONAL ORDER INSTRUCTIONS A (*a*).

INSTRUCTIONS AS TO APPLICATIONS TO THE MINISTER OF HEALTH FOR PROVISIONAL ORDERS UNDER SECTIONS 176 AND 279 OF THE PUBLIC HEALTH ACT, 1875.

Applications for Provisional Orders under Section 176 (*b*) *to put in force the compulsory powers of the Lands Clauses Acts* (*c*).

1. (*a*) The application must be made by a petition under the seal of the local authority, containing the particulars required by section 176 (3) of the Public Health Act, 1875. In the case of a rural district council requiring lands for the purposes

(*a*) These instructions are still in force, and are therefore retained in this edition, but in practice ss. 176 and 279 of the Public Health Act, 1875 (now s. 160 of the L. G. A., 1933, *ante*, p. 978, and ss. 2, 6 and 8 of the P. H. A., 1936, *ante*, pp. 5, 10, 13) are less convenient than the Public Works Facilities Act, 1930 (printed in a later volume of this work), and these instructions will therefore be seldom required so long as that Act is continued by Parliament (see s. 8 thereof). As printed here, the regulations are shortened by omitting certain matter which also occurs in Instructions B, *post*.

(*b*) 13 Halsbury's Statutes 700. Repealed see now s. 160 of the L. G. A., 1933, *ante*, p. 978.

(*c*) Printed in Vol. IV, *post*.

PRO-VISIONAL ORDERS

of two or more contributory places it is not necessary (unless special circumstances would lead to saving of expense) that a separate application should be made or separate proceedings taken as regards each contributory place. The lands proposed to be purchased should be specified in the petition *by inserting therein before the prayer of the petition a copy of the book of reference (see Instruction 4), amended, if necessary, to show any changes ascertained between the preparation of the reference and the sealing of the petition, and any necessary corrections. The petition must also indicate whether the several owners, lessees and occupiers assent, dissent, are neuter, or have not replied to the notices, and this information may conveniently be given by inserting additional columns.*

(*b*) Where it is only intended to carry sewers or water mains into, through, or under lands, such lands should not be included in the petition, as the local authority are empowered by the Public Health Act to carry sewers or water mains into, through, or under lands without purchasing the lands.

2. (*a*) *Attention is drawn to the provision in section* 176 *of the Public Health Act,* 1875, *which empowers local authorities to give in the months of September and October, or of October and November, the advertisements and notices which are required before they can apply for a Provisional Order to enable them to obtain lands by compulsory purchase. The local authority should avail themselves of this power as far as practicable, so that the petition may be presented at an earlier date, and so as to prevent the possible loss of a Parliamentary session in the event of errors being discovered too late to be remedied.*

(*b*) *The petition must be presented not later than the* 31*st of October if the advertisements were published in September; not later than the* 30*th November if they were published in October; and not later than the* 18*th December if they were published in November.*

3. (*a*) It has been found in some instances that there has been a misapprehension as to the period within which the advertisements and notices prescribed by section 176 of the Public Health Act must be given. It is essential that the three consecutive weeks in which the publication takes place should all be included in the same month, whichever of the three months is selected for the purpose. Moreover, the advertisements must be published in the same newspaper each week, and the *notices* to the owners, lessees, and occupiers of the lands which it is proposed to purchase must in all cases be served in the month immediately following that in which the advertisements are published.

(*b*) It has also been found that in some cases the deposit of the plan of the proposed undertaking at the place named in the advertisement referred to in section 176 (2) (hereinafter referred to as the "deposited plan") has not been made until after the advertisement has been published; the deposit should always be made at such time as to enable the deposited plan (and sections, if any) to be seen at all reasonable hours at the prescribed place as soon as the first advertisement appears. The plan should be marked "Deposited Plan" when deposited, and should (together with the sections, if any) remain open to inspection at all reasonable hours from the date of the deposit until the time when it is sent to the Minister of Health with the petition in accordance with Instruction 4 (*b*). When the deposited plan (and sections, if any) are returned by the Minister, they should be re-deposited and remain at the prescribed place and be open to inspection at all reasonable hours until the Bill to confirm the Provisional Order, if an Order is issued, has received the Royal Assent.

4. (*a*) As regards the deposited plan and the book of reference, the following directions must be strictly complied with:—

(i) The deposited plan, which should be carefully corrected *on the ground,* should show not only the lands to be purchased, and the parish in which they are situated, but also the manner in which those lands will be utilised for the purposes in view, and the position, as nearly as practicable, of any buildings, tanks, reservoirs, or other works to be erected or constructed on the lands. The position in relation to the lands of any sewers, pipes, or other works, which may be contemplated as part of the undertaking for which the lands are required, should also be shown. In the case of land required for making a new street or for widening a street, the frontage line of the new street,

PRO-VISIONAL ORDERS

or of the street when widened, should be shown by a hard line of colour; and the deposited plan should be accompanied by sections showing the proposed level of the new street in relation to the adjoining lands and to any existing streets which will communicate with the new street, and showing any alteration in the levels of the streets to be widened or altered, so far as it affects lands in that street or the communication with any existing streets. In the case of any street proposed to be widened, the deposited plan should be figured so as to show the widths at all material points of the existing street, and of the street as proposed to be widened. Any tramway in such street should be accurately indicated on the plan, and the space at material points between the outer lines of the tramway and the footpath on each side of the road, both before and after the contemplated improvement, should be given.

(ii) The deposited plan should be coloured so as to distinguish the lands proposed to be actually purchased, and each parcel of land, notwithstanding that several may belong to one owner, should be separately numbered, the outside boundaries of each parcel being defined by hard lines, and the buildings (if any) on each parcel being linked into it, so that it may be seen to what properties each number applies. If the lands are described in the advertisements by reference to numbers on the ordnance map, these numbers must be shown on the deposited plan.

(iii) The book of reference should also be prepared, *on the ground*, at the same time as, and in conjunction with, the deposited plan; it should show the parish in which the lands are situate, each parcel of land being numbered to correspond with the deposited plan, and being described so as to show clearly what properties are covered by each number. (See Instruction 1 (*a*).)

(iv) A copy of the book of reference should be placed with the deposited plan at the time of deposit, for local inspection.

(*b*) The petition should be accompanied by a copy of the deposited plan (and section, if any) or of so much thereof as relates to the petition, by a book of reference (in duplicate), altered (if necessary) in manuscript to correspond with the copy included in the petition in accordance with Instruction 1 (*a*), and by the statutory declaration or declarations required by these instructions. The deposited plan (and sections, if any) should also accompany the petition for comparison with the copy, and when returned by the Minister of Health should be re-deposited in accordance with Instruction 3 (*b*).

(*c*) The deposited plan (and sections, if any) and the copy thereof, if not in book form, should be mounted on linen.

5. (*a*) A statutory declaration specifying the manner in which the notices under section 176 were served upon the owners, lessees, and occupiers, and the names of the persons served, should be made by the person who served them, and the service must be effected in one of the modes prescribed by section 267 of the Act. The service should be effected by a responsible person. In the event of difficulty arising in ascertaining the actual interests of several owners, lessees, or occupiers where the boundaries between lands are not well or clearly defined, and the interests may overlap, it would be well to describe the lands as belonging to all the parties who claim or who are believed to have an interest in the lands, and to serve the notices accordingly, so as to avoid possible objection to the lands being taken on the ground of want of due notice.

(*b*) A statutory declaration should also be made by the clerk to the local authority, showing that the other requirements of section 176 and of these instructions have been duly complied with, and the following exhibits should be annexed, viz.:—(1) Copies of the newspapers containing the advertisements; and (2) a copy of the form of notice served upon owners, lessees, and occupiers; and of the form of reply (if any).

6. In the case of land required for widening a street, the fact that the street is repairable by the inhabitants at large should be stated in the petition.

7. (*a*) * * * * * *

8. Where the taking of the land will not involve the acquisition of any house or houses occupied, either wholly or partially, by thirty or more persons of the working class, whether as tenants or lodgers, this fact should be stated in the *affidavit*, so as to show that the Standing Order does not apply.

9. Every statutory declaration and affidavit must be made or sworn before a Justice of the Peace or a Commissioner for Oaths, and must be stamped with a half-crown *impressed* stamp; and each exhibit to a statutory declaration or affidavit must be marked by the declarant or deponent and by the Justice of the Peace or Commissioner for Oaths, as the case may be, in the usual way.

10. Two or more local authorities cannot jointly petition for a Provisional Order to enable them to put in force the compulsory powers of the Lands Clauses Acts. Either each local authority must present a separate petition in respect of the particular lands which they require, or, if the several local authorities are combining under section 285 of the Public Health Act, 1875, for the execution of a scheme, a petition must be presented by one of them with regard to all the land required. In the latter case a copy of the agreement should accompany the application.

11. If the scheme for which it is proposed to take lands compulsorily involves works of sewerage or the laying of water mains outside the district of the local authority, they will probably find it convenient to satisfy the requirements of section 32 or section 54 of the Public Health Act when they are taking the necessary proceedings for the Provisional Order: but the advertisements and notices under those sections should be distinct from the advertisements, notices and proofs under section 176 of the Act. If this course is adopted it may have the effect of preventing delay at a subsequent stage of the proceedings in cases where advertisements and notices under section 32 or section 54 have to be issued before the works for which the land is required can be commenced. Section 53 should also be complied with, where it is intended to construct a reservoir to hold more than 100,000 gallons of water.

Applications for Provisional Orders under Section 279 *for the Constitution of United Districts* (*b*).

1. It is desirable that the local authority of each of the districts proposed to be formed into a united district should concur by resolution in the application. The resolution should specify the purposes for which the united district is to be constituted and the basis upon which the representation on the joint board and the contributions to the common fund by the constituent authorities are proposed to be settled. A copy of the resolution, certified by the clerk, should be forwarded to the Minister of Health, together with a copy of any agreement to combine which may have been executed.

2. The application should be made not later than the 18th December next, and it is desirable that it should be sent in before that date if possible.

Extracts from Standing Orders (*c*).

PROVISIONAL ORDER INSTRUCTIONS B.

INSTRUCTIONS AS TO APPLICATIONS TO THE MINISTER OF HEALTH FOR PROVISIONAL ORDERS UNDER SECTIONS 297 AND 303 OF THE PUBLIC HEALTH ACT, 1875 (*d*).

Repeal, alteration, or amendment of Local Acts or Confirming Acts.

1. The application should be made by a resolution of the local authority, asking the Minister in general terms to repeal, alter, or amend the Act, wholly or partially,

(*a*) This relates to plans, books of reference, etc., and is substantially similar to the corresponding provisions of Instructions B, *post*.

(*b*) 13 Halsbury's Statutes 741. Repealed; see now ss. 2, 6 and 8 of the P. H. A., 1936, *ante*, pp. 5, 10, 13.

(*c*) See Instructions B, *post*.

(*d*) See the notes to s. 303 in Vol. IV, *post*.

PRO-VISIONAL ORDERS

as the case may require, and setting out the objects desired to be attained, and a copy of the resolution, certified by the clerk, should be forwarded to the Ministry of Health. The resolution should be sufficiently wide in its terms to cover any provisions incidental to or consequential upon the main objects of the application which may, in the course of the consideration of the case by the Ministry, prove to be required. It is suggested that the resolution might, as a general rule, be in a form to the following effect:

Resolved that the make application to the Minister of Health for the issue of a Provisional Order under sections 297 and 303 of the Public Health Act, 1875, to partially repeal, alter or amend the Act so as:—

(1) To

(2) To

(3) For the several purposes of this application, or for purposes connected with, incidental to or consequent on those purposes to make any such alteration or amendment of the said local Act or of any other local Act, or of any Act confirming a Provisional Order made in pursuance of any of the sanitary Acts or of the Public Health Act, 1875, and in force in the said [borough] [district] as may be necessary or desirable.

2. The application must be received by the Ministry not later than the 15th November next, and it is very desirable that it should be sent in before the 1st October next.

3. The application should be accompanied by a King's Printers' copy of the Act, and by a statement showing the particular provisions which it is proposed should be repealed, altered or amended, the precise alterations desired, and any provisions which will require consequential alteration; and in the event of the local Act having been previously altered by Provisional Order or local Act, a reference to such Order or Act should be given. The statement should also show clearly the grounds upon which each of the proposed amendments is desired.

4. In any case in which powers are sought which deviate from, are in extension of, or are repugnant to the general law, the statement should show the circumstances peculiar to the locality which are alleged to justify the grant of the powers, and should contain a reference to any recent precedents for the grant of such powers.

5. If the powers sought can be obtained under a general Act, the reasons for not proceeding under the provisions of the general law should be fully set out in the statement.

6. If additional borrowing powers are sought, the purposes for which the powers are required should be stated, and in cases in which actual works have been decided on for which a loan will be required, estimates should be furnished, showing as far as practicable the amounts required for each purpose, together with plans and sections of the works. References should also be given to the provisions of the Acts under which the local authority claim to have power to carry out the purposes for which the borrowing powers are sought.

7. As regards gas undertakings attention is directed to the provisions of the Gas Regulation Act, 1920, and it is suggested that if a local authority desire further powers in regard to such an undertaking they should in the first instance place their proposals before the Board of Trade and ascertain whether that department could by means of a special order confer on the local authority the powers they desire.

8. If the application proposes to confer the power to acquire any land or relates to an area which is described by reference to a map or plan, the map or plan must be on a scale of not less than six inches to the mile and must accompany the application.

9. In all cases in which plans, etc., are deposited, Standing Order 49 of the House of Commons and Standing Order 47 of the House of Lords respectively must be complied with.

10. In the case of any proposal to acquire land, Standing Order 48 of the House of Commons must also be complied with, and an *affidavit* must be supplied for production to the examiner of Standing Orders, in proof that the requirements of those Standing Orders have been complied with, or that Standing Order 48 does

not apply, as the case may be. This affidavit must be sworn before a Justice of the Peace or a Commissioner for Oaths, and stamped with a half-crown *impressed* stamp, and must state definitely that the plans, sections, books of reference or maps deposited at the Private Bill office and at the office of the Clerk of the Parliaments respectively, in compliance with the Standing Orders above referred to, are, in accordance with those Orders, *duplicates* of those deposited at the Ministry of Health.

Extracts from Standing Orders.

STANDING ORDER 48 (HOUSE OF COMMONS)

"Where any Bill contains or revives or extends power to take compulsorily or by agreement any land in any local area as defined for the purposes of this Order, and such taking involves or may involve the taking in that area of any house or houses occupied either wholly or partially by thirty or more persons of the working class, whether as tenants or lodgers, the promoters shall deposit in the *Private Bill office* and at the office of the central authority, on or before the 21st day of December, a statement giving the description and postal address of each of such houses, its number on the deposited plans, and the number (so far as can be ascertained) of persons of the working class residing in it, and also a copy of so much of the deposited plans (if any) as relates thereto.

"This Order shall not apply where a statement in pursuance of this Order was deposited in respect of the Act, the powers of which are proposed to be revived or extended.

"For the purposes of this Order the expression 'local area' means—as respects London, the administrative county of London, as respects England and Wales (outside London) any borough, or other urban district, and elsewhere than in a borough or other urban district, any parish; . . .

"The expression 'house' means any house or part of a house occupied as a separate dwelling.

"The expression 'working class' means mechanics, artisans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons, other than domestic servants, whose income in any case does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

"The expression 'central authority' means, as regards England and Wales, the Local Government Board (*a*) . . .

"The expression 'Bill' includes a Bill confirming a Provisional Order."

STANDING ORDER 49 (HOUSE OF COMMONS).

"Whenever plans, sections, books of reference or maps are deposited in the case of a Provisional Order . . . proposed to be made by any public department . . . . duplicates of the said documents shall also be deposited in *the Private Bill office* (*b*): provided that with regard to such deposits as are so made at any public department . . . after the prorogation of Parliament, and before the 30th day of November in any year, such duplicates shall be so deposited on before the 30th day of November."

N.B.—It is particularly requested that the petition, declaration, affidavit, notices, and other documents may be on foolscap paper of the usual size, and that whenever more than two copies of any of these documents are required for use, such documents may be printed, so as to facilitate examination.

(*a*) Now the Minister of Health.
(*b*) In Standing Order 47 (House of Lords) the "Office of the Clerk of the Parliaments" is substituted.

PRO-VISIONAL ORDERS

PARLIAMENTARY FEES.

1. A Standing Order was made by the House of Lords on the 15th August, 1921, as follows:

"*Provisional Order Confirmation Bills.*

"On Second Reading of a Confirmation Bill, a fee of £15 is charged to the "applicants for each Provisional Order included in the Bill.

"The same fees are charged to applicants and opponents at the Committee "stage in the case of opposed Confirmation Bills as in the case of Local Bills.

"No other fees are charged."

2. A standing Order was made by the House of Commons on the 30th November, 1922, as follows:

"*Fees to be Paid by the Applicants for a Provisional Order.*

"On the second reading of a provisional Order Bill, other than a Bill to con- "firm an Order under the Private Legislation Procedure (Scotland) Act, 1899 "[now 1936] the applicants for each Provisional Order included in the Bill shall "be charged a fee of £15.

"For Proceedings before the Court of Referees or any Committee the same fees "shall be charged to applicants and opponents as in the case of Private Bills."

The fee payable to the House of Lords in respect of the Second Reading should be sent to the Accountant, House of Lords, S.W.1, upon receipt of the application for it. The cheque should be made payable to "House of Lords Fee Fund" and be crossed "Bank of England, Western Branch."

The fee payable to the House of Commons in respect of the Second Reading should be paid on demand to the Clerk of the Fees, House of Commons, S.W.1.

Where, however, Parliamentary Agents are employed these payments can be made through them.

Ministry of Health,
Whitehall, S.W.1.

ADDENDUM A.

ADDENDUM TO PROVISIONAL ORDER INSTRUCTIONS B.

EXTENSION OF TIME LIMITED BY A LOCAL ACT FOR THE COMPULSORY PURCHASE OF LANDS.

If the purpose of an application for a Provisional Order is the extension of an unexpired time limit in a local Act for the compulsory purchase of lands, individual notices of the application should be served upon the owners, lessees and occupiers of the lands affected by the application. The same requirements should be observed, in regard to these notices, as would be observed under Standing Orders if the extension of time were sought in a Private Bill. In addition, the notices should state that the application will form the subject of a local inquiry, of which further notice will be given.

Where the local inquiry has already been arranged at the time of service, the notices can, of course, contain the particulars of the inquiry. There will, therefore, be advantage in communicating with the Minister before the first notices are issued.

A statutory declaration or an affidavit, specifying the manner in which the notices were served and the names and descriptions of the persons upon whom they were served, should be made in due course by each person who served them and forwarded to the Minister.

PROVISIONAL ORDER INSTRUCTIONS C.

ALTERATIONS OF BOROUGH BOUNDARIES.

(LOCAL GOVERNMENT ACT, 1933, SECTIONS 140 AND 285.)

PROVISIONAL ORDER INSTRUCTIONS (*a*) FOR TOWN COUNCILS.

PART I.

Procedure.

1. *Form of Application.*

(i) The application, called in the Act proposals should be in the form of a memorial of the Council under the corporate seal.

(ii) It should be either printed or neostyled and in foolscap size.

(iii) For facility of reference, the information in the memorial should be arranged strictly in the order and manner set out in Part II of these Instructions.

2. *Maps.*

The following maps should accompany the memorial:

(i) A key map, on a scale of 1 inch to the mile (Map A) showing the main outlines of the proposals and the whole of any district of which part is scheduled for inclusion, and showing as much of the adjoining districts not so scheduled as can be conveniently shown.

(ii) An ordnance map on a scale of 6 inch to the mile (Map B) mounted on linen and folded to about 12 inch by 9 inch, showing clearly the proposed alterations of boundary. The colouring and notation defined in Appendix A, should be employed, and the items should, in so far as applicable, be clearly indicated.

(iii) If the proposals involve the constitution or alteration of wards the proposals can probably be readily indicated on Map B. If not, a separate map on a scale of 6 inch to the mile (Map C) will be required which need not include the particulars shown on Map B.

(iv) A map on a scale of 1 inch to the mile (Map D) showing the existing county electoral divisions and petty sessional divisions affected by the proposals, and the alterations proposed.

(v) A small scale diagram in distinctive colours showing the Borough and each of the areas which it is proposed to include. This diagram should be bound with or otherwise incorporated in the memorial.

3. *Presentation of the Memorial.*

In the consideration and making of Provisional Orders *time is an essential factor.* Intervals must be allowed for the notification of possible objections, the publication of notice of the local inquiry by an inspector, the proceedings at the inquiry, the preparation by the inspector of his report, the consideration of the report at the Ministry, and the drafting of the Order. The time at which the confirmation Bill must be introduced is regulated by the Standing Orders of Parliament.

It is accordingly very desirable that the department should be informed at as early a date as possible of any intended application for an Order and that the application itself should be submitted in good time before the commencement of the Parliamentary Session. The early submission of an application may also allow of an unopposed extension order being brought into operation in April of the following year instead of six or twelve months later.

4. *Deposit and Distribution of Documents.*

Simultaneously with the transmission of the memorial and maps to the Ministry, a duplicate of the map or maps should be deposited in:

(i) The Town Clerk's Office, and be open to inspection without payment at all reasonable hours by all local authorities or persons affected.

(*a*) In the case of county boroughs, these instructions apply subject to the provisions of s. 140 (3) of the Local Government Act, 1933, *ante*, p. 934. A county borough can proceed by way of a Provisional Order only if no objecton to that procedure is made by any local authority concerned.

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(ii) Further copies of the memorial and maps should be distributed as follows :

Ministry of Health . . .	14 copies of memorial.
Home Office	1 copy of memorial, list of Electoral Divisions and Maps A (B) * (C) * and D.
Ministry of Agriculture and Fisheries	1 copy of memorial and Map B.
County Council(s)	1 copy of memorial and Map B.
All other local authorities affected .	1 copy of memorial.

Note.—The lists and documents referred to in sections 15 and 16 below (*a*) must accompany the copy of the memorial to the Ministry of Health but need not be furnished with the other copies, except that the Home Office should be furnished with a copy of the list of Electoral Divisions.

5. *Advertisement, Notice, Objections, etc.*

(i) The purport of the application and the deposit of the maps in the Town Clerk's office should be advertised in the *London Gazette* and in one or more local newspapers circulating in the areas affected. The advertisement in the local newspaper(s) should appear within seven days after the date of the deposit. A model form of advertisement is given in Appendix B.

(ii) Notice in writing of the deposit of the maps should be given to each local authority affected at the time when the memorial is forwarded to them.

(iii) Each local authority should at the same time be informed that, if they intend to put forward objections to the proposals, they must notify the Ministry and the Town Council *within two weeks* and forward a full statement of their objections to the Ministry and the Town Council within a further period of *four weeks*.

6. *Certificate.*

The Town Clerk should furnish the Ministry with a certificate in the form given in Appendix C, as soon as practicable after the deposit of the maps and the advertisement referred to in paragraph 5 (i) above.

7. *Parliamentary Fees.*

The following fees are charged on Provisional Order Confirmation Bills.

(i) On the second reading in the House of Lords, a fee of £15 to be paid on demand to the Accountant, House of Lords, S.W.1, direct or through Parliamentary Agents. Cheques to be made payable to the "House of Lords Fee Fund" and be crossed "Bank of England, Western Branch."

(ii) On the second reading in the House of Commons of a Bill for the confirmation of a Provisional Order a fee of £15 is charged to the applicants in respect of each Provisional Order, to be paid on demand to the Clerk of the Fees, House of Commons, S.W.1, direct or through Parliamentary Agents. Cheques to be made payable to the "Clerk of the Fees," and crossed.

In addition, in the case of an unopposed Provisional Order a fee of £5 is payable in respect of each day on which the unopposed Bills Committee of the House of Commons is occupied in considering the confirming bills, this fee also is payable to the Clerk of the Fees, House of Commons, S.W.1.

No other Parliamentary fees are charged in the case of unopposed Provisional Orders.

APPENDIX A TO PART I.

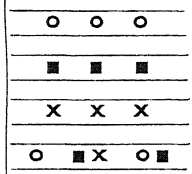
1. Care should be exercised when mounting the Map to retain the marginal notes showing the date of the survey.

2. A reference table of the colour and rotation scheme should be attached to the Map.

3. In no case should colouring or edging be applied so thickly as to hide the lines printed on the ordnance sheets.

* Only the Ward Map B or C, as the case may be, need be sent.

(*a*) *Post*, p. 3517.

	Colouring of Maps.
Areas and Boundaries.	
Existing Borough	Light pink wash.
Proposed new Boundary	Edged on inner side darker pink.
Parish Boundaries	Fine green line.
Boundaries of Special Drainage Districts, under Section 277 of the Public Health Act, 1875	Broken green line.
Proposed Added areas—	
Urban Districts, Parishes, etc.	Distinctive light colour washes.
Proposed Excluded parts of—	
Urban Districts, Parishes, etc.	Edged on inner side with same colours as proposed added parts.
Streets, Buildings and Sewers.	
New Streets (*i.e.* since last survey)	Red lines.
New Buildings (*i.e.* since last survey)	Red.
Proposed streets and roads	Broken red lines.
Tramways	 Indicated thus.
Omnibus routes	
Trolley vehicle routes	
Tramways, omnibus and trolley vehicle routes	
Routes of main sewers	Fine blue line.
Land and Property.	
Burial grounds and cemeteries (however provided)	Yellow wash, green edging.
Public recreation grounds and playing fields	Dark green wash.
Private recreation grounds (including sports and playgrounds, etc.)	Light green wash, edged green.
Proposed public recreation grounds and playing fields	Light green wash, hatched dark green.
Proposed private recreation grounds and playing fields	Hatched and edged light green.
Allotments and Small Holdings—	
(*a*) Existing	Burnt sienna wash, edged green.
(*b*) Proposed	Hatched burnt sienna, edged green.
Housing sites—	
(*a*) Developed	Yellow — Municipal schemes to be marked "M" public utility schemes "P.U.," and private estates "P.E."
(*b*) Undeveloped or proposed	Yellow hatched — Municipal schemes to be marked "M" public utility schemes "P.U.," and private estates "P.E."
Areas unsuitable for building	Brown hatched.
Sewage disposal works	Burnt sienna wash, hatched green (vertical).
Waterworks—	
(*a*) Reservoirs	Pale blue wash.
(*b*) Catchment areas	Edged pale blue.
(*c*) Other works	Dark blue.
Government or municipal buildings	Orange circle.
Public Buildings.	*Notation* (in *red*).
Council offices	O.
Public elementary schools	S.
Secondary schools	S.S.
Police stations	P.
Refuse destructors	D.
Refuse tips	T.
Gasworks	G.
Electricity works	E.
Public baths and washhouses	B.
Public libraries	L.
Hospitals	H.
Fire stations	F.
Public Assistance Institutions	I.

PRO-
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ORDERS

APPENDIX B TO PART I.

ADVERTISEMENT.

Ministry of Health

Session .....

(County) Borough } of
City

NOTICE IS HEREBY GIVEN, that the Mayor, Aldermen and of the of have applied to the Minister of Health for a Provisional Order under section 140 of the Local Government Act, 1933, to alter the boundaries of the County) {Borough / City} so as to include and that (a) duplicate(s) of the Map(s) * deposited with the Minister and showing (amongst other things) the existing boundaries of the Borough and the proposed alterations thereof, {have / has} been deposited at my Office and will be open to inspection at all reasonable hours, without payment, by any local authority or person affected by the proposals.

Notice of objections to the proposals should be sent to the Minister of Health, Whitehall, S.W.1, and to the Town Council within two weeks from the date of the publication of this notice and a full statement of the objections should be forwarded to the Minister and to the Town Council within a further period of four weeks.

Dated this day of

Town Clerk.

APPENDIX C TO PART I.

FORM OF CERTIFICATE.

Ministry of Health

Session.....

Proposals by the Mayor, Aldermen and of the of for a Provisional Order under section 140 of the Local Government Act, 1933, for the alteration of the boundaries of the

I, , Town Clerk of the of DO CERTIFY AS FOLLOWS :

1. I have personally verified by every means in my power the existing boundaries of the as shown on Map B which accompanied the memorial to the Minister of Health.

In County Borough cases only.

2A. That in accordance with the provisions of section 140 (3) of the Local Government Act, 1933, on the day of and before the making of the proposals to the Minister of Health for a Provisional Order I sent written notice of the Town Councils intention (together with a draft of the proposed Provisional Order) to the following local authorities affected by the proposals (including the county council) :

Names of Authorities.

2B. That at the same time I informed each of the above-mentioned authorities, that, if they objected to the proposed procedure by Provisional Order, they should inform the Ministry of Health and the Town Council within four weeks after the receipt of the notice.

2C. That no such objection has been received.

In all cases.

2. That simultaneously with the transmission of the memorial and maps to the Minister of Health I deposited at my Office in for inspection without payment at all reasonable hours by any local authority or person affected by the proposals (a) duplicate(s) of the Map(s) *.....forwarded to the Minister of Health.

* Map B and, where there is a ward map, also Map C.

PRO-VISIONAL ORDERS

3. That on the day of I delivered a copy of the memorial to the Home Office, the Ministry of Agriculture and Fisheries and to each of the following local authorities (including the county council) having jurisdiction within the area affected by the proposals:

Names of Local Authorities.

4. That at the same time I delivered to the Home Office copies of Maps A (B),* (C)* and D and to the Ministry of Agriculture and Fisheries and to the Clerk of the said County Council a copy of Map B.

5. That at the same time I informed each of the above-mentioned local authorities in writing of the deposit of the duplicate Map(s) †..... and that if they intended to put forward objections to the proposals, they should notify the Ministry of Health and the Town Council within two weeks and forward a full statement of their objections to the Ministry and to the Town Council within a further period of four weeks.

6. That notice of the purport of the application and of the deposit of the said duplicate(s) of the Map(s) *..... in my Office has been advertised in the *London Gazette* on the and in the , being (*a*) local newspaper(s) circulating in the areas affected on the . The advertisement in the local newspaper(s) appeared within seven days of the first-mentioned deposit. Copies of the *London Gazette* and the newspaper(s) containing the advertisement are annexed hereto and marked "A" (and) "B" (and "C") respectively.

Town Clerk.

PART II.

Contents and Arrangement of the Memorial.

The memorial should give, in so far as it is applicable, the information outlined below, and *strictly in the order and the manner defined.*

1. *The Main Proposals.*

(i) The proposed alterations in the boundary of the borough and of districts and parishes affected should be briefly outlined, with reference to the map. Where it is proposed to include in the borough parts of parishes, information should be given as to how the remainder of these parishes is to be dealt with. If the proposals entail the abolition of an urban or rural district or parish this should be clearly stated.

(ii) General statistics should be furnished in the following form:

‡ County District or Parish affected.	Area.	Population.		Rateable Value.		Produce of 1*d.* rate.
		Present estimate or last census.	Density per acre.	Total.	Per head of Population.	
	acres.			£	£	£

2. *Reasons for the proposals.*

The reasons for making the application should be fully stated.

Any general or historical observations should appear under this heading.

* Only the ward map B or C, as the case may be, need be sent.

† Map B and, where there is a ward map, also Map. C.

‡ Where part of a county, district or parish is affected figures should be given separately for the whole and the part affected.

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3. *Principal consequential proposals.*

(i) *Organisation for Local Government Elections.*

Statements should be furnished in the following forms:

(a) *Boroughs.*

1. *Electoral.*

Existing Wards.				Proposed Wards.			
Name of each Ward.	No. of L. G. Electors.	No. of Clrs.	Date of retirement.	Name of each Ward.	No. of L. G. Electors.	No. of Clrs.	Date of retirement.

NOTE.—If there are no Wards and none are proposed, give existing and proposed number of Town Councillors.

State.—

Number of aldermen of existing borough.
Proposed number of aldermen of existing borough.
Years of retirement.

2. *Rateable Value.*

Existing Wards.					Proposed Wards.				
Name of each Ward.	Dwelling-houses.	Company and Corpn. property.	Other property.	Total.	Name of each Ward.	Dwelling-houses.	Company and Corpn. property.	Other property.	Total.
	£	£	£	£		£	£	£	£

(b) *Urban Districts.*

Name of U.D.	Existing Wards for Council Elections.			Proposed Wards (except where District to be abolished).		
	Name of each Ward.	No. of Clrs.	Date of retirement.	Name of each Ward.	No. of Clrs.	Date of retirement.

NOTE.—If there are no Wards and none are proposed, give existing and proposed number of U.D. Councillors and dates of retirement.

(c) *Rural Districts.*

Name of each R.D. affected.	Existing.			Proposed.		
	Name of each Parish affected (names of wards inset).	No. of Clrs.	Dates of retirement.	Name of each Parish affected (names of wards inset).	No. of Clrs.	Dates of retirement.

(d) *Parishes.*

Information to be given for all rural parishes affected which have a P.C.

Name of Parish.	Wards for P.C. Elections.			
	Existing.		Proposed.	
	Name of each Ward.	No. of Clrs.	Name of each ward.	No. of Clrs.

NOTE.—If there are no Wards and none are proposed, give existing and proposed number of Parish Councillors for each Parish affected.

(ii) *Justice, Coroner, Police and Education.*

(*a*) Has the borough a separate—

(1) Court of quarter sessions.
(2) Commission of the peace.
(3) Police force. If so give particulars of and county police buildings in the proposed added area(s).
(4) Coroner.

(*b*) Is the borough a local education authority. If so, give particulars of any public elementary school or non-provided school, or land held by the county council for purposes of elementary education in the proposed added area (*s*).

(*c*) A statement in the following form for all petty sessional divisions affected :

Petty Sessional Divisions.		
Name of each Division affected.	Areas comprised in the Division which are affected.	Proposed alterations.

(*d*) A similar statement for the coroner's districts concerned.

(iii) *Assessment and Guardians Committee Areas.*

(a) *Assessment Areas.*

Present.				Proposed.			
Name of each Assessment Area affected.	Name of each County District comprised in each Assessment area.	No. of representatives of each County District.	R.V. of each County District	Name of each Assessment Area affected.	Name of each County District comprised in each Assessment area.	No. of representatives of each County District.	R.V. of each County District.

(b) *Guardians Committee Areas.*

Present.			Proposed alterations.
Name or number of each Area affected.	County Districts included in the Area.	Number of representatives of each County District Council on the Committee.	

PRO-VISIONAL ORDERS

4. *Previous Proposals relating to the same area.*

Particulars of any previous unsuccessful application made to Parliament, to the Local Government Board or to the Ministry of Health; copies of any Bill promoted for this purpose, and of the minutes of evidence given before the committee to which any such Bill was referred by Parliament, should be sent to the Minister of Health with the representation.

If no such proposal has previously been made this should be stated.

5. *Industries and occupations.*

State the principal industries, and the principal occupations (with figures) of the inhabitants of the borough and of each added area.

6. *Statement of Loans.*

Tables as in Appendix A (1) to be given for each borough, urban or rural district affected, in Form A (2) for rural parishes and in Form A (3) for joint boards, etc.

7. *Property.*

Statement as under of properties owned by the corporation, *in the proposed added areas.*

Property.	Situation.	Acreage.	Purpose for which acquired.	Statutory Authority.

8. *Rates, Differential Rating, and Rating and Valuation Act*, 1925.

(i) Tabular statements as in Appendix B.

(ii) State whether and, if so, what differential rates for any added areas are proposed by the town council as under.

Statement of each Area in which differential rating is proposed.	Period of differential rating.	Amount in the £ of abatement in first year.	Amount by which differential rate is to be reduced in subsequent years.

(iii) What percentage deduction is proposed for the purposes of paragraph 3 of Part III of the Second Schedule to the Rating and Valuation Act, 1925, in respect of special hereditaments in any urban area affected.

Name of each Borough or Urban District affected.	Present percentage.	Proposed percentage.

9. *Local Acts, Provisional Orders, Adoptive Acts, Byelaws and Regulations, etc.*

(i) *Local Acts and Provisional Orders.*

(*a*) A complete statement as under of Local Acts and Provisional Order Confirmation Acts in force in the borough and in each of the added areas:

Short title of Act.	Subject (in brief).

(*b*) If it is proposed to alter any Local or Confirmation Act in force in any area affected by the proposals, a detailed statement of the desired amendments should be forwarded.

(ii) *Adoptive Acts.*

A separate form as under to be submitted for the borough and each of the proposed added areas:

Town Council of
Urban District Council of
Rural District Council of
Parish Council or Meeting of

Act.	Date of adoption (if not adopted state so).	Parts or Sections adopted.
The Lighting and Watching Act, 1833.		
The Baths and Washhouses Acts, 1846–1925.		
The Burial Acts, 1852–1906.		
The Public Improvement Act, 1860.		
The Infectious Disease (Prevention) Act, 1890.		
The Public Health Acts Amendment Act, 1890.		
The Museums and Gymnasiums Act, 1891.		
The Public Libraries Acts, 1892 to 1919.		
The Private Street Works Act, 1892.		
The Small Dwellings Acquisition Acts, 1899 to 1923.		
The Health Resorts and Watering Places Act, 1921.		
The Local Government and other Officers Superannuation Act, 1922.		
The Public Health Act, 1925.		

Where an Act has been adopted for *part* of a rural parish, state the precise area and the name of the authority for the execution of the Act.

(iii) *Byelaws and Regulations.*

A statement as under of the byelaws and regulations in force in the borough and in each added area.

Borough, Urban or Rural District.	Date.	Subject.	Extent to which byelaws have been repealed, if any.

(iv) *Parish Council Powers.*

A statement as under of the powers of a parish council conferred on the borough council, or an urban district council affected, by Orders of the Ministry or their predecessors under section 33 of the Local Government Act, 1894 and by Orders of the Ministry under section 271 of the Local Government Act, 1933.

(NOTE.—Any order conferring on the council power to appoint overseers or assistant overseers has been superseded by the Rating and Valuation Act, 1925, and may be excluded from the statement.)

Borough or Urban District.	Date of Order.	Powers conferred.

NOTE.—THE INFORMATION INDICATED IN SECTIONS NOS. 10–13 BELOW SHOULD BE DRAWN UP IN THE FORM OF A SEPARATE TABLE FOR EACH SERVICE, WITH PARALLEL COLUMNS FOR THE BOROUGH AND EACH ADDED AREA.

IF THE INFORMATION ON ANY POINT OR POINTS IS TOO LENGTHY TO BE CONVENIENTLY EMBODIED IN THE TABLE, IT SHOULD BE FURNISHED SEPARATELY AT THE END OF THE TABLE.

PRO-VISIONAL ORDERS

10. *Sanitation and Health.*

I. *Sewerage and Sewage Disposal.*

(1) Is the area wholly or partly sewered ?
(2) If only partly, state—
  (*a*) Population served by system.
  (*b*) Number of premises not connected to sewers.
(3) Is the sewerage system "separate," "partially separate," or "combined" ?
(4) Is the system by gravitation or pumping ?
(5) If the sewage is treated, state method or methods (broad irrigation, tank and land, tanks and bacterial filters, activated sludge process or b combinations of these systems).
(6) If the sewage is not treated, state—
  (*a*) Where it is discharged, and
  (*b*) If discharged to tidal waters, state under what conditions of contro if any (*e.g.*, whether at all states of tide or otherwise).
(7) If any areas are drained to sewers of an adjoining authority or joint boa or committee, state separately for each such area—
  (*a*) Area so drained.
  (*b*) Name of authority to whose sewers area drained.
  (*c*) Population of premises so drained.

II. *Water Supply.*

(1) Is a piped supply general ?
(2) If so, is it into houses or by standpipes ?
(3) If not, state numbers of premises where the water supply is derived from
  (*a*) Wells.
  (*b*) Springs.
  (*c*) Rainwater.
  (*d*) Other sources.
(4) If piped supply provided state—
  (*a*) Name of water undertakers.
  (*b*) Statutory area of supply.
  (*c*) Area actually supplied.
  (*d*) Is the system by gravitation or pumping ?
  (*e*) Source of supply.
  (*f*) Capacity of reservoirs (if any)—
    (i) Impounding or storage.
    (ii) Service.
  (*g*) Capacity of pumps (if any).
  (*h*) Average quantity supplied in gallons per 24 hours—
    (i) domestic ;
    (ii) trade.
(5) Is the supply constant and sufficient ?

III. *Scavenging and Refuse Disposal.*

(1) *Collection of House Refuse.*
  (*a*) Is collection undertaken by local authority ? and, if so, by di labour or contract ?
  (*b*) If part only of district, give particulars.
  (*c*) How often is refuse collected ?
  (*d*) If refuse is not collected by local authority, has the duty of clear or removal been imposed upon occupiers or have voluntary arra ments been made ?
(2) *Disposal of House refuse.*
  (*a*) Method of disposal, *e.g.* tipping, incineration, separation and inci tion, pulverisation or other method.
  (*b*) If refuse is tipped, are proper precautions on the lines recomme by the Ministry taken to prevent nuisances ?

IV. *Collection and Disposal of Night-soil (if any).*

(1) Statements on the lines of III (1) above.

(2) What is the method of disposal.

V. *Sanitary Statistics, etc.*

(1) Number of—
  (*a*) W.C's.
  (*b*) Pan or pail closets.
  (*c*) Midden privies.
  (*d*) Ashpits separate from midden privies.
  (*e*) Cesspools.

(2) (*a*) Are cesspools watertight ?
  (*b*) Are there any overflows ?
  (*c*) If so, where do overflows discharge ?

(3) (*a*) Steps being taken to convert privies, etc.
  (*b*) The total number of privies converted in each of the last three years.

VI. *Sanitary and Housing Inspection.*

Summary of action taken in each of the past three years as follows :

(1) Number of premises visited in each year.

(2) Number of nuisances or defects discovered.

(3) Number of nuisances or defects remedied as a result of informal action.

(4) Number of statutory and informal notices served.

(5) The results of the service of such notices.

VII. *Hospitals.*

(1) Infectious Diseases.
  (*a*) Has a hospital been provided ?
  (*b*) If so, by what authority ?
  (*c*) Is the hospital a permanent building ?
  (*d*) If not, state nature of construction.
  (*e*) Accommodation for patients.
  (*f*) Accommodation for staff.
  (*g*) Area served by hospital.
  (*h*) Population served by hospital.

(2) Smallpox.
  Similar information.

VIII. *Medical Officers of Health.*

State as regards each officer.

(1) Whether whole time is devoted to the duties of Medical Officer or to those duties with other public appointments, specifying them.

(2) Whether he acts for more than one District.

(3) If so, names of such Districts.

(4) Whether he is restricted from engaging in private practice as a medical practitioner.

IX. *Sanitary Inspectors.*

Statements on the lines of VIII (1), (2) and (3) above, as regards each officer.

X. *Notification of Births, Maternity and Child Welfare, and Midwives.*

State names of the responsible authorities in the borough and each of the added areas for each of these purposes.

PRO-VISIONAL ORDERS

11. *Development, Housing and Town Planning.*

I. *Development.*

NOTE.—In the case of Rural Districts, this information is likely to be required only in respect of the parishes in which there is, or is likely to be, building development.

(1) Approximate area covered by water, rivers, canals, railways, roads, parks, recreation grounds, etc., which cannot be built over.
(2) Other land not available for building, stating why not available.
(3) Area of land (unbuilt on) available for building.
(4) Number and total length of private streets not yet taken over.

II. *Housing.*

(1) Number of houses—
  (*a*) Now inhabited.
  (*b*) Voids.
  (*c*) Percentage of working-class houses included in (*b*).
  (*d*) Back to back.

(2) Number of working-class houses needed—
  (*a*) To meet shortage.
  (*b*) To meet overcrowding (other than shortage).
  (*c*) To replace unfit houses.

(3) (*a*) Number of houses all classes now in course of erection.
  (*b*) Total number of houses built in preceding years since 1919 :
  By local authority.
  By public utility societies.
  By private enterprise.

III. *Town Planning.*

(1) Approximate area for which any action has been taken.
(2) Stage which scheme has reached.
(3) Brief particulars of any special features.

12. *Burial Arrangements.*

(1) Have the Town Council the powers of a burial board ?
(2) Is there any burial board within the borough other than the Town Council, and if so for what area does it act ?
(3) Is any part of the borough within the area of a joint burial committee appointed under section 53 (2) of the Local Government Act, 1894 ? If so, give the names of the civil parishes or parts of civil parishes for which the joint burial committee act ?
(4) Has a cemetery been provided by the Town Council under the Public Health (Interments) Act, 1879 for the whole or any part of the borough ?

NOTE.—Information on the above lines should also be supplied with regard to each of the proposed added areas.

(5) Description of proposed alterations in areas, etc. of burial authorities.

13. *Trading Services (other than Water).*

(i) *Electricity.*

(*a*) Who owns undertaking ?
(*b*) Limits of supply.
(*c*) Area actually supplied.

(ii) *Gas.*

Similar information.

(iii) *Tramways, Omnibus and Trolley Vehicles.*

(*a*) Tramways :
  (1) Are there any tramways ?
  (2) If so are they owned by the local authority ?
  (3) If owned, are they operated by them or leased ?

(*b*) Omnibuses.
(*c*) Trolley Vehicles.
Similar information as in (iii) (*a*).

(iv) *Markets.*
(*a*) Are any markets situate in the area ?
(*b*) If so, state undertaker.
(*c*) Who are the owners of the market rights ?
(*d*) Whether by Statute, Charter or Franchise.

(v) *Docks, Bridges and Ferries.*
(*a*) Is there a dock, harbour, bridge or ferry undertaking ?
(*b*) If so, state undertaker.

(vi) In the case of any other public utility undertakings state :
(*a*) Purpose.
(*b*) Undertaker.

14. *Joint Boards Joint Committees, etc.*

A statement in the following form should be included showing particulars of any isolation hospital committee, port sanitary authority, joint board, joint committee or other joint authority discharging functions in any area affected by the proposals.

Joint Authority.	Purpose.	Act or Order.	Constituent Authorities and areas represented.	Number of representatives.	How expenses apportioned.	Proposed alterations.

15. *Lists, etc.*

(i) A list of Charters in force in the borough. If the borough was established since 1870, a copy of the Charter of Incorporation and of any scheme of the privy council should be furnished.

(ii) *Agreements.*

A list in the following form of all agreements made by the Town Council or the council of any area affected, under such enactments as sections 28, 61, 131, 285 of the Public Health Act, 1875, or with the Standing Joint Committee of the county as to police (so far as not covered by the particulars furnished in accordance with paragraph 14 above.

Authority by whom made.	With whom made.	Date.	Nature and Purpose.	Act and Section.	Proposed adaptations.

(iii) A list of all the Electoral Divisions in the county, existing and proposed, distinguishing between Electoral Divisions consisting (*a*) wholly or urban districts, (*b*) wholly of rural districts, (*c*) partly of each and giving the area, population and the number of local government electors in each Electoral Division.

16. *Documents, etc.*

The following documents should be attached to the memorial.

(i) A copy of any agreement between the local authorities which is considered to have an important bearing on the proposal.
(ii) A copy of every local Act and of every Act confirming a Provisional Order in force in the borough and in each of the added areas.
(iii) A copy of each Order made by the county council or by a joint committee under the Local Government Act, 1894, or the Local Government Act, 1933, affecting the added areas.
(iv) A copy of the last printed abstract of the borough treasurer's accounts.
(v) A copy of the scale of water charges levied in each area.

Ministry of Health,
Whitehall, S.W.1.
December, 1934.

PRO-VISIONAL ORDERS

APPENDIX A (1) TO PART II.

See paragraph 6.

LOANS STATEMENT.

Boroughs, Urban and Rural Districts.

Loans outstanding at the end of last financial year.

Purpose (as far as applicable).	Total Amount of Loans outstanding.	Total Amount in Sinking Funds.	Total Amount remaining to be provided for.
	£	£	£
1. Non-Trading Services.			
(1) *Services not specifically Grant-aided.*			
Sewerage and Sewage Disposal.			
Collection and Disposal of House Refuse.			
Parks, Pleasure Grounds and Open Spaces.			
Baths and Washhouses.			
Hospitals.			
Fire Engines and Appliances.			
Public Libraries and Museums.			
Allotments.			
Council Offices.			
Other Purposes.			
Total .			
(2) *Specifically Grant-aided Services:*			
Housing:			
Under Act of 1919.			
Under other Acts.			
Total .			
Roads and Bridges:			
Classified Roads.			
Other Roads.			
Total .			
Education:			
Elementary.			
Higher.			
Total .			
Small Holdings.			
Police.			
Other purposes.			
Total .			
2. Trading Undertakings:			
Waterworks.			
Electricity Works.			
Tramways, Light Railways and Omnibuses.			
Gasworks.			
Markets.			
Cemeteries and Burial Grounds.			
Corporation Estates.			
Other Undertakings.			
Total .			

Boroughs, Urban and Rural Districts—continued.

Purpose (as far as applicable).	Total Amount of Loans outstanding.	Total Amount in Sinking Funds.	Total Amount remaining to be provided for.
3. Summary: Total non-trading services: Not specifically Grant-aided. Specifically Grant-aided. Total Trading Undertakings.	£	£	£
Grand Total .			
Temporary loans or overdrafts under the Local Authorities (Financial Provisions) Act, 1921.			

Amount of outstanding debt per head of present estimated population .

NOTE.—Services in respect of which a grant has been made by the Unemployment Grants Committee should not be treated as grant-aided services.

APPENDIX A (2) TO PART II.

See paragraph 6.

LOANS STATEMENT.

Rural Parishes.

Loans outstanding at the end of last financial year.

Loans chargeable upon each Contributory Place affected by the proposal.

Rural District of ....

Purpose (so far as applicable).	(Name of Contributory Place.)			(Name of Contributory Place.)		
	Total Amount of Loans Outstanding.	Total Amount in Sinking Funds.	Total Amount remaining to be provided for.	Total Amount of Loans outstanding.	Total Amount in Sinking Funds.	Total Amount remaining to be provided for.
	£	£	£	£	£	£
Loans contracted by Rural District Council: Sewerage and Sewage Disposal. Water Supply. Other loans, viz.:						
Totals .						
Loans contracted by Parish Council or Parish Meeting: Allotments, Recreation Grounds. Burial Grounds. Other Loans, viz.:						
Totals .						

PRO-VISIONAL ORDERS

APPENDIX A (3) TO PART II.

See paragraph 6.

LOANS STATEMENT.

Joint Boards, Burial Boards, etc.

Loans outstanding at the end of last financial year.

Name of Joint Board, Burial Board, etc.	Purpose of Loans.	Total Amount of Loans outstanding.	Total Amount in Sinking Funds.	Total Amount remaining to be provided for.
		£	£	£

APPENDIX B TO PART II.

See paragraph 8 (i).

RATES.

These particulars should be furnished on separate returns (*a*) for the existing Borough and (*b*) for each of the areas proposed to be added to the Borough.

Purpose (as far as applicable).	Rates for last five years.				
	Year.	Year.	Year.	Year.	Year.
	s. d.	*s. d.*	*s. d.*	*s. d.*	*s. d.*
* *True Rates*—					
Education, Elementary.					
Education, Higher.					
Public Libraries.					
Public Health :					
Sewers and sewage disposal.					
Collection and disposal of house and trade refuse.					
Hospitals, Sanatoria and dispensaries.					
Maternity and Child Welfare.					
Baths.					
Parks.					
Public Conveniences.					
Other health services.					
Lunacy and mental deficiency.					
Housing and Town Planning.					
Allotments, Small Holdings, etc.					
Highways and Bridges :					
Classified Roads.					
Other Roads.					
Public Lighting.					
Fire Brigade.					
Police.					
Public Assistance.					
All other expenses.					
Total . .					
Contributions to meet deficiencies on trading services.					
Total . .					

* That is the amounts expended out of rates during the year, expressed in terms of a penny rate.

RATES—*continued.*

Purpose (as far as applicable).	Rates for last five years.				
	Year.	Year.	Year.	Year.	Year.
	s. d.	*s. d.*	*s. d.*	*s. d.*	*s. d.*
Deduct: (1) Trading profits applied to rates. (2) Other income (not apportionable among services specified above).					
Net Rate . .					
Actual Rates levied to meet expenses of: T.C. or U.D.C.* R.D.C. General, including additional items. Special. County Council Other Local Authorities.					
Total . .					
Rates collected per head of population during the year.					

NOTE.—If there is difficulty in furnishing figures of true rates, the actual rate levied for each service should be given. But in that case the *total* amount of (*a*) rates collected, and (*b*) the actual rate-borne expenditure for the year should also be stated.

PROVISIONAL ORDER INSTRUCTIONS (E) (*a*).

INSTRUCTIONS AS TO APPLICATIONS BY COUNTY COUNCILS TO THE MINISTER OF HEALTH FOR PROVISIONAL ORDERS UNDER SECTIONS 140 AND 285 OF THE LOCAL GOVERNMENT ACT, 1933, WITH RESPECT TO THE ALTERATION OF THE BOUNDARIES OF COUNTIES.

1. The application, called in the Act proposals, should be embodied in a Memorial of the county council under their seal.

2. The memorial (of which twelve copies should be sent to the Minister), should specify, with reference to a Map, the particular alterations desired, and state in detail the reasons upon which the county council rely in support of their application, and should be accompanied by the information indicated in Appendix I.

3. The Map accompanying the memorial to the Minister (Map A) should be an Ordnance Map, mounted on linen and folded to about 12 inches by 9 inches on the scale of not less than 6 inches to the mile, and should be coloured and annotated as indicated in Appendix II so as to show clearly (*a*) the existing boundary of the county in the neighbourhood of the places affected; (*b*) the alteration of boundary proposed by the application, and (*c*) the entire boundaries of any boroughs or urban districts, and of any contributory places in rural districts which will be affected by the proposals. The Map should moreover indicate as regards the areas affected by the application the positions of all churchyards and burial grounds (whether provided under the Burial Acts, the Public Health (Interments) Act, 1879, or under any local Act), public elementary and secondary schools, police stations, housing sites, recreation grounds, any buildings which have been erected since the date when the Ordnance Map was issued, and any other items referred to in Appendix II which, in the opinion of the county council are pertinent.

* If there is differential rating, give particulars.

(*a*) There are also Instructions D, but they relate to metropolitan boroughs only, and are therefore outside the scope of this work.

PROVISIONAL ORDERS

A further Map (Map B) on a scale of 6 inches to the mile, mounted on linen and similarly folded should be furnished showing the existing and proposed wards in any borough, urban district or parish affected, and the existing and proposed petty sessional and county electoral divisions, but omitting the particulars shown on Map A.

4. A duplicate of Maps referred to in paragraph 3 must, simultaneously with the transmission of the memorial to the Minister, be deposited in the office of the clerk of the county council, and be open to inspection without payment at all reasonable hours by any local authority or person affected by the proposal. Notice in writing of such deposit should, at the same time, be given to each local authority interested, and the purport of the application and the deposit of the maps should also be advertised in the *London Gazette* and in one or more local newspapers circulating in the areas affected by the proposals, and the first advertisement should appear within seven days after such deposit.

5. A copy of the memorial and of Map A referred to in paragraph 3 should, at the time of transmitting the memorial to the Minister, be sent to the Ministry of Agriculture and Fisheries, 7–10, Old Bailey, London, E.C.4, and a copy of the memorial and of Maps A and B to the Home Office. Copies of the memorial must also be forwarded to the Registrar General and to the several local authorities (including the county councils) having jurisdiction within the areas affected by the scheme, and a copy of Map A referred to in paragraph 3 should accompany the copy of the memorial which is sent to the county council or councils.

6. In forwarding copies of the memorial to each local authority the clerk should inform the local authority that, if they intend to put forward objections to the proposals, they should notify the Ministry of Health and the county council *within two weeks* and forward a full statement of their objections to the Ministry and to the county council within a further period of *four weeks*.

7. A certificate should, as soon as practicable, be furnished by the Clerk of the county council, that the requirements in paragraphs 4, 5 and 6 have been complied with, and that he has caused to be verified by every means in his power the accuracy of the existing boundaries of the county as shown on the Map. The certificate should enumerate the several local authorities to whom the notices mentioned in paragraph 5 have been given and should be accompanied by a copy of (each of) the newspaper(s) and the *London Gazette* containing the advertisement referred to in paragraph 4 above.

Ministry of Health.
December, 1934.

APPENDIX I.

ALTERATION OF COUNTY BOUNDARY.

(*Local Government Act*, 1933, *Section* 140.)

Note.—Where the area to be transferred is in more than one Parish it is requested that the particulars may be given separately as regards each Parish.

1. Particulars as to the situation of the area:

	At present.	As proposed.
County		
Parish		
Borough, Urban or Rural District		
Guardians Committee Area		
Assessment Area		
County Electoral Division		
Coroner's District		
Petty Sessional Division		
Burial District		
Joint Board District (if any)		

2. The following information should also be given with regard to the area in question :

(*a*) Acreage.
(*b*) Population at last Census.
(*c*) Estimated population at the present time.
(*d*) Number of Local Government Electors.
(*e*) Rateable value before the operation of Part V of the Local Government Act, 1929.
(*f*) Rateable value at present.

3. If a Borough or Urban District is affected by the proposals it should be stated—

(*a*) Whether the Borough or District is divided into Wards.
(*b*) What are the names of the Wards affected.
(*c*) What is the number of representatives of such Wards.
(*d*) What alterations are proposed.
(*e*) What percentage deduction is proposed for purposes of paragraph 3 of Part III of the Second Schedule to the Rating and Valuation Act, 1925, in respect of special hereditaments.

4. If the area is in a Rural District, it should be stated—

(*a*) Whether the Parish in which the area is situate has a Parish Council.
(*b*) What is the number of Councillors.
(*c*) Whether the Parish is divided into Wards for the purposes of the election of Parish Councillors or Rural District Councillors and, if so:
(*d*) What are the names of the Wards affected.
(*e*) What is the number of representatives of such Wards.
(*f*) What alterations are proposed.

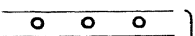
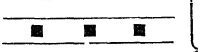
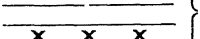
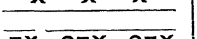
APPENDIX II.

MAP NOTATION.

1. Care should be exercised when mounting the map to retain the marginal notes showing the date of the survey.

2. A reference table of the colour and notation scheme should be attached to the map.

3. In no case should colouring or edging be applied so thickly as to hide the print on the ordnance sheets.

Areas and Boundaries.	*Colouring of Maps.*
Existing county boundary	Black line.
Proposed county boundary	Broken black line.
Parish boundaries	Fine green line.
Boundaries of special drainage districts under Section 277 of the Public Health Act, 1875	Dotted green line.
Boroughs, urban districts, parishes, etc., or parts thereof proposed to be transferred	Distinctive light colour washes.
Parts of boroughs, urban districts, parishes, etc. not proposed to be transferred	Edged on inner side with same colour as proposed transferred parts.
For Map B only.	
Ward boundaries	Distinctive light colour washes indicating existing and proposed boundaries.
Petty sessional and county electoral divisions	Edged in distinctive colours indicating existing and proposed boundaries.
Streets, Buildings and Sewers.	
New streets (*i.e.* since last survey)	Red lines.
New buildings (*i.e.* since last survey)	Red.
Proposed streets and roads	Broken red lines.
Tramways	 Indicated thus
Omnibus routes	
Trolley vehicle routes	
Tramways, omnibus and trolley vehicle routes	
Routes of main sewers	Fine blue line.
Burial grounds and cemeteries (however provided	Yellow wash, green edging.

PRO-VISIONAL ORDERS

Streets, Buildings and Sewers—continued.	*Colouring of Maps*—continued.
Public recreation grounds and playing fields	Dark green wash.
Private recreation grounds (including sports and playgrounds, etc.	Light green wash, edged green.
Proposed public recreation grounds and playing fields	Light green wash, hatched dark green.
Proposed private recreation grounds and playing fields	Hatched and edged light green.
Allotments and small holdings—	
(*a*) Existing	Burnt sienna wash, edged green.
(*b*) Proposed	Hatched burnt sienna, edged green.
Housing sites—	
(*a*) Developed	Yellow
(*b*) Undeveloped or proposed	Yellow hatched
	(Local authority schemes to be marked "M," public utility schemes "P.U.," and private estates "P.E.")
Areas unsuitable for building	Brown hatched.
Sewage disposal works	Burnt sienna wash, hatched green (vertical).
Waterworks—	
(*a*) Reservoirs	Pale blue wash.
(*b*) Catchment areas	Edged pale blue.
(*c*) Other works	Dark blue.
Government or municipal buildings	Orange circle.

Public Buildings.	*Notation* (in *red*).
Council offices	O.
Public elementary schools	S.
Secondary schools	S.S.
Police stations	P.
Refuse destructors	D.
Refuse tips	T.
Gasworks	G.
Electricity works	E.
Public baths and washhouses	B.
Public libraries	L.
Hospitals	H.
Fire stations	F.
Public Assistance Institutions	I.

PUBLIC HEALTH (*a*).

CIRCULAR 1576.

Town Councils.
Urban District Councils.
Rural District Councils.
Joint Boards.
Joint Committees.
Port Sanitary Authorities.
County Councils.

MINISTRY OF HEALTH,
LONDON, S.W.1.
3rd November, 1936.

PUBLIC HEALTH ACT, 1936.

SIR,—I am directed by the Minister of Health to refer to the above Act which passed into law in July last and comes into operation on October 1st, 1937.

The Act re-enacts in one statute the law relating to the chief subjects dealt with in the Public Health Acts and allied statutes.* It consolidates in some 350 sections the provisions of over 600 sections contained in some 60 existing Acts. At the same time opportunity has been taken to amend and simplify the law in many respects and to make generally available for local authorities certain powers which have been commonly obtained in local legislation and have been found to be advantageous. It is hoped ultimately to consolidate in further Acts the whole of the law relating to public health.

The Minister does not propose to issue a detailed memorandum explanatory of so large a measure. Like the Local Government Act, 1933, it was based upon a Draft Bill and Report prepared by a Departmental Committee; and most of the substantial amendments of the present law which are contained in the Act will be found to be dealt with quite fully in the Committee's Report.† A table giving for convenience of reference the numbers of the sections in the new Act corresponding to those of the Draft Bill is appended to this Circular (*b*).

Local authorities will be well advised to study the new Act in the light of the Report and to review closely what will be its effects in relation to their own areas. Attention is drawn below only to some among the more important changes and to matters which call for early consideration.

General Application of Provisions previously Adoptive.—The Act largely abandons the practice of the adoption by local authorities of public health provisions. With certain exceptions mentioned below, the provisions requiring adoption or other procedure of this kind which were contained in the Public Health Acts of 1890, 1907 and 1925, and several other Acts relating to public health, are now re-enacted as provisions of general application. The exceptions are to be found in sections 41, 46, 79, 80, 107, 108, 263 and 264. These are expressed as urban powers and, under section 13, may be conferred upon a rural district council by order of the Minister.

Liability for Sewers.—The law with regard to the respective obligations of owners and local authorities for the maintenance and repair of sewers and drains has been wholly re-written, and, as a consequence, provisions in local Acts with regard to

* These subjects (following generally the headings in the Act) are:

Port Health Authorities, Joint Boards, etc.; Sanitation and Buildings; Nuisances and Offensive Trades; Water Supply; Prevention, Notification and Treatment of Disease; Hospitals, Nursing Homes, etc.; Notification of Births, Maternity and Child Welfare, and Child Life Protection; Baths, Washhouses, and Bathing Places; Common Lodging Houses; Canal Boats; and certain miscellaneous provisions.

† Second Interim Report of the Local Government and Public Health Consolidation Committee, Cmd. 5059, price 2*s.* 0*d.*; and Draft Bill, Cmd. 5060, price 3*s.* 6*d.* H.M. Stationery Office.

(*a*) In addition to the circulars issued from the Ministry of Health on the passing of the Public Health Act, 1936, *ante*, p. 1, the Editors have collected under this heading some circulars which do not elsewhere fit conveniently into this volume.

(*b*) *Post*, p. 3528.

PUBLIC HEALTH

combined drains and single private drains are repealed. With certain exceptions mentioned in section 20, sewers constructed after the commencement of the Act will not vest in a local authority until formally taken over by them in accordance with machinery provided in section 17. The maintenance and repair of sewers already vested in the local authority, and of combined drains constructed before the commencement of the Act, will be the responsibility of the local authority, subject to certain rights of recovery of the expenses in the circumstances set out in section 24. These amendments are fully discussed in the Committee's report (paragraphs 32–44). The powers possessed by a number of local authorities under local Acts to require new buildings to be drained by combined drains is now replaced by section 38, a provision which was not contained in the Draft Bill.

Building Byelaws.—Important changes which the Act makes in regard to building byelaws will be found detailed in the Committee's Report (paragraphs 64–75 and the notes in the Appendix on clauses 60–67). Existing byelaws will cease to have effect on the expiration of three years from the passing of the Act, and in future all building byelaws will call for periodical revision under the provision that they shall cease to have effect upon the expiration of ten years from the date on which they were made (section 68).

As explained in the paragraphs of the Committee's Report referred to above, the scope of building byelaws has been widened in accordance with provisions in local legislation. The Minister is taking steps to revise the existing codes of model byelaws and has set up an Advisory Committee, representative of local authorities and other bodies chiefly concerned, to assist him in this task. It is hoped that the revised code will be ready for publication by May or June of next year. Those local authorities who have building byelaws operating throughout their areas will, no doubt, await the issue of the revised codes. As already pointed out, their existing byelaws will continue in operation until July 31st, 1939, and, though an early reconsideration of these byelaws in the light of the new Act and of present day conditions is highly desirable, the matter is not one of immediate urgency.

There are, however, in the Minister's knowledge, a number of local authorities who have no building byelaws and others whose building byelaws apply to parts only of their districts. In these cases the position is somewhat different. Under the new Act many of the requirements which local authorities are empowered to make, as *e.g.*, that new buildings shall be provided with the necessary drains, will now be made at the stage when building plans are submitted to them in accordance with the byelaws. The provisions concerned are those in sections 25, 37 and 38, 43, 53, 54, 55, 59 and 137. Since the working of these sections is dependent on the existence of building byelaws, it is of the first importance that such byelaws should be in operation in these areas on October 1st, 1937. Two alternative courses are open. Either the local authorities may proceed to make byelaws under the existing law, or they may await the issue of the revised codes of model byelaws and proceed to make byelaws based upon the appropriate code.

If they adopt the former course, the byelaws which they make would run for a period of three years from the passing of the Act, and this would leave them ample time for consideration of the code to be adopted under the new law. In the meantime, they could set up their organisation for the working of an interim series of byelaws, which need not be of an elaborate character. It would, in fact, be sufficient if they embodied clauses 3–5 of the rural model, containing a few essential provisions with respect to the construction of walls and the foundation of buildings, and clause 26 with regard to notices and plans.

On the other hand, the advantage of postponing the matter until the revised code of model byelaws is ready is that only one step and not two would be necessary. The question is one for local authorities themselves to decide in the light of the circumstances of their own districts. In their case the Minister's officers will be glad to render any assistance which the local authorities may find desirable.

Temporary buildings and moveable dwellings.—Section 27 of the Public Health Acts Amendment Act, 1907, enabling local authorities to license temporary buildings, is a provision which has given rise to much difficulty. It is replaced partly by section 53 of the Act, which is discussed in paragraphs 71 to 75 of the Report, and partly by section 269, referred to in the next paragraph. Provision is made in section 344 with regard to buildings already licensed.

Important new provisions (section 269) were foreshadowed in the note on clause 267 in the Appendix to the Committee's Report, and were added to the Bill during its passage through Parliament, for the control of moveable dwellings. The new provisions empower local authorities to grant licences authorising persons to allow land occupied by them within the district to be used as sites for moveable dwellings; and licences authorising persons to erect or station, and use, such dwellings within the district. A further circular as to these provisions will be addressed to local authorities.

Control over private swimming baths and bathing pools.—Much public attention has in recent years been directed to the question of conditions in swimming baths and bathing pools. Section 233 is a new provision in the general law enabling a local authority to control by byelaws conditions in swimming baths and bathing pools under private management where the public are admitted on charge.

Provisions for appeals.—The Act substitutes for the varying provisions under earlier Acts a single code governing future appeals against the requirements of a local authority (sections 290 and 300–302). With some few exceptions, appeal is in the first instance to a Court of Summary Jurisdiction, with a further right of appeal to Quarter Sessions. These provisions are reviewed in paragraph 18 of the Committee's Report.

Paragraphs 61 to 63 of the Report deal with the new provisions as to notices of local authorities requiring the execution of works (section 290).

Protection for statutory undertakers and similar bodies.—All the existing provisions for the protection of statutory undertakers and similar bodies have been reviewed, and certain amendments made which merit the careful attention of local authorities. The power of control in certain directions formerly enjoyed by canal and dock authorities has been qualified by the provision that consent shall not be unreasonably withheld (section 333). This protection has for the first time been extended to railway undertakers. Protection is also given to land drainage authorities and the right to refer a dispute to arbitration (sections 15, 119, 330 and 334).

The varying powers under existing statutes to break open streets have been reviewed and a uniform code is now substituted in section 279.

Joint boards.—Joint boards operating under the Public Health Acts will need carefully to examine their position in the light of the Act. Section 314 enables them to apply to the Minister for an order amending their existing powers. They should, however, review the need for such an application without delay, for unless these orders are made within two years after the commencement of the Act they will be provisional only and require confirmation by Parliament.

A further circular will be addressed shortly to local authorities with regard to the provisions in the Act relating to Port Sanitary Authorities, Joint Hospital Boards and Isolation Hospital Committees, and with regard to certain provisions in Parts V, VI, and VII of the Act.

I am, Sir,
Your obedient Servant,
H. W. S. FRANCIS,
Director, Local Government Division.

The Town Clerk,
or
The Clerk of the Council,
or
The Clerk of the Board or Committee,
or
The Clerk of the Port Sanitary Authority.

PUBLIC HEALTH

APPENDIX.

Sections of the Act.	*Corresponding clauses in the Draft Bill.*
1—37	1—37
38	—
39—50	38—49
51	51
52	50
53—106	52—105
107	107
108	108
109	106 and 109
110—172	110—172
173	173 and 174
174	172(8)
175	175
176	176
177	177 and 178
178	—
179—231	179—231
232	233
233	—
234	232
235—268	234—267
269	—
270—272	268—270
273	—
274—279	271—276
280	—
281	—
282	—
283—285	277—279
286	—
287—293	280—286
294	—
295—319	287—311
320—325	314—319
326 and 327	312 and 313
328	320
329	—
330	321
331	322
332	323
333	324 and 325
334	326
335	327
336	—
337	328
338	329
339	—
340	330(3)
341—343	330—332
344	—
345	—
346	333
347	334

CIRCULAR 1597. PUBLIC HEALTH

County Councils.
Town Councils.
Urban District Councils.
Rural District Councils.
Joint Hospital Boards.
Isolation Hospital Committees.
Tuberculosis Joint Committees.
Port Sanitary Authorities.

MINISTRY OF HEALTH,
LONDON S.W.1.
26th February, 1937.

PUBLIC HEALTH ACT, 1936.

SIR,—I am directed by the Minister of Health to refer to Circular No. 1576, dated November 3rd, 1936, in which it was stated that a further circular would be addressed to local authorities with regard to the provisions in the above Act relating to Port Sanitary Authorities, Joint Hospital Boards and Isolation Hospital Committees, and with regard to certain provisions in Parts V, VI, and VII of the Act.

An explanation of the amendments which the Act makes in the law affecting these matters will be found in the Second Interim Report of the Local Government and Public Health Consolidation Committee (Cmd. 5059), but the Minister thinks it desirable to call attention to the following more important provisions:

1. *Port Sanitary Authorities.*—It will be observed that the Act refers throughout to port health districts and port health authorities, and not to port sanitary districts and authorities. This change was, as the Consolidation Committee's report indicates, suggested by the Association of Port Sanitary Authorities, and the new designation better indicates the activities of these bodies.

Section 2, while substantially reproducing the present law relating to port sanitary districts, effects certain changes (referred to on page 80 of the Committee's report), the most important of which are the requirement that notice shall be given to the riparian authorities concerned of any proposal to make an Order constituting a port health district, so that they are afforded an opportunity of objecting before the form of the Order is finally settled, and a provision in terms for the incorporation of a joint board formed in pursuance of the Section. This provision assimilates the position of such boards to joint boards constituted under Section 6.

A further change is made by the provision in the First Schedule that regulations made by the Minister regarding the qualifications, etc., of Medical Officers of Health of port health districts, shall be laid before Parliament. This requirement is in accordance with Section 108 (5) of the Local Government Act, 1933, which relates to regulations prescribing the qualifications of Medical Officers of Health of boroughs and of urban and rural districts.

2. *Joint Hospital Boards.*—The existing statutory provisions regarding joint boards, including joint hospital boards, have been largely reproduced in the Act, but some important alterations have been made, and attention is directed particularly to the following:

(*a*) Under Section 6, if a county council undertakes to make annaul contributions towards the expenses of a joint board, provision may be made by the Order constituting the board for the board to include representatives of the county council;

(*b*) Section 8 provides that, for the purpose of facilitating co-operation between county councils and county borough councils, joint boards may be established through which those councils may discharge such of their functions under the Act as may be specified in the Orders constituting the boards;

(*c*) By virtue of Section 6 (4), it will not be necessary for an Order constituting a joint board to be confirmed by Parliament unless, after the prescribed notice of his proposal to make the Order has been given by the Minister to any local authorities concerned and to the county council, notice of objection to the Order is given within 28 days and not withdrawn. Similar provision is made by Section 9 (2) as regards the amendment or revocation of Orders constituting joint boards, whether or not those Orders were confirmed by Parliament;

PUBLIC HEALTH

(*d*) The Act repeals Section 282 and the second half of Schedule I of the Publi Health Act, 1875. Rules for the procedure of joint boards will in future b included in the Orders constituting the boards (the necessary power to make suc rules is conferred by Section 293 of the Local Government Act, 1933, whic enables the provisions of that Act to be applied to joint boards with any neces sary modifications).

3. Circular No. 1576 has already drawn attention to Section 314 of the Act whic is important to joint hospital boards and port health authorities. It follows th same lines as Section 293 of the Local Government Act, 1933, and enables the Ministe to substitute provisions of the new Act for the corresponding repealed provision applied by Orders constituting such joint boards and authorities. As indicated i that Circular, joint hospital boards and port health authorities should without delay consider the question of applying to the Minister for an Order under Section 314, a unless such Orders are made within two years after the commencement of the Ac they will require confirmation by Parliament.

4. *Isolation Hospital Committees.*—The Consolidation Committee in pages 61 to 6 of their report discussed the question of the provision to be made regarding isolatio hospital committees constituted under the Isolation Hospitals Acts, 1893 and 1901 and recommended their conversion into joint hospital boards or in certain cases thei dissolution. Section 315 of the Act generally follows the Committee's recommenda tion and provides that, before the expiration of two years from the commencement of the Act, the Minister shall dissolve such committees and transfer their property an liabilities (i) if a committee consists wholly of representatives of a single authority to that authority, and (ii) if (and this is the more usual arrangement) a committe consists wholly of representatives of two or more local areas, or partly of such repre sentatives and partly of representatives of a county council, to a joint board acting for the same local areas and consisting of representatives of the same authorities a the committee. These requirements are, however, subject to the proviso that on th request of a committee the Minister may in lieu of the foregoing procedure orde the property of the committee to be disposed of, and, if the committee represents mor than one authority, apportion the proceeds of such disposal and the committee' liabilities between the constituent authorities. The Minister is at present considering the arrangements for carrying out his duties under this Section.

5. *Infectious Disease.*—The Consolidation Committee, in pages 59 and 60 of thei report, drew attention to the large number of expressions denoting infectious disease throughout the Public Health statutes, and recommended a substantial simplificatio by the use in the new Act of two expressions only, namely (1) " infectious disease " which, as in the Public Health Act, 1875, would be left undefined, and (2) " notifiable disease " which would denote the particular diseases specified in the Infectious Disease (Notification) Act, 1889, and any other disease which is for the time being compulsorily notifiable under those provisions of the Act reproducing Section 7 of the Act of 1889. This change has been effected by the new Act, and attention is drawn to the definition of " notifiable disease " in Section 343 and to Section 147. It wil further be observed that Section 143 provides that any regulations made under that Section may apply to any disease to which the regulations relate any enactment (including any provisions of the Act) relating to the notification of disease or t notifiable diseases.

As recommended by the Committee, the terms " continued fever " and " puerpera fever " have been omitted from the definition of " notifiable disease " in Section 343 The effect of the omission of " puerperal fever " will be that from October 1st next so much of the Public Health (Notification of Puerperal Fever and Puerpera Pyrexia) Regulations, 1926, as relates to puerperal fever will cease to have effec outside the county of London, and that the obligation imposed by Part III of the Regulations to notify cases of puerperal pyrexia will include the obligation to notify conditions at present notifiable as puerperal fever under the Infectious Disease (Notification) Acts. It will be desirable that the councils whose Medical Officers o Health receive the notifications made under the Regulations should, at a sufficient interval before October 1st next, draw the attention of medical practitioners practis ing in their districts to this change.

6. Section 143, while it reproduces the substance of Section 130 of the Public Health Act, 1875, and Section 1 of the Public Health Act, 1896, effects certain changes in the existing statutory provisions, the details of which will be found in page 103 of the Consolidation Committee's report. The most important of the changes are—

(i) The Section enables the Minister to take steps to prevent the spread of disease by aircraft as well as by ships, and thus to give effect to the International Sanitary Convention for Aerial Navigation which came into force in 1935. Regulations for this purpose are at present under consideration, and will become operative when the Act comes into force ;

(ii) Paragraph (*c*) of sub-section (1) provides for the making of regulations to prevent the spread of infection by means of any vessel or aircraft leaving this country, so far as may be necessary or expedient for the purpose of carrying out any treaty or other arrangement or engagement with any other country, in addition to the power conferred by paragraph (*b*) of making regulations for preventing danger to the public health from vessels or aircraft arriving at any place in this country ;

(iii) Regulations made under the section must be laid before Parliament.

7. For the reasons described in pages 106 and 107 of the Consolidation Committee's report, Section 170 amends Section 12 of the Infectious Disease (Prevention) Act, 1890, by (*a*) providing that the justice of the peace making an order directing the detention in hospital of a patient suffering from infectious disease must be a justice acting " in and for the place " in which the hospital is situated, and (*b*) placing the financial responsibility on the authority applying for the order, subject to the reservation that any contractual arrangements subsisting between two authorities are not to be disturbed.

8. *Tuberculosis.*—The existing law in regard to the duty of county and county borough councils to make adequate arrangements for the institutional treatment of persons in their areas who are suffering from tuberculosis has been re-enacted in a shorter and simpler form. The general supplementary power which county councils and local sanitary authorities possessed under Section 3 of the Public Health (Prevention and Treatment of Disease) Act, 1913, of making arrangements for the treatment of tuberculosis is re-enacted in sub-section (1) of Section 173 of the new Act, but the requirement of the Minister's sanction contained in the Act of 1913 is omitted.

The power of county and county borough councils to make arrangements for the after-care of persons who have suffered from tuberculosis is re-enacted in sub-section (2) of Section 173.

It has not been necessary to re-enact those provisions of the Public Health (Tuberculosis) Act, 1921, enabling (1) a county or county borough council to exercise their powers in relation to the treatment of tuberculosis through a committee or sub-committee, and (2) the Minister to make an order, with the consent of the councils concerned, for the constitution of joint committees or otherwise, for the joint exercise by the councils of counties and county boroughs of all or any of their powers in relation to the treatment of tuberculosis. These objectives are attained, as to (1), by Section 85 of the Local Government Act, 1933, and, as to (2), by Section 8 of the new Act.

As regards the compulsory removal to hospital in certain circumstances of persons suffering from pulmonary tuberculosis, it may be noted that the power of a county council or local authority under Section 172 to apply to a court of summary jurisdiction for an order of compulsory removal is limited to persons suffering from tuberculosis of the respiratory tract who are in an infectious state, and that, where an order is made, the county council or local authority are given, in the absence of any direction by the court, a discretion, not only in the matter of making a contribution towards the maintenance of the patient's dependants, but also as to whether they will bear the whole or part of the cost of removing and maintaining the patient in the hospital or institution to which he has been removed.

The compulsory notification of tuberculosis is the subject of special regulations which will continue in force by virtue of proviso (*c*) to Section 346 until such time as they may be varied. Those provisions of Part V of the Act which relate to " notifiable disease " do not, therefore, apply to tuberculosis.

PUBLIC HEALTH

9. *Subscriptions to Nursing Associations.*—Section 178 will enable county councils and local authorities to make annual subscriptions in their capacity as Public Health Authorities towards the support and maintenance of Nursing Associations. The new power will supersede that at present possessed only by county and county borough councils under Section 67 (*c*) of the Poor Law Act, 1930. It will be noted that, as from October 1st, 1937, paragraph (*c*) of Section 67 of the Poor Law Act, 1930, is repealed in so far as it relates to Associations for providing nurses.

10. *Hospitals.*—An explanation of the modifications contained in Section 181, as compared with the existing law, will be found on pages 108 and 109 of the Consolidation Committee's report. The reference in subsection (1) to "persons in their district" instead of "the inhabitants of their district," and the express power given in the Section to provide clinics, dispensaries and out-patient departments, will be noted.

Section 182 requires a county council or local authority when making provision under the Act for hospital accommodation (other than hospital accommodation for persons suffering from an infectious disease) to consult with the committee or body representing the governing bodies and the medical and surgical staffs of the voluntary hospitals which provide services in, or for the benefit of, their county or district. Previously this duty was, as a matter of statutory requirement, limited to cases where a county or county borough council was providing hospital accommodation in pursuance of the Poor Law functions transferred to them by the Local Government Act, 1929.

11. Section 184 combines the provisions of Section 132 of the Public Health Act, 1875, which gave powers of recovery by local authorities of the cost of maintaining patients in hospitals, with those of Section 16 of the Local Government Act, 1929, which imposes a duty to recover the cost of maintaining patients in hospitals, maternity homes and other institutions provided under the Public Health Acts and the Maternity and Child Welfare Act, 1918, except where the patient has become an inmate of an institution for the purpose of receiving treatment for infectious disease. Section 132 of the Act of 1875 is amended in some important respects by the new Section. These matters are dealt with in some detail on pages 63 and 64 of the Consolidation Committee's report, but attention may be directed to the following:

(*a*) The Section gives power to recover the cost of maintenance in cases of infectious disease to county councils, as well as to those categories of local authorities who previously possessed this power;

(*b*) The Section empowers local authorities to recover not only from the person suffering from infectious disease but also from his relatives;

(*c*) The Section authorises recovery from the estate of a person who has died after leaving hospital and not only, as provided by the Public Health Act, 1875, from the estate of a person whose death occurred in hospital;

(*d*) The time limit for commencement of proceedings for recovery is extended from six months, as prescribed in the Public Health Act, 1875, to twelve months.

In comparison with Section 16 of the Local Government Act, 1929, it will be seen that the right of recovery from the patient's estate if the patient has died is a feature for which Section 16 did not provide, as also is the time limit for commencement of proceedings for recovery. The power of including in the expenses to be recovered a reasonable charge for the patient's removal to or from hospital will also be noted.

12. *Laboratories, Ambulances, Mortuaries, etc.*—Section 196 of the Act enables a county council or a local authority to provide a laboratory for purposes connected with the diagnosis and treatment of diseases, etc. Previously there has been no statutory provision expressly empowering local authorities to provide laboratories for general purposes, and the section fills a need by removing doubts as to the powers of local authorities in the matter.

13. It will be observed that Section 197, in addition to consolidating in the form of a general power the various powers previously possessed by local authorities to provide ambulances, also extends this power specifically to county councils.

14. Section 198 makes certain alterations in the law regarding the provision by local authorities of mortuaries and post-mortem rooms. Of these alterations, which are described in detail in pages 110 and 111 of the Consolidation Committee's report, the most important is the omission of the words " otherwise than at a workhouse or mortuary " in Section 143 of the Public Health Act, 1875. The effect of this omission is that, in future, post-mortem rooms may be provided at mortuaries. Attention is drawn to the comment of the Committee that the most convenient place for such a room is at a mortuary, and that if the room is properly separated from the rest of the mortuary there appears to be no good reason why it should not form part of the same building.

15. *Notification of Births, Maternity and Child Welfare and Child Life Protection : General.*—The effect of Section 200 is to provide that in every district there shall be one and the same Authority responsible for these three services. This Authority (in the Act referred to as the " Welfare Authority ") is to be (i) in a county borough, the council of the borough, and (ii) in a county district, whichever of two authorities, namely the county council and the district council, was, immediately before the commencement of the new Act, the local authority in that district for the purposes of the Notification of Births Acts, 1907 and 1915.

The object of this provision is explained on pages 65 and 66 of the Consolidation Committee's report. In general, the conduct of the principal services provided under the powers conferred by the Notification of Births Acts, the Maternity and Child Welfare Act, 1918, and the statutory provisions relating to Child Life Protection is already at present undertaken in each district by the authority who are the local authority for the purposes of the Notification of Births Acts. There are, however, occasional instances in which an authority who are not the local authority in a particular district for the purposes of the Notification of Births Acts have in the past undertaken some particular Maternity and Child Welfare service or services in that district with the Minister's sanction and continue to maintain it. In such cases it will no longer be competent to such an authority to maintain the service or services in question after October 1st next, and any such authority should take steps at an early date to approach the Welfare Authority for the district, as defined by the new Act, with a view to the transfer of responsibility to the latter Authority as from October 1st, 1937.

Further, by virtue of Section 202 the area of charge for expenses incurred by a county council under Part VII of the Act will after October 1st next be the area for which the county council are the Welfare Authority, excluding autonomous districts, and the expenses are to be charged as expenses for special county purposes. The proviso to Section 3 of the Maternity and Child Welfare Act, 1918, with regard to the levy of such expenses as expenses for general county purposes, with a refund to district councils providing a similar service, is repealed ; and the attention of those county councils whose expenses on account of Maternity and Child Welfare services have hitherto been levied on the last mentioned system is especially directed to the provisions of Section 202.

16. *Notification of Births.*—By virtue of Section 203 it will be the duty of every Medical Officer of Health of a county district to whom notifications of births are made by reason of the council of the district being a Welfare Authority to send duplicates of all such notifications to the County Medical Officer of Health, except in cases where the council of the district in addition to being the Welfare Authority is also the local supervising authority under the Midwives Acts, 1902 to 1936. Previously this duty was not imposed upon Medical Officers of Health of those county districts where the Notification of Births Act, 1907, had been voluntarily adopted by the council of the district prior to the coming into operation of the Notification of Births (Extension) Act, 1915.

17. *Maternity and Child Welfare.*—Section 204 replaces by one provision Section 2 (1) of the Notification of Births (Extension) Act, 1915, and Section 1 of the Maternity and Child Welfare Act, 1918. The slight modifications contained in subsection (1) of Section 204, as compared with the original provisions, are explained on page 112 of the Consolidation Committee's report. Welfare Authorities are reminded of the general approval of extensions of Maternity and Child Welfare

PUBLIC HEALTH

services which was given by the Minister in paragraph 5 of Circular No. 1072 of February 12th, 1930.

Section 205, which replaces Section 61 of the Factory and Workshops Act, 1901, is included in the present Act as being more appropriate for public health than factory legislation. The Minister has no reason to suppose that offences against the prohibition imposed by the Section are otherwise than rare. The Welfare Authority, however, as the public authority whose Health Visitors are in touch with mothers immediately after confinement, are in a favourable position to learn of any breaches of the prohibition which may occur in their district: and by virtue of Section 201 (1), Welfare Authorities will, on the present Act coming into operation, be responsible for the enforcement of the provisions of Section 205. In regard to the prosecution of offences, reference should be made to Sections 296 and 298 of the Act.

18. *Child Life Protection.*—The principal changes which are introduced by the provisions of the new Act under this head are in relation to exemptions (Section 219). Attention may be directed to the following points:

(i) The inclusion in subsection (1) of the word "school" before the words "hospital, convalescent home," etc., will make it clear that the Welfare Authority have power to grant a certificate of exemption from the provisions of this Part of the Act, where they think it desirable, to a boarding school—a point which, when governed by the provisions of Section 69 of the Children and Young Persons Act, 1932, has been in some doubt;

(ii) Under the provisions of Section 69 of the Act of 1932, voluntary homes within the meaning of Part III of that Act (subsequently Part V of the Children and Young Persons Act, 1933), were exempted as a whole from the provisions of Part I of the Children Act, 1908 (as amended by the Act of 1932), relating to Infant Life Protection. As is explained in the Consolidation Committee's report, instances have occurred in which this general grant of exemption to any home which could bring itself within the category of a home wholly or partly supported by voluntary contributions has not proved satisfactory. In future it will be necessary for the authorities of any such home, unless it should be a home falling under paragraphs (*a*) or (*c*) of subsection (1) of Section 219, to apply to the Welfare Authority for a certificate of exemption if they desire that the home should be exempted from the Child Life Protection provisions of the Act. It is suggested, therefore, that each Welfare Authority should take suitable steps to bring the requirements of Section 219 to the attention of the authorities of any such voluntary homes which may exist in their district and which do not fall within the terms of paragraphs (*a*) or (*c*) of subsection (1) of Section 219;

(iii) It will be seen that provision is made that the part of the Act relating to Child Life Protection shall not apply to any person who undertakes the nursing or maintenance of a child under any Act for the relief of the poor or any order made under that Act, or undertakes the nursing and maintenance of a child boarded out under subsection (3) of Section 84 of the Children and Young Persons Act, 1933;

(iv) The provision at the end of subsection (1), corresponding to subsection (3) of Section 69 of the Act of 1932, has been slightly amended to meet the point that under Section 51 of the Mental Deficiency Act, 1913, one mental defective may be under care elsewhere than in an institution, etc., without the consent of the Board of Control;

(v) Provision has been made enabling the Welfare Authority to exempt persons, who take children for short holidays from *bona fide* charitable organisations, from giving notice in respect of each individual child on condition that notice is given in respect of the first child received in each year. The remaining children are, however, to be considered as foster children for the purposes of this Part of the Act even though the person receiving them is exempted from the duty of giving notice in respect of them.

Amongst some minor changes of the existing law which will be effected by the provisions of the new Act under the head of Child Life Protection, the following may be noted:

(*a*) In Section 215 it will be seen that the words "under nine years of age" are not included after the word "child." It was found that these words,

which were included in Section 68 of the Children and Young Persons Act, 1932, afforded a means by which the objects of that Section could be evaded by the publication of advertisements in which the age of the child or children to be received was not mentioned;

(*b*) Section 218 confers upon the Welfare Authority a new power of defraying the expenses of maintenance of a child in a place of safety to which he is removed under this Part of the Act.

A copy of this circular is being sent to all Medical Officers of Health, and an additional copy is enclosed for the use of the Financial Officer of the authority. Further copies may be obtained from H.M. Stationery Office at any of the addresses shown below, or through any bookseller.

A further circular will be issued shortly dealing with moveable buildings and also with the regulation of offices.

I am, Sir,
Your obedient Servant,
A. B. MACLACHLAN,
Assistant Secretary.

The Clerk of the Council,
or
The Town Clerk,
or
The Clerk of the Board or Committee,
or
The Clerk of the Port Sanitary Authority.

CIRCULAR 1677.

County Councils.
Local Authorities.
Port Health Authorities
(England and Wales).

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
22nd April, 1938.

PUBLIC HEALTH (AIRCRAFT) REGULATIONS, 1938.

SIR,—1. I am directed by the Minister of Health to enclose for the information of the Authority a copy of the Public Health (Aircraft) Regulations, 1938, which will come into force on July 1st, 1938.

GENERAL.

2. These Regulations have been made by the Minister under Section 143 of the Public Health Act, 1936. They are designed to prevent the introduction of infectious diseases into this country through the medium of air-borne traffic, and they resemble in their general scope the Port Sanitary Regulations, 1933, which were made to secure a similar object in regard to water-borne traffic. The Regulations have been made in conformity with the International Sanitary Convention for Aerial Navigation which was signed at The Hague on April 12th, 1933, and ratified by His Majesty's Government in the United Kingdom on September 15th, 1934. For this reason the Regulations include provisions relating to sanitary measures to be taken in certain circumstances in regard to outgoing as well as incoming aircraft.

3. The authority responsible for the execution of the Regulations may be a County Council (only as respects an aerodrome maintained by them), a Port Health Authority, or a Local Authority (*i.e.* the Common Council of the City of London, or the Council of a Metropolitan Borough, Municipal Borough or Urban or Rural District as the case may be). Regulation 2 (3) provides that the Responsible Authority as respects an aerodrome maintained by a Local Authority shall be the maintaining

PUBLIC HEALTH

authority; and that otherwise it shall be the Port Health Authority if the aerodrome is situated in a Port Health District, and the Local Authority if the aerodrome is situated elsewhere. Regulation 3 (2) contains provisions to enable functions to be transferred in certain circumstances from one authority to another or to be distributed amongst more than one authority.

4. It is the duty of the Authority responsible for the administration of the Regulations as respects any aerodrome to appoint the staff and provide or arrange for the provision of the premises, apparatus and equipment, etc., necessary for enabling the provisions of the Regulations to be complied with (Regulation 14).

5. The Regulations deal principally with the measures to be taken at a "customs aerodrome," *i.e.*, an aerodrome for the time being approved by the Secretary of State as an aerodrome on which foreign-going aircraft may land or from which they may depart.

SANITARY AERODROMES.

Recognition of Customs Aerodromes as Sanitary Aerodromes.

6. The Regulations empower the Minister, on being satisfied that a customs aerodrome is properly organised and equipped for the purpose, to recognise it as a "sanitary aerodrome" in accordance with the terms of the International Sanitary Convention of 1933. The facilities which are required to be provided in order that an aerodrome may be so recognised are prescribed in Regulation 2 (4). The practical difference between a sanitary aerodrome and any other customs aerodrome is that it is only at the former that provision need be made for carrying out all the sanitary measures prescribed by the Regulations. Arrangements for the medical inspection of persons arriving or departing on foreign-going aircraft will be necessary at all customs aerodromes, and in addition there must be provided for a sanitary aerodrome (i) apparatus or means for the cleansing, disinfection and disinsecting of aircraft, persons and clothing and other articles, and the deratisation of aircraft, and (ii) equipment and facilities for the examination of suspected material in a laboratory. It is also necessary that one or more assistant officers shall be appointed for a sanitary aerodrome. It will probably be found convenient that at every aerodrome at which there is a regular foreign-going air service the sanitary organisation and equipment should be such that it can be recognised by the Minister as a sanitary aerodrome, as otherwise it may be found necessary on occasion to direct an incoming aircraft to proceed to some other aerodrome which has been so recognised in order that appropriate sanitary measures may be applied to the aircraft or the passengers or crew (Regulation 17).

Staff.

7. It will be seen that the Regulations confer and impose certain specific powers and duties on the "Medical Officer" who is defined as "the Medical Officer of Health of a responsible authority or a registered medical practitioner acting under the direction of such an authority, whether in place of or as an assistant to the Medical Officer of Health or otherwise, for the purpose of executing these regulations or any of them," and Regulation 14 (*a*) empowers the Authority to appoint one or more duly qualified medical practitioners in addition to the Medical Officer of Health for the purpose of performing or of assisting the Medical Officer of Health in the performance of all or any of the duties assigned to the Medical Officer by the Regulations. The Authority should consider, having regard to the circumstances of the aerodrome and the amount of foreign-going traffic, the number of medical and other officers who will be required for the purposes of the Regulations. It will probably be found that the present amount of traffic at some aerodromes will not necessitate any increase in the number of medical or other officers employed by the Authority, and that by some re-arrangement of duties, the work involved in the execution of the Regulations can be carried out by the existing staff.

8. In the case of an aerodrome approved by the Secretary of State for the purposes of the Aliens Order, the Minister will be prepared to consider, in suitable cases, the appointment as Medical Inspector of Aliens of the officer appointed by the Authority as medical officer for the purposes of the Regulations.

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9. The Responsible Authority for a sanitary aerodrome is required to appoint in addition to the medical officer at least one assistant officer to act under his direction. It is contemplated that this officer will normally be a Sanitary Inspector. His services will be available for the performance of such duties under the Regulations as do not require medical qualifications, *e.g.* inspecting aircraft in certain circumstances or carrying out or superintending disinfection, deratisation, etc.

Right of Entry.

10. By section 143 (4) of the Public Health Act, 1936, authorised officers of Local Authorities have power to enter any premises or aircraft for the purpose of executing or superintending the execution of the Regulations. In view of the definition of the expression "authorised officer" in section 343 (1) of the Act, any officer, other than the Medical Officer of Health or Sanitary Inspector, who is appointed by the Responsible Authority for the purpose of executing the Regulations should be authorised in writing so to do.

11. The necessity for the appointment of additional authorised officers to assist during periods of exceptionally heavy traffic at the aerodrome, or during the absence of the regular officers on holiday or sick leave should be borne in mind.

Premises and Equipment.

12. It is not necessary that all of the premises, equipment and other facilities which are required to be available at a sanitary aerodrome should be provided actually on the site of the aerodrome, though they must be readily accessible thereto. It is important that in all cases there should be on the aerodrome or in the immediate vicinity a place for medical inspection where satisfactory lighting and water supply are available, a room in which persons suffering from infectious disease may be temporarily accommodated pending removal to hospital, and separate lavatories for the two sexes. The extent and character of the accommodation to be provided will depend upon the amount of traffic making use of the aerodrome, and, where such traffic is not extensive, may be of a simple character. It may be possible in some instances for the Responsible Authority to arrange with the authorities of the aerodrome for suitable accommodation to be placed at their disposal.

13. It is contemplated that persons arriving at an aerodrome who are required in pursuance of the Regulations to be removed to hospital will normally be accommodated in the isolation hospital provided under the Local Authority's arrangements for the treatment of infectious disease, and that it will be necessary only in exceptional circumstances for special hospital accommodation to be provided for the purposes of the Regulations. It will be necessary for the Responsible Authority to make definite arrangements to ensure that an ambulance is readily available when required to convey persons from the aerodrome to the hospital.

14. The Authority will probably be able to arrange that any cleansing of persons and the cleansing or disinfection of articles of bedding, clothing, merchandise, etc., which may be necessary in pursuance of the Regulations shall be carried out at the place or places in the district where such operations are usually carried out, but it will be necessary for arrangements to be made for any sanitary measures which need to be applied to an aircraft to be carried out at the aerodrome.

15. In the case of an aerodrome situated in a Port Health District, it will probably be found that the premises and equipment provided by the Authority for the purposes of their duties in relation to ships can be used for their duties under these Regulations.

CUSTOMS AERODROMES OTHER THAN SANITARY AERODROMES.

16. The observations in the foregoing paragraphs of this Circular in regard to sanitary aerodromes are applicable generally to other customs aerodromes, except that it is not obligatory for facilities to be available for such sanitary measures as disinfection, deratisation, etc., or for an assistant officer to be appointed.

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LIST OF INFECTED LOCALITIES.

17. For the purpose of assisting the Medical Officers of districts comprising a customs aerodrome in preparing the list of infected localities which they are required to keep in pursuance of Regulation 4, the Minister proposes to extend to all such Medical Officers the issue of the " Weekly Record of Infectious Diseases at Ports, etc., at Home and Abroad " (in a modified form) which has hitherto been sent each week to the Medical Officers of Health of Port Health Districts. The information contained in the " Weekly Record " will form the basis of the list of infected localities, but the Medical Officer should also have regard to any other relevant information of which he may be cognisant.

INFECTED AIRCRAFT OR AIRCRAFT COMING FROM AN INFECTED LOCALITY.

18. Regulation 7 provides that an infected aircraft or an aircraft coming from an infected locality shall, if yellow fever is the cause of infection, be subjected to such of the measures prescribed or permitted in relation to that disease by the International Sanitary Convention for Aerial Navigation as the Medical Officer considers necessary. As the United Kingdom is a territory where the conditions do not permit of the development of yellow fever, the provisions of Articles 50 and 51 of the Convention are applicable, that is to say, aircraft may land at a sanitary aerodrome and the measures which may be taken on arrival are (1) inspection of the aircraft and cargo to ensure that they do not contain mosquitoes, and, if necessary, disinsectisation ; (2) medical inspection of passengers and crew.

19. The measures which may be taken if the cause of infection is plague, cholera, typhus fever or smallpox are prescribed in the Schedule to the Regulations.

INFECTED AIRCRAFT LANDING ELSEWHERE THAN AT A CUSTOMS AERODROME.

20. The attention of every Local Authority, whether or not its district comprises a customs aerodrome, is drawn to Regulation 21 (2) which relates to an infected aircraft or an aircraft coming from a locality infected with plague, cholera or yellow fever or a locality where typhus fever or smallpox is epidemic which may land elsewhere than at a customs aerodrome. This Regulation is designed primarily to meet the case of forced landings, and it will be observed that the commander is required to notify the Local Authority, the Customs Officer or a police officer, to comply with any reasonable directions which may be given to him by the Authority or officer, and to proceed, if possible, to a sanitary aerodrome. The Regulation does not prescribe the action to be taken by the Authority or officer on receipt of any such notification, as it has not been found practicable to prescribe a course of action which would be appropriate in all the varying conditions in which a forced landing may occur. The Authority or officer should give such reasonable directions as appear to be appropriate in the particular circumstances, having regard to the purposes of the Regulations to prevent the spread of infection, and, whenever possible, the commander of the aircraft should be directed to proceed to a sanitary aerodrome. If the aircraft is unable to proceed to a sanitary aerodrome, advantage should be taken of the power conferred on the Local Authority or officer in paragraph (*c*) to require passengers and members of the crew to state their names and intended destinations.

DETENTION OF AIRCRAFT AND PERSONS THEREIN.

21. Regulations 8 to 10 relate to the detention in certain circumstances of an aircraft arriving at an aerodrome from a foreign place and the passengers and crew thereof for the purpose of medical inspection and such sanitary measures as may be necessary.

22. The Customs Officer will normally be the first officer to visit an incoming aircraft, and for this reason he is required by Regulation 8 to direct that an aircraft and the passengers and crew shall be detained if certain conditions obtain which are prescribed in that Regulation, and to report the matter forthwith to the Medical Officer. It will be observed that the Customs Officer is required to detain the aircraft

and its occupants, if, *inter alia*, there has been during the voyage a case of illness caused by disease of an infectious nature (Regulation 8 (1) (*a*)).

23. The period during which the Customs Officer is empowered to detain an aircraft is limited to three hours (Regulation 9), and it is, therefore, essential that within that period the Medical Officer should either (1) inspect the aircraft or cause it to be inspected, or (2) notify the Customs Officer that he does not propose to do so. Under Regulation 10 it is obligatory on the Medical Officer to inspect an aircraft or cause it to be inspected if it has come from or called at any foreign locality included in the medical Officer's list of infected localities and to inspect it if there has been during the voyage a case or suspected case of cholera, yellow fever, typhus fever, smallpox or plague. In other cases it is within the discretion of the Medical Officer, having regard to all the circumstances, whether the aircraft should be inspected, but if he decides that inspection is unnecessary he should ensure that the Customs Officer is notified accordingly without delay.

24. The Medical Officer may himself direct that an aircraft shall be detained for medical inspection and may deliver a notice to that effect to the Customs Officer who will in turn deliver it to the commander of the aircraft if he visits the aircraft before the Medical Officer (Regulation 8 (4)). The person in charge of the aerodrome must be informed of any detention of an aircraft directed by the Medical Officer.

25. If it appears to the Medical Officer, after the inspection of an aircraft, that the aircraft is liable to be subjected to further measures under the Regulations, he may direct that it shall be detained for the purpose for a further period, giving notice in writing accordingly to the commander of the aircraft (Regulation 10).

26. The Medical Officer is required to give notice in writing to the Customs Officer, the commander of the aircraft and the person in charge of the aerodrome when he releases an aircraft from detention under the Regulations (Regulation 20 (2)).

AIRCRAFT DEPARTING.

27. The measures to be applied in respect of outgoing air traffic are prescribed in Part III of the Regulations. It will be observed that they relate only to plague, cholera, yellow fever, typhus and smallpox. Regulation 11 empowers the Medical Officer in certain circumstances to prohibit the embarkation of persons liable to transmit infection. Regulation 12 contains certain additional provisions which will come into operation in any locality which has been declared to be infected with plague, cholera or yellow fever or in which typhus fever or smallpox has been declared to exist in an epidemic form, by notice published by the Minister in the *London Gazette*.

CO-OPERATION WITH AIRCRAFT COMMANDERS AND AERODROME AUTHORITIES.

28. It is of course desirable to enlist the co-operation of the commander of an aircraft in order to secure the carrying out of any measures necessary under the Regulations in respect of the aircraft or the persons or articles on board it. Regulation 15 (*e*) authorises the Medical Officer to require the commander to take or assist in taking such steps as, in the opinion of the Medical Officer, are reasonably necessary for preventing the spread of infection by any person arriving by the aircraft; and also such steps as are necessary for the removal of conditions on the aircraft likely to convey infection, including conditions the existence of which might facilitate the harbouring of vermin. Regulation 21 (*c*) requires the commander to comply with any directions or requirements given to or made of him in pursuance of the Regulations.

29. Where any action (including any measures of disinfection or disinsecting) have been taken in regard to an aircraft under the Regulations, the commander if he so requests is entitled to receive free of charge a statement in writing recording the particulars of any such action and the reasons why the action was taken.

30. Regulations 5, 18 (2), and 21 relate to duties to be carried out by commanders of aircraft.

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31. The co-operation of the person in charge of an aerodrome is also necessary to the satisfactory execution of the Regulations and for these reasons the Regulations require that he shall be supplied with copies of the list of infected localities prepared by the Medical Officer and that certain of the notices or directions given under the Regulations shall be communicated to him. Regulation 6 requires him in certain circumstances to notify the Medical Officer and the Customs Officer of cases of illness on incoming aircraft.

AVOIDANCE OF DELAY IN ADMINISTRATION OF REGULATIONS.

32. In formulating their proposals for carrying out their duties under these Regulations, the Local Authority should bear in mind the importance of making such arrangements as will involve as little delay as possible to aircraft and passengers at the aerodrome.

INFORMATION OF PROPOSED ARRANGEMENTS TO BE GIVEN TO MINISTER.

33. It is requested that every Local Authority and Port Health Authority which is the Responsible Authority as respects any customs aerodrome will inform the Minister not later than May 31st, 1938, of the arrangements proposed for carrying out their duties under the Regulations.

34. A copy of this Circular and a copy of the Regulations are being sent to the Medical Officer of Health.

I am, Sir,
Your obedient Servant,
J. N. BECKETT.
Assistant Secretary.

The Clerk of the Authority.

S. R. & O., 1938, No. 299.

THE PUBLIC HEALTH (AIRCRAFT) REGULATIONS, 1938, DATED APRIL 7TH, 1938, MADE BY THE MINISTER OF HEALTH, AFTER CONSULTATION WITH THE SECRETARY OF STATE AND WITH THE CONSENT OF THE COMMISSIONERS OF CUSTOMS AND EXCISE, UNDER THE PUBLIC HEALTH ACT, 1936.

The Minister of Health in the exercise of his powers under section 143 of the Public Health Act, 1936, and of all other powers enabling him in that behalf hereby makes the following regulations after consultation with the Secretary of State and, so far as they apply to officers of customs and excise, with the consent of the Commissioners of Customs and Excise :

PART I.—INTRODUCTORY.

Short title and commencement.

1. These regulations may be cited as the Public Health (Aircraft) Regulations, 1938, and shall come into operation on the first day of July, 1938.

Interpretation.

2.—(1) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(2) Nothing in these regulations shall apply to any aircraft the property of a foreign state or to the crew thereof or to any aircraft the property of His Majesty or to the crew thereof.

(3) In these regulations, unless the context otherwise requires—

"the Convention" means the International Sanitary Convention for Aerial Navigation, 1933 ;

"the Minister" means the Minister of Health ;

" responsible authority " means—

(*a*) as respects an aerodrome maintained by a local authority including a county council the maintaining authority ;

(*b*) as respects any aerodrome or place in a port health district other than such an aerodrome as aforesaid the port health authority for such district ;

(*c*) as respects any other aerodrome or other place the local authority for the district in which such aerodrome or place is situated, that is to say the common council of the city of London or the council of a metropolitan borough, municipal borough, or urban or rural district as the case may be ;

" area " in relation to an authority means the area comprising every aerodrome and other place as respects which that authority is the responsible authority ;

" aerodrome " includes a place for the landing of aircraft on water ;

" placed under surveillance " means that a person is required to submit to medical examination with a view to establishing his state of health ;

" crew " includes any person having duties on board an aircraft in connection with the flying or the safety of the flight of the aircraft or employed on board in any way in the service of the aircraft, the passengers, or the cargo ;

" commander " includes any person for the time being in charge of or in command of an aircraft ;

" customs aerodrome " means an aerodrome for the time being approved by the Secretary of State as a customs aerodrome for the purposes of the Acts relating to Customs ;

" sanitary aerodrome " means a customs aerodrome which has been recognised by the Minister in accordance with the provisions of paragraph (4) of this regulation ;

" customs officer " includes any person acting under the authority of the Commissioners of Customs and Excise ;

" medical officer " means the medical officer of health of a responsible authority or a registered medical practitioner acting under the direction of such an authority, whether in place of or as an assistant to the medical officer of health or otherwise, for the purpose of executing these regulations or any of them ;

" foreign " means situate elsewhere than in Great Britain, Ireland, the Channel Islands or the Isle of Man ;

" foreign state " means any state not a member of the British Commonwealth of Nations ;

" prescribed measures " in relation to plague, cholera, typhus fever or smallpox in England and Wales means such of the measures set out in the schedule to these regulations as are appropriate, and in relation to yellow fever in England and Wales or plague, cholera, yellow fever, typhus fever or smallpox outside England and Wales, means such measures prescribed or permitted by the Convention as are appropriate ;

" infected " in relation to an aircraft arriving at an aerodrome or other place means an aircraft which has on board a case of plague, yellow fever, typhus fever or smallpox or a case presenting clinical signs of cholera, or which has had such a case on board and has not since been subjected to the prescribed measures ;

" aircraft coming from an infected locality " in relation to an aircraft arriving at an aerodrome means an aircraft—

(*a*) which left within the preceding six days a locality infected with plague ; or

(*b*) which left within the preceding five days a locality infected with cholera ; or

(*c*) which left within the preceding twelve days a locality where typhus fever is epidemic ; or

(*d*) which left within the preceding fourteen days a locality where smallpox is epidemic ; or

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(e) arriving from a locality included by reason of yellow fever in the list kept by the medical officer of the district in which the aerodrome is situated pursuant to regulation 4, or from a locality in close relation with an endemic centre of yellow fever after a voyage of less than six days or after a longer voyage if there is reason to believe that the aircraft may be carrying adult mosquitoes emanating from the said locality;

" infectious disease " means any epidemic or acute infectious disease but does not include venereal disease.

(4) The Minister on being satisfied that there are available at a customs aerodrome—

(a) an organised medical service with a medical officer and at least one assistant officer acting under his direction;

(b) a place for medical inspection;

(c) either a laboratory for the examination of suspected material or equipment for taking and despatching such material for examination in a laboratory;

(d) facilities for the isolation, transport and care of the sick, for the isolation of contacts separately from the sick and for carrying out any other prophylactic measure in suitable premises either within the aerodrome or in proximity to it;

(e) the apparatus necessary for carrying out disinfection, disinsecting, deratisation and any other measures prescribed by these regulations;

(f) a sufficient supply of wholesome drinking water; and

(g) a proper and safe system for the disposal of excreta and refuse, and for the removal of waste water;

and that the aerodrome is as far as possible protected from rats, may recognise such aerodrome as being for the time being a sanitary aerodrome and he may designate any sanitary aerodrome as a local area in accordance with Article 8 of the Convention.

Every such recognition and designation shall have effect until it is withdrawn by the Minister and notice of every such recognition, designation and withdrawal shall be published in the *London Gazette*.

Execution of regulations.

3.—(1) Subject to paragraph (2) of this regulation every responsible authority shall through the medical officer and any other officers whom they may appoint for the purpose enforce and execute these regulations throughout their area and shall make such inquiries and take such other steps as may seem to them to be necessary for securing the due observance of these regulations or any of them.

(2) Where—

(a) an aerodrome is situate in the areas of more than one responsible authority or is maintained by more than one such authority, or

(b) an aerodrome maintained by one responsible authority is situated in the district of another such authority,

the authorities may agree, on such terms and conditions as they think fit, and with the approval of the Minister, that one of them shall undertake the execution of, and appoint the officers for executing, the whole or specified provisions of these regulations at that aerodrome.

In any case to which (a) of this paragraph applies, the Minister may, in the absence of agreement between the authorities, determine which of the said authorities shall undertake any such functions or the terms and conditions subject to which they shall do so.

Any aerodrome to which any such agreement as approved by the Minister or any such determination of the Minister applies shall be deemed to be in the area of the authority by which such functions are undertaken in accordance therewith, and that authority shall be deemed to be the responsible authority for the purposes of these regulations.

List of infected localities.

4. The medical officer of a district comprising a customs aerodrome shall from time to time prepare and keep up to date a list of localities both in the United Kingdom and elsewhere which are infected or believed to be infected with plague (human or rodent), cholera or yellow fever, or in which typhus fever or smallpox is believed to be epidemic, and shall supply copies of every such list and any amendment thereof to the customs officers employed in the aerodrome and to the person in charge of the aerodrome. In the preparation and amendment of such list, the medical officer shall take into account all information sent to him from time to time by the Minister.

PART II.—AIRCRAFT ARRIVING.

Notification of illness.

5. If during the voyage of an aircraft which arrives at an aerodrome from a foreign place there has been on board either a death otherwise than as the result of an accident, or a case or suspected case of infectious disease, and the commander of the aircraft has not already informed the customs officer or medical officer of that fact by wireless or otherwise, the commander shall so inform the customs officer or medical officer, whichever shall first visit the aircraft after its arrival.

The customs officer or medical officer on being informed as aforesaid shall make such inquiries of the commander as appear to him to be necessary.

6. The person in charge of the aerodrome, upon receipt of information that a person on board an aircraft approaching or arriving at the aerodrome has symptoms which may be indicative of infectious disease other than tuberculosis, or that there are circumstances in relation to any such aircraft requiring the attention of the medical officer, shall forthwith notify the medical officer and the customs officer to that effect.

Infected aircraft or aircraft coming from an infected locality.

7.—(1) If an infected aircraft or an aircraft coming from an infected locality arrives at an aerodrome the appropriate measures set out in the schedule to these regulations in relation to plague, cholera, typhus fever or smallpox as the case may be shall be carried out, or if yellow fever is the cause of infection the aircraft shall be subjected to such of the measures prescribed or permitted in relation to that disease by the Convention as the medical officer considers necessary.

(2) Any aircraft which has become subject to the provisions of paragraph (1) of this regulation shall remain subject to control under these regulations until it has been examined by the medical officer and until any measures which may be required to be carried out in pursuance of that paragraph (other than measures in relation to any person who has disembarked from the aircraft) have been completed.

Detention of aircraft and persons therein.

8.—(1) Where an aircraft arrives at an aerodrome from a foreign place and it appears to the customs officer from information given to him by the commander or from answers to inquiries made by him or otherwise—

(*a*) that during the voyage there has been on the aircraft a death otherwise than as a result of an accident, or a case of illness caused or suspected to be caused by disease of an infectious nature; or

(*b*) that the aircraft has come from or has called at a locality included in the list referred to in regulation 4; or

(*c*) that during the voyage death not attributable to poison or other measures for destruction has occurred amongst rats or mice on the aircraft;

he shall direct that the aircraft and the passengers and crew shall be detained and he shall report the matter forthwith to the person in charge of the aerodrome and to the medical officer.

(2) The medical officer may require any person who has been so detained before he leaves the aerodrome to state his name and his intended destination and address,

PUBLIC HEALTH

and to give any other information which the medical officer may think necessary for transmission to the local authority of the district within which the intended place of destination of the person is situate.

(3) If a person having been required to state his intended destination and address before being permitted to leave an aerodrome, either is unable to do so or arrives, within a period not exceeding fourteen days after landing to be specified to him by the medical officer, at a place other than that which he has so stated, he shall immediately after his arrival forward particulars of his actual place of arrival and his address to the medical officer of the area in which he left the aircraft.

(4) The medical officer may direct that an aircraft arriving from a foreign place shall be detained for medical inspection and may deliver a notice in writing to that effect to the customs officer who, if he visits the aircraft before the medical officer, shall cause the notice to be delivered to the commander. The medical officer shall inform the person in charge of the aerodrome of any directions given by him under this paragraph.

9. The detention of an aircraft by a customs officer under these regulations shall cease as soon as the medical officer has duly inspected the aircraft or caused it to be inspected or has given notice to the customs officer that he does not propose to do so, or, if the inspection has not been begun within three hours after the customs officer gave the direction for its detention, on the expiration of that period :

Provided that nothing in this regulation shall affect the exercise of any powers of the medical officer in regard to the detention of aircraft.

10. The medical officer shall—

(*a*) inspect or cause to be inspected, on its arrival, any aircraft which has come from or called at any foreign locality which is included in the list prepared pursuant to the provisions of regulation 4 and shall inspect any other aircraft which has come from or called at a foreign locality and on which there has occurred during the voyage any case of illness which was or may have been plague, cholera, yellow fever, typhus fever or smallpox, or on which rodent plague has occurred or been suspected during the voyage ;

(*b*) as soon as possible, and in any case within three hours after a customs officer has given a direction for the detention of an aircraft, inspect the aircraft, or cause it to be inspected, or give notice to the customs officer that he does not propose to do so ; if the aircraft is liable to be subjected to further measures under these regulations he shall give notice in writing to the commander directing that the aircraft shall be detained for a further period.

PART III.—AIRCRAFT DEPARTING.

11.—(1) The medical officer may examine any person proposing to embark on an aircraft whom he suspects to be suffering from plague, cholera, yellow fever, typhus fever or smallpox, and if, after examination, he is of opinion that the person shows symptoms of any of these diseases he may prohibit his embarkation. He may also prohibit the embarkation of any person who has been in such close relation with persons showing symptoms of any of these diseases as to render him liable to transmit infection.

(2) If severe smallpox (variola major) exists in any part of Great Britain the medical officer may prohibit any person coming from such part, who has been in such contact with any person suffering from the disease as to render him liable to transmit infection, from embarking on any aircraft going beyond Great Britain, Ireland, the Channel Islands and the Isle of Man :

Provided that no person shall be so prohibited if he satisfies the medical officer that he has been vaccinated within a period of three years excluding the last twelve days thereof, or that he has had a previous attack of smallpox, or if he shows local signs of early reaction attesting an adequate immunity.

Infected localities.

12. Where the Minister has, by notice published in the *London Gazette*, declared that a locality is infected with plague, cholera or yellow fever, or that typhus fever or smallpox exists therein in an epidemic form, the following provisions shall operate in that locality until the notice is revoked by a subsequent notice published in the *London Gazette:*

(*a*) The medical officer may, and within three hours after receiving a request from the commander so to do shall, medically examine any person who proposes to embark on or is on board an aircraft;

(*b*) The medical officer, or other authorised officer of the responsible authority may, and on the request of the commander shall, inspect any clothing, bedding or other article of personal use which belongs to or is in use or is intended for use by the commander or a member of the crew or any person who proposes to embark on or is on board an aircraft and which, in the opinion of the medical officer or other authorised officer as aforesaid may have been exposed to infection, and he may require the disinfection or destruction of any such clothing, bedding or article of personal use;

(*c*) The medical officer, or other officer as aforesaid may require any parts of an aircraft which, in his opinion, may be infected to be cleansed and disinfected to his satisfaction;

(*d*) No person shall take or cause to be taken on board an aircraft any body linen, clothing or bedding or any article whatsoever which, in the opinion of the medical officer, or other officer as aforesaid, is capable of carrying infection, unless that officer is satisfied that it has been efficiently disinfected;

(*e*) If the locality is declared to be infected with plague, the medical officer may, and shall if so required by the Minister, take steps to secure the deratisation of any aircraft on which he has reason to believe that there are rats;

(*f*) If typhus fever is declared to exist in an epidemic form in the locality, the medical officer may require any person who proposes to embark on or is on board an aircraft and who in his opinion is likely to convey infection, and any article on or proposed to be carried on the aircraft likely to convey infection, to be deloused.

PART IV.—GENERAL.

Appointment and duties of officers and provision of services by local authority.

13. Nothing in this part of these regulations shall affect any power conferred or duty imposed on any person by any other provision in these regulations.

14. For the purposes of these regulations, the responsible authority may, and if so required by the Minister shall,—

(*a*) appoint in addition to the medical officer of health one or more duly qualified medical practitioners for the purpose of performing or of assisting the medical officer of health in the exercise of all or any of the functions assigned to the medical officer by these regulations, and give directions from time to time as to which of the said duties are to be or may be performed by any such medical practitioner;

(*b*) appoint for a sanitary aerodrome one or more assistant officers to act under the direction of the medical officer in the execution of these regulations;

(*c*) at or in connection with a customs aerodrome provide or arrange for the provision of—

(i) premises and waiting rooms for medical inspections and examinations;

(ii) means of transport;

(iii) premises for the temporary isolation of persons for whom such accommodation is required for the purposes of these regulations;

(iv) hospital accommodation for persons to whom these regulations are applicable;

PUBLIC HEALTH

(*d*) at or in connection with a sanitary aerodrome provide or arrange for the provision of—

(i) apparatus or means for the cleaning, disinfection and disinsecting of aircraft, persons and clothing and other articles, and the deratisation of aircraft;

(ii) equipment and facilities for the examination of suspected material in a laboratory;

(*e*) do all such other things as in the opinion of the responsible authority or of the Minister as the case may be, are necessary for the purpose of enabling the provisions of these regulations to be complied with.

Powers and duties of medical officer.

15.—(1) The medical officer may, and if so required by the responsible authority or by the Minister shall,—

(*a*) examine any person arriving by an aircraft who is suffering from infectious disease;

(*b*) examine any person arriving by an aircraft, where there are reasonable grounds for believing or suspecting that infectious disease is or may be present on the aircraft or that persons on board the aircraft have been exposed to infection from infectious disease during the voyage of the aircraft or during a period of three weeks immediately preceding the arrival of the aircraft;

(*c*) detain for the purpose of examination any person whom he is empowered or required under this regulation to examine;

(*d*) take steps with a view to the isolation of any such person if in exceptional circumstances he thinks it necessary, or prohibit him from leaving the aerodrome save upon such specified conditions as appear to the medical officer to be reasonably necessary to prevent the spread of infection;

(*e*) require the commander to take or assist in taking such steps as, in the opinion of the medical officer, are reasonably necessary for preventing the spread of infection by any such person, for the destruction of insects or vermin, and for the removal of conditions on the aircraft likely to convey infection, including conditions the existence of which might facilitate the harbouring of vermin.

(2) At a sanitary aerodrome the medical officer may examine any person arriving by an aircraft who is reasonably believed to be verminous and may cause any such person and the clothing of or other articles belonging to such person to be cleansed and disinfected.

(3) The medical officer shall forthwith communicate to the responsible authority any directions given to him by the Minister under this regulation.

16. The medical officer may cause any person arriving by an aircraft who appears to be suffering from infectious disease other than tuberculosis to be removed to some hospital or other suitable place approved for that purpose by the responsible authority.

17. If an aircraft arrives at a customs aerodrome other than a sanitary aerodrome, and the medical officer considers that such sanitary measures should be applied to the aircraft or the passengers or crew as can be applied only at a sanitary aerodrome, he may direct that the aircraft shall proceed to a sanitary aerodrome, and he shall give the commander notice in writing of such direction and of the reasons for the direction.

18.—(1) The medical officer shall enter in the journey log-book of an aircraft under the heading "Observations"—

(i) if the aircraft leaves the aerodrome within a period of fifteen days from the date on which the medical officer becomes aware of the appearance in the United Kingdom of plague, cholera or yellow fever, or of typhus fever or smallpox in an epidemic form, a statement as to such appearance as aforesaid;

(ii) a statement as to any person embarking on or continuing his voyage in the aircraft who in the view of the medical officer should be placed under surveillance.

(2) The commander shall as soon as practicable enter in the journey log-book under the heading " Observations " a statement of any facts relevant to public health which have arisen on the aircraft in the course of the voyage, and a statement of any sanitary measures prescribed or permitted by the Convention which have been applied to the aircraft before the commencement of or during the course of the voyage. If the commander so requests the medical officer shall verify and certify any entry relating to measures applied by him or at his direction.

19.—(1) In deciding whether any and if so what sanitary measures should be applied to an aircraft or the passengers and crew, the medical officer shall take into account any sanitary measures which have been applied at another aerodrome whether in England and Wales or elsewhere, as noted in the journey log-book of the aircraft, and shall not require the application of any sanitary measures if since their previous application no incident has occurred calling for their renewed application and the aircraft has not visited, except for the purpose of refuelling, a locality infected with plague, cholera or yellow fever, or a locality where typhus fever or smallpox is epidemic.

(2) In applying sanitary measures to an aircraft or the passengers or crew, the medical officer shall have regard to the need for detaining the aircraft for as short a time as possible.

20.—(1) The medical officer shall forthwith inform the customs officer of any measures taken with reference to an aircraft or its cargo, stores or equipment, or the passengers or crew, in pursuance of these regulations.

(2) The medical officer when he releases an aircraft from detention shall give notice in writing to the customs officer, to the commander of the aircraft, and to the person in charge of the aerodrome that, so far as control under these regulations is concerned, the aircraft is free to proceed at or after a date and time stated in the notice.

Duties of commander.

21.—(1) The commander of an aircraft shall—

(*a*) answer all questions as to the health conditions on board which may be put to him by a customs officer or medical officer, or other authorised officer of the responsible authority, produce to those officers the journey log-book of the aircraft if they so require, and furnish them with all such information and assistance as they may reasonably require for the purposes of these regulations;

(*b*) notify forthwith the medical officer of any death caused otherwise than by accident or any case or suspected case of infectious disease on the aircraft, and of any circumstances on board which are likely to lead to infection or the spread of infectious disease; and

(*c*) comply with these regulations and any directions or requirements given to or made of him in pursuance of these regulations.

(2) If an infected aircraft or an aircraft coming from a locality infected with plague, cholera or yellow fever, or a locality where typhus fever or smallpox is epidemic lands elsewhere than at a customs aerodrome—

(*a*) the commander shall forthwith notify the responsible authority or the customs officer or a police officer. He shall comply with any reasonable directions which any such authority or officer as the case may be may give, and shall, if possible, proceed to a sanitary aerodrome;

(*b*) no cargo shall be unloaded from the aircraft without the permission of the customs officer;

(*c*) before any passenger or member of the crew leaves the vicinity of the aircraft the responsible authority or the customs officer or a police officer may require him to state his name and his intended destination and address. If a person having been required so to state his intended destination and address either is unable to do so or arrives within the succeeding fourteen days at a place other than that which he has so stated, he shall immediately after his arrival forward particulars of his actual place of arrival and his address to the responsible authority of the place in which he left the aircraft;

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(*d*) the commander shall take all steps in his power to secure compliance with the provisions of (*c*) of this paragraph.

Compliance with directions, etc., of responsible authority and authorised officers.

22.—(1) Every person to whom these regulations apply shall comply with all directions, requirements or conditions given, made or imposed by the responsible authority or the medical officer or other authorised officer of the responsible authority in pursuance of these regulations, and shall furnish all such information as they may reasonably require (including information as to his name, destination and address) and every person who has for the time being the custody or charge of a child or other person who is under disability shall comply with any directions, requirements or conditions so given, made or imposed, and shall furnish all such information as aforesaid in respect of such child or other person.

(2) Every person who is placed under surveillance or isolated in pursuance of these regulations shall give facilities for any medical examination required by the medical officer of any district in which he may be during the period of surveillance or isolation.

Charges for services.

23.—(1) Where the commander of an aircraft is required by or in pursuance of these regulations to carry out any measures with a view to reducing the danger or preventing the spread of infection, the responsible authority may themselves at the request of the commander, and, if they think fit, at his cost, cause any such requirement to be complied with instead of enforcing the requirement against the commander. When the responsible authority cause any such requirement to be complied with at the cost of the commander they may, if they think fit, require the amount of the charge for the work or a part thereof to be paid to or deposited with them before the work is undertaken.

(2) The amount of the charge for any work so to be undertaken by the responsible authority shall be such reasonable sum as represents the actual or estimated cost to be incurred in undertaking the work excluding any charge or claim in respect of profit, so, however, that it shall not exceed the sum of ten pounds unless notice of the proposed charge has been given to the commander before the work is undertaken.

(3) Where any action (including any measures of disinfection or disinsectisation) has been taken in regard to an aircraft in pursuance of these regulations, the responsible authority or the medical officer shall, on the request of the commander or any other interested person, furnish the commander or such other person free of charge with a statement in writing recording the particulars of any such action and the reasons why the action was taken.

(4) The medical officer shall on the request of any person arriving by an aircraft on which there has been a case of plague, yellow fever, typhus fever or smallpox, or a case presenting clinical signs of cholera, furnish such person free of charge with a statement in writing showing the date of arrival and any sanitary measures to which he or any articles in his possession have been subjected.

Recovery of fees and charges.

24. Every charge authorised by regulation 23 shall be recoverable by the responsible authority as if it were a sum which the local authority are entitled to recover under section 293 of the Public Health Act, 1936, and that section shall apply accordingly.

25. Subject to the provisions of regulation 23 any expenses incurred by a county council a local authority or a port health authority in the execution of the regulations shall be defrayed in the same manner as the expenses incurred by them in the execution and discharge of their existing powers and duties.

Saving for mails.

26. Save as is provided in regulation 27 (2) or in Parts A and B of the schedule to these regulations, nothing in these regulations shall render liable to detention, disinfection or destruction any article forming part of any mail conveyed under the

authority of the Postmaster-General, or of the postal administration of any other Government, or shall prejudicially affect the receipt on board and delivery in due course at the place of destination of any such mail in accordance with the provisions of the Post Office Acts.

Saving for aircraft continuing voyage.

27.—(1) If the commander of an aircraft which has landed at an aerodrome or other place in England and Wales which is not its final destination does not desire to submit to any requirements of these regulations which may be applicable and notifies the medical officer of his intention, he shall be at liberty to continue the voyage without such submission:

Provided that if the aircraft has on board a case of yellow fever, or comes from a locality infected with yellow fever, the medical officer may require that it shall be subjected to such of the measures prescribed or permitted by the Convention in relation to that disease as he considers necessary.

(2) Where the commander notifies the medical officer as aforesaid he shall not land goods or disembark passengers except subject to such conditions as the medical officer may impose in conformity with the provisions of Article 57 of the Convention.

Saving for existing orders.

28. Nothing in these regulations shall affect the Air Navigation Orders or the Aliens Order.

SCHEDULE.

Measures to be carried out in respect of an infected aircraft or an aircraft coming from an infected locality.

PART A.—PLAGUE.

I.—*Infected aircraft.*

1. The aircraft shall be inspected and the passengers and crew shall be medically examined.

2. The sick shall immediately be disembarked and isolated.

3. All other persons shall be placed under surveillance or, in exceptional circumstances, isolated, for a period expiring not later than six days after the date of arrival of the aircraft at the aerodrome.

The following further measures shall be carried out at a sanitary aerodrome:

4. Bedding which has been used, soiled linen, wearing apparel and other articles which, in the opinion of the medical officer, are infected, shall be cleansed of vermin and, if necessary, disinfected, and merchandise proposed to be discharged may, if it is considered liable to harbour rats or fleas, be subjected to such measures as the medical officer thinks fit.

5. The parts of the aircraft which have been occupied by persons suffering from plague or which the medical officer considers to be infected shall be cleansed of vermin, and, if necessary, disinfected.

6. The medical officer may in exceptional cases require the aircraft to be deratised if there is reason to suspect the presence of rats on board and if the operation was not carried out at the aerodrome of departure.

II.—*Aircraft coming from an infected locality.*

1. The passengers and crew may be medically examined.

2. Any such persons may be placed under surveillance or, in exceptional circumstances, isolated for a period expiring not later than six days after the date on which the aircraft left the infected locality.

The following further measures may be carried out at a sanitary aerodrome:

3. The medical officer may in exceptional circumstances require the aircraft to be cleansed of vermin and to be deratised if these operations were not carried out at the aerodrome of departure.

4. Merchandise proposed to be discharged from the aircraft may, if the medical officer considers it liable to harbour rats or fleas, be subjected to such measures as he thinks fit.

PUBLIC HEALTH

PART B.—CHOLERA.

I.—*Infected aircraft.*

1. The aircraft shall be inspected and the passengers and crew shall be medically examined.

2. The sick shall immediately be disembarked and isolated.

3. All other persons shall be placed under surveillance or, in exceptional circumstances, isolated for a period expiring not later than five days after the date of arrival of the aircraft:

Provided that any person who satisfies the medical officer that he has been vaccinated for cholera within the preceding six months, excluding the last six days thereof, shall not be isolated.

4. The medical officer may prohibit the unloading from the aircraft of the following fresh foods, namely, fish, shellfish, fruit and vegetables.

The following further measures shall be carried out at a sanitary aerodrome:

5. Bedding which has been used, soiled linen, wearing apparel and other articles which, in the opinion of the medical officer, are infected shall be disinfected.

6. The parts of the aircraft which have been occupied by persons infected with cholera or which the medical officer considers to be infected shall be disinfected.

7. If the drinking water stored on board is suspected by the medical officer, it shall be disinfected and if practicable emptied out and replaced, after disinfection of the container, by a supply of wholesome drinking water.

II.—*Aircraft coming from an infected locality.*

1. The passengers and crew may be medically examined.

2. Any such persons may be placed under surveillance or, in exceptional circumstances, isolated for a period expiring not later than five days after the date on which the aircraft left the infected locality:

Provided that any person who satisfies the medical officer that he has been vaccinated for cholera within the preceding six months, excluding the last six days thereof, shall not be isolated.

3. The unloading from the aircraft of the following fresh foods, namely, fish, shellfish, fruit and vegetables may be prohibited.

PART C.—TYPHUS FEVER.

I.—*Infected aircraft.*

1. The passengers and crew shall be medically examined.

2. The sick shall immediately be disembarked, isolated and deloused.

3. Any other person reasonably suspected to have been exposed to infection may be placed under surveillance or, in exceptional circumstances, isolated for a period expiring not later than twelve days after the date on which he was deloused.

The following further measures shall be carried out at a sanitary aerodrome:

4. Any person reasonably suspected to be harbouring lice shall be deloused.

5. Bedding which has been used, linen, wearing apparel and any other article which the medical officer considers to be infected shall be disinsected.

6. The parts of the aircraft which have been occupied by persons suffering from typhus fever or which the medical officer considers to be infected shall be disinsected.

II.—*Aircraft coming from an infected locality.*

The passengers and crew may be placed under surveillance or, in exceptional circumstances, isolated for a period expiring not later than twelve days after the date on which they left a locality where typhus fever is epidemic.

PART D.—SMALLPOX.

I.—*Infected aircraft.*

1. The passengers and crew shall be medically examined.

2. The sick shall immediately be disembarked and isolated.

3. Any other person reasonably suspected by the medical officer to have been exposed to infection on board shall be offered vaccination and shall be placed under surveillance or, in exceptional circumstances, isolated for a period expiring not later than fourteen days after the date of arrival of the aircraft:

Provided that a person shall not be placed under surveillance or isolated if after vaccination he shows local signs of early reaction attesting an adequate immunity, or if he satisfies the medical officer that he has been vaccinated within a period of three years, excluding the last twelve days thereof, or that he has had a previous attack of smallpox.

The following further measures shall be carried out at a sanitary aerodrome :

4. Bedding which has been used, soiled linen, wearing apparel and any other article which the medical officer considers to have been recently infected shall be disinfected.

5. The parts of the aircraft which have been occupied by persons suffering from smallpox or which the medical officer considers to be infected shall be disinfected.

II.—*Aircraft coming from an infected locality.*

The passengers and crew, except any persons who satisfy the medical officer that they fall within the proviso to paragraph I. 3 of this part of the schedule, may be placed under surveillance or, in exceptional circumstances, isolated for a period expiring not later than fourteen days after the date on which they left a locality where smallpox is epidemic.

Given under the official seal of the Minister of Health this seventh day of April, nineteen hundred and thirty-eight.

(L.S.)

J. N. BECKETT,
Assistant Secretary,
Ministry of Health.

Signed by order of the Commissioners of Customs and Excise.

E. H. KENNEY,
Assistant Secretary for
Customs and Excise.

Notes.—(1) By section 143 (4) of the Public Health Act, 1936, authorised officers of local authorities and officers of customs and excise have power to enter any premises or aircraft for the purpose of executing, or superintending the execution of, any regulation made under the section.

(2) By section 143 (5) any person who wilfully neglects or refuses to obey or carry out or obstructs the execution of any regulation made under the section is liable to a fine not exceeding one hundred pounds, and in the case of a continuing offence to a further fine not exceeding fifty pounds for every day during which the offence continues after conviction therefor.

CIRCULAR 1906.

County Councils.
Local Authorities.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
20*th November*, 1939.

INFLUENZA.

SIR,—1. I am directed by the Minister of Health to transmit for the information of the Local Authority the enclosed copy of a revised edition of the Memorandum on Influenza (Memorandum $\frac{2}{\text{Med.}}$) which was last brought to the notice of Local Authorities by Circular 955 of January 4th, 1929. The Memorandum includes, *inter alia*, a statement of the principal known facts regarding influenza, a brief review of the history of the disease in this country during recent years, and advice as to measures of personal protection.

2. Part III of the Memorandum enumerates the administrative measures which may be taken by Local Authorities to prevent the occurrence of the disease and to minimise the spread of infection. In this connection I am to remind the Authority that the Minister's general sanction has already been given to the provision by Local Authorities in periods of influenza prevalence of medical assistance (including nursing and the dispensing of doctors' prescriptions) for the poorer inhabitants of their districts who are suffering from the disease.

'UBLIC EALTH

3. A copy of this Circular and a copy of the Memorandum are being sent to the Medical Officer of Health and further copies of the Memorandum may be purchased from His Majesty's Stationery Office or through any bookseller. (Price 2*d.* net, by post 2½*d.*)

I am, Sir,
Your obedient Servant,
J. N. BECKETT.
Assistant Secretary.

The Clerk of the Authority.

MEMORANDUM $\frac{2}{\text{Med.}}$ (*a*).

MINISTRY OF HEALTH.

MEMORANDUM ON INFLUENZA.

I.—INTRODUCTION.

Recent revival of interest in the elusive and baffling disease appropriately named "influenza" dates from the terrible pandemic of 1918–19. Previous pandemics had occurred in 1803, 1833, 1837, 1847 and 1890, but none of these was so devastating in its effects as that of 1918. The disease first made its appearance in this country in June and July of that year, and was followed after a short interval by a second wave of prevalence during October, November and December. A third wave of considerable magnitude occurred in the following February and March.

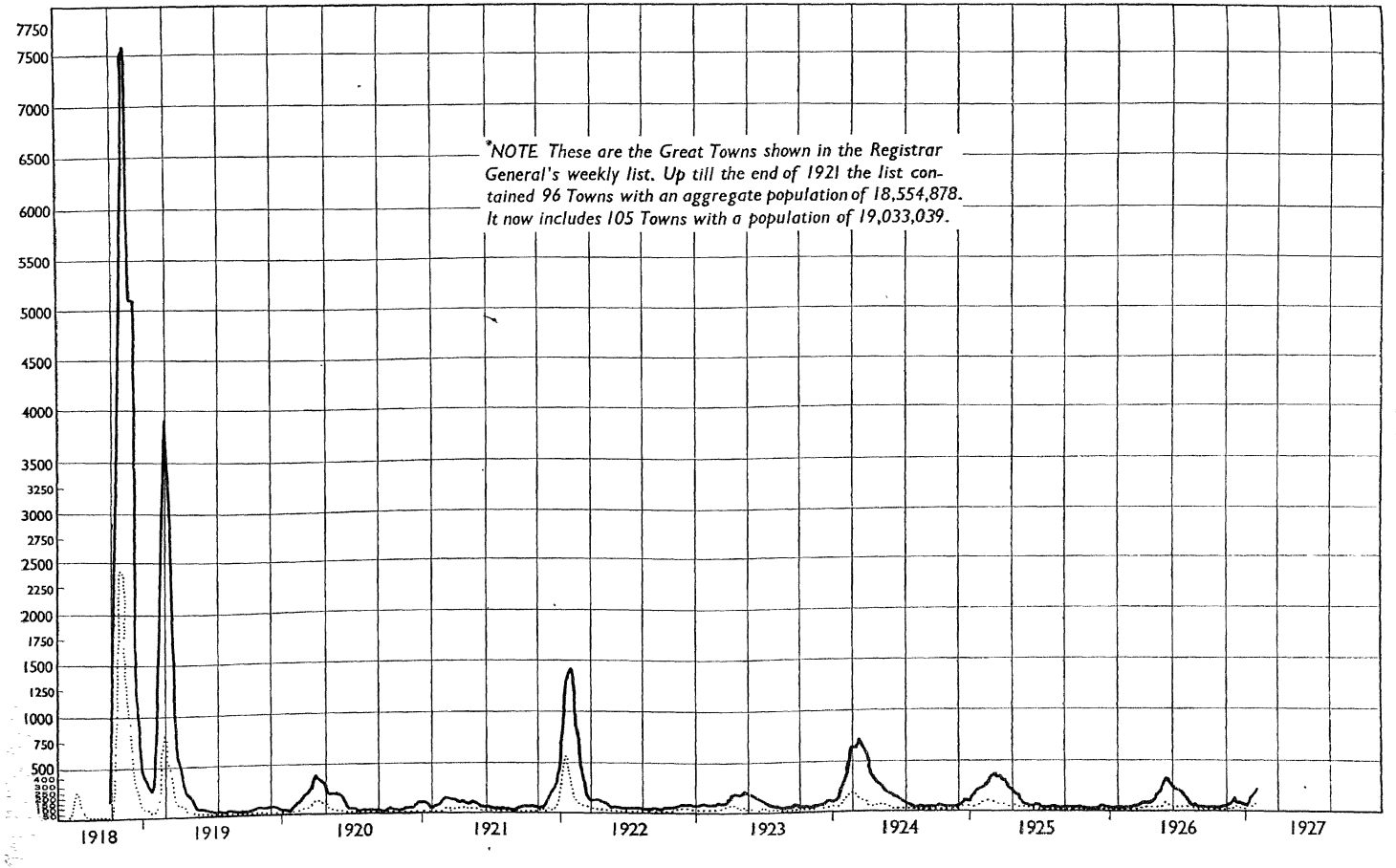
In the summer epidemic the civilian population escaped comparatively lightly, although in the aggregate the death roll was considerable. In the seven weeks from June 22nd to August 10th, 1918, the number of deaths from influenza in the ninety-six Great Towns (population 18,554,878) numbered 4,894, or 29·3 per 100,000 population. The second and third waves were characterised by a much more severe type of illness with marked tendency to pulmonary complications and a consequently heavier mortality. From October 12th to December 28th, 1918, the deaths in the ninety-six Great Towns registered as due to influenza were 44,537, *i.e.*, 269 per 100,000 population. Higher rates, over 400 per 100,000, occurred during this period in some of these great towns. In the winter epidemic the corresponding figures for the period February 1st to April 5th, 1919, were 17,219, or 104 per 100,000 population.

The 1918–19 epidemic was world-wide and caused more deaths and disablement than the Great War. In India alone it is estimated that more than six million persons died from the disease. In England and Wales the deaths during the forty-six weeks June 23rd, 1918, to May 10th, 1919, numbered 151,446, including 140,989 civilians—equivalent to an annual civilian death-rate of 4,774 per million population. No such mortality as this has ever before been recorded for any epidemic in this country since registration commenced. The only outbreak approaching it in severity was the cholera epidemic of 1849, when the mortality from that cause reached 3,033 per million population.

Apart from its severity, the most noteworthy feature of the pandemic was the change in the age incidence of the deaths from the extremes to the middle years of life. Young adults were specially affected, not only in this country, but also in France and in America. The largest proportion of deaths occurred in persons under forty-five years of age. This characteristic has been absent in subsequent outbreaks.

The history of influenza in England and Wales since 1919 is graphically shown in the accompanying chart of the deaths from that disease week by week in London and the Great Towns (which has appeared annually in the official report *On the State of the Public Health*). It will be observed that considerable outbreaks occurred in 1922 and 1924, with minor recrudescences in other years.

(*a*) Issued in 1927 and revised in 1929 : see Circular 1906, *ante*, p. 3551.


INFLUENZA DEATHS.
GREAT TOWNS (R.G.)*
LONDON.
*NOTE These are the Great Towns shown in the Registrar General's weekly list. Up till the end of 1921 the list contained 96 Towns with an aggregate population of 18,554,878. It now includes 105 Towns with a population of 19,033,039.
7750
7500
7000
6500
6000
5500
5000
4500
4000
3500
3250
3000
2750
2500
2250
2000
1750
1500
1250
1000
750
500
1918
1919
1920
1921
1922
1923
1924
1925
1926
1927

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For purpose of comparison the deaths from influenza and pneumonia year by year since 1913 are given in the following table :

Year.	Deaths from Influenza.		Deaths from Pneumonia (all forms).	
	England and Wales (including London).	London.	England and Wales (including London).	London.
1913 . .	6,394	867	37,530	5,788
1914 . .	5,964	613	40,070	5,604
1915 . .	10,484	1,058	48,874	7,133
1916 . .	8,791	915	37,916	5,222
1917 . .	7,289	751	39,832	5,638
1918 . .	112,329	13,085	59,666	7,909
1919 . .	44,801	4,259	38,949	4,630
1920 . .	10,665	1,364	37,149	5,315
1921 . .	8,995	1,024	34,708	4,901
1922 . .	21,498	2,600	40,930	6,578
1923 . .	8,461	764	33,413	4,334
1924 . .	18,986	1,680	38,970	5,294
1925 . .	12,721	1,082	36,990	4,795
1926*. .	8,751	786	†	4,276

It should be understood that the deaths attributed to influenza are generally due to pulmonary or cardiac complications, and not to influenza itself; influenza if uncomplicated, produces a short, sharp illness, from which recovery is usually rapid. In severe and fatal cases the intervention of some microbe not specifically associated with influenza has usually been demonstrated. This invasion has doubtless been facilitated by a lowering of resistance produced by the specific virus. The occurrence of pneumonia is one of the commonest effects of such an invasion, particularly in the autumn and in the spring.

Infection passes very rapidly through a community. In any particular locality affected during epidemic prevalence the period during which the disease spreads acutely and swiftly is usually some four or five weeks, being longer than this in the case of large towns, and shorter in that of smaller compact communities.

Broadly speaking, all parts of the country usually participate in an epidemic, but the date of onset varies in different areas. For example, in the autumn epidemic of 1918, a sort of halting progress could be traced from the south and west upwards towards the north-eastern counties. In the 1919 epidemic, there appeared to be reversal of this order, and the northern towns were among the first to be attacked. Various methods of forecasting the period when influenza is likely to become epidemic have been suggested. The two best known, that of Dr. Brownlee postulating a recrudescence at intervals of thirty-three weeks and that of Mr. Spear which assumes that epidemics tend to occur at equal intervals before and after the thirty-fifth week of the year, have been considered to give fairly satisfactory results, especially perhaps the latter. But, from the nature of things, having regard to the fact that no such rules could throw any light upon the *severity* of an epidemic, it must be admitted that our present knowledge of the epidemiology of influenza is insufficient to enable a central authority to give timely warning of the oncoming of a serious epidemic.

Epidemic periods usually end by the waves of prevalence becoming less intense and more widely spaced out. The existence of influenza in these later periods becomes more and more confused with that of ordinary colds and acute catarrhs, which come to be regarded as "influenza" on comparatively slight evidence. Various ailments, such a neuritis, which may owe their origin to a variety of causes, are also somewhat loosely attributed to influenza, as a result of the fact that such ailments, during the main epidemic period, frequently complicate influenza. Thus, by degrees, Acute Epidemic Influenza ceases to be thought of, but "influenza" remains a term which is applied generally to many catarrhal and indeterminate febrile conditions of which is invoked as a probable explanation of the occurrence of symptoms which are

* Provisional figures. † Not yet available.

known to follow influenza. The consequent difficulty in securing a continuous record of the occurrence of true influenza is one of the factors which makes it impossible to forecast with any confidence the arrival of a new epidemic wave.

Research into the causation of influenza, into its spread in epidemic form, into its pathology, and into its remedy, is being continuously pursued by many workers of our own and other countries. Steps have been taken by the Ministry to keep as fully informed as possible of its general results and to participate in epidemiological inquiries. The *Report on Influenza* * published by the Ministry in 1920 reviewed and brought up to date our knowledge of the epidemiology of the disease. Since then other investigations have been initiated under the auspices of the Ministry, and at present a comprehensive study is being made of the flora of the nose and throat with particular reference to the organisms associated with the complications of influenza and the possibility of correlating changes in their distribution with the occurrence of epidemics. Such investigations, however keenly pursued, and however many the workers, require time and patience if trustworthy results are to be obtained. As yet we do not know the nature of the living virus to which influenza is due. The laboratory has not yet given us a specific form of treatment of influenza or of protection against it.

At present, therefore, the fact must be accepted that in a period of world-wide prevalence most members of the community who go about their ordinary avocations must expect to be exposed to infection and many to have the illness in some form or other, all scientific investigations notwithstanding. Nevertheless, it is the duty of the individual not only to do the best for himself in case of attack, but, as much depends on the intensity and dose of the infection, to do his best also to protect others. It is likewise the duty of public health authorities to take any practicable steps, during a wave of epidemic prevalence, (*a*) to lessen the opportunities of infection, (*b*) to assist in the treatment and nursing of individual cases, and (*c*) to help to mitigate the hardships and risks which often result when several members of a household are simultaneously attacked.

In these circumstances it will be convenient here, first, to restate for public information some of the principal known facts regarding influenza, and, secondly, to review some of the experience which has been gained by local authorities in their attempts to deal with outbreaks of this disease.

II.—General Observations on Influenza, and the Individual Action Required when the Disease is Prevalent.

No sure means are yet available for distinguishing the "common or influenzal cold" from true influenza, nor is it yet certain that they are distinct clinical entities. The autumn and winter outbreaks of "influenzal catarrh" are, except in severity, clinically indistinguishable either in themselves or in their complications, including pneumonia, from the disease which wrought such world-wide havoc during the pandemics of 1918 and 1890. The disproportionate occurrence of a special symptom, a well-recognised phenomenon in the case of epidemics, does not invalidate this statement.

The Bacteriology of Influenza.

No conspicuous advance has been made recently in our knowledge of the bacteriology of influenza. Opinion is still divided between adherents of Pfeiffer's theory and those who believe that the true causal agent is some other organism—probably a filter-passer. Recent reports on the isolation of a filter-passer, while not lacking conviction on the part of their authors, recognise that the work has not yet advanced to the stage which would entitle this theory to general acceptance. And, on the other hand, the claims for Pfeiffer's bacillus are now put forward in a somewhat temperate fashion, with the admission that they are not fully substantiated. Work is still being done on the filter-passer which Olitsky and Gates have called *Bacterium pneumosintes*. But though some confirmatory results of their work have been announced, the general attitude of the profession remains one of scepticism.

* Reports on Public Health and Medical Subjects No. 4.

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Whilst maintaining that the causal relationship of his bacillus is still the be explanation which is available, Pfeiffer admits that the influenza problem has n yet been conclusively solved. He recognises that no explanation is forthcoming f the remarkable increase in the virulence of the bacillus which must be assumed occur at the onset of an epidemic. Attempts to associate the bacillus with the disea by serological methods have not proved satisfactory.

The present outlook as to the primary causation, therefore, is not particular hopeful. It seems likely that the Pfeiffer school will continue for an indefinite peri to point to the absence of a better claim and to ask that judgment should be award to them by default; and the opposite side have in all probability a long task befo them if they are to accumulate sufficient evidence to carry conviction.

This unsatisfactory aspect of the influenza problem naturally gives rise to t question why bacteriological progress is so slow. Probably one reason is that t nature of the work, in dealing with the diseases which are now *sub judice*, presen greater difficulties than those which were overcome by the brilliant bacteriologic discoveries of last century. For example, in anthrax, tuberculosis and plagu absolute proof was readily attainable. The discovered bacillus was always found the particular disease and in no other; it could be grown without difficulty in pu culture outside the body; and, by means of such cultures, the same disease cou easily be reproduced experimentally and the bacterium could be recovered from t lesions. But there is a scientific consciousness at the present day that these thr postulates cannot always be fulfilled in respect of all diseases which are undoubted of microbic origin. It is possible for one bacterial species to produce more than o kind of "disease." It is not true that the same bacteria (not artificially attenuate regularly produce disease when the conditions of their environment are the sam With some species of bacteria, capacity for virulence is highly irregular and variabl the same strain may produce acute infection or chronic disease, or it may fail cause any lesions; and a strain which has previously behaved as a harmless sapr phyte may suddenly acquire unanticipated virulence *in vivo*. The reasons for the changes in bacterial capacity and power are highly obscure and form one of the mo important problems in the study of bacterial infection. Their elucidation w possibly help to solve the influenza problem.

Means by which infection takes place.

In regard to the means of spread of the disease, experience has provided, howev more certain ground of fact. Infection is conveyed from the sick to the healthy the secretions of the respiratory surfaces. In coughing, sneezing, and even in lo talking, these are transmitted through the air for considerable distances, in the fo of a fine spray. There is a special danger of receiving a massive infection from person talking loudly within four feet, or coughing or sneezing, without interposing a screen, within ten feet. A lesser danger is incurred when finer infective particles a carried longer distances by draughts or air convection currents. The channels reception are normally the nose and throat, and there is evidence that infection c be received through the eyes. Only a brief exposure appears to be necessary order to contract infection.

It is manifest that the closer the contact, the more readily will transmission infection occur; hence the paramount importance of avoiding overcrowding a thronging of every sort, whether in places of public resort, public conveyanc factories, camps, dwelling-rooms or dormitories. Special danger of spread of sec dary infections, with consequent increase in the number of severe cases, is incur when many persons are aggregated in the same sleeping quarters, with insufficie space between head and head.

Infection can also be carried to the mouth by hands which have been soiled secretions from the nose or throat of an infected person; for example, by a soi pocket handkerchief. The evidence available makes it appear probable that, everyday life, acute and temporary overcrowding in trains, trams, omnibuses a places of entertainment is a more important factor in the spread of epidemic influe than is overcrowding in the home. No regular increase of the attack r with increase of the number of persons per room in urban tenements has b proved.

Incubation.

The sum of available evidence favours the belief that the period of incubation is bout forty-eight hours, or even somewhat less.

Immunity after attack.

Persons attacked by influenza in the summer of 1918 suffered less than the rest f the population in the following autumn epidemic. Relatively, there were also ewer severe and fatal cases in the autumn among those who had previously been ffected in the summer. Thus there is evidence that an attack of influenza may, for few months at least, confer some degree of immunity against a second attack, nd also may diminish the severity of a second illness should it occur. This rule has, owever, been subject to a sufficient number of individual exceptions to make it robable that some strains of the infecting organism do not protect against second ttacks. In particular, there is little evidence that attacks in the autumn of 1918 onferred substantial immunity from infection in the following winter.

Measures of Personal Protection.

The dangers of influenza are gravely increased by the complications, and much an be done to avoid or to mitigate these. Such complications may develop without revious signs of severe illness.

Carefulness does undoubtedly decrease, and carelessness increase, both sickness nd death ; it is important, therefore, that the public should have a clear idea of such practicable measures of personal protection as are available against infection. The ndividual must be taught to realise and acquiesce in his duty to the community.

Ventilation.—Well-ventilated airy rooms promote physical well-being, and to hat extent, at any rate, are inimical to infection. Fresh air dilutes and dissipates nfective material. Draughts are due to unskilful ventilation, and are harmful; chilling of the body surface should be avoided.

Nutrition.—Good nourishing food is desirable. A memorandum issued in 1919 by the Royal College of Physicians states that " alcoholic excess invites disaster ; within the limits of moderation each person will be wise to maintain unaltered whatever habit experience has proved to be most agreeable to his own health." Cod-liver oil is often a valuable supplement to the dietary.

Gargles for the throat.—Throat gargling night and morning, or more frequently during an epidemic, has been recommended as a preventive measure, though its importance should not be overrated. It may be employed with special advantage on returning home after exposure to infection in a crowd or close contact with an infected person. Various antiseptics have been recommended for this purpose, but probably the most effective, as well as the most popular, is thymol in one or other of its combinations. A simple and agreeable mouth wash for ordinary use is made by adding a full tablespoonful of compound glycerine of thymol to a tumbler of warm water. A cheaper form of gargle and probably as effective, is made by adding permanganate of potash to a tumbler of warm water, enough to give the liquid a pink colour (1 part of permanganate in 5,000).

Face Masks.—On present knowledge the public is not advised to make use of face masks during a period of influenza prevalence. By hindering the free circulation of air through the nasal passages they cause turgescence and œdema of the mucous membrane and probably induce greater liability to attack by any germs which may be present. Temporary use of masks by those in attendance on the sick may, however, be occasionally desirable.

Protection by Vaccines.—The chief dangers of influenza lie in its complications. Until the causal organism of influenza has been isolated with certainty and cultivated, we cannot hope to prepare a vaccine which can be guaranteed to ward off an attack of the disease, but there is presumptive evidence that something can be done by the use of vaccines of suitable composition to lessen the risk of the attack being complicated by secondary infections. For example, there is still doubt as to the ætiological significance of the bacillus isolated and described by Pfeiffer. It may or may not prove to be the essential infecting agent. There is no question, however, as to its almost constant association with influenza and of its being a factor of primary

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importance in the production of the fatal sequelæ. On the other secondary invaders, the pneumococcus and streptococcus are the most important.

It is mainly with the intention of mitigating or preventing the sequelæ of influenza that vaccines have hitherto been employed. Most of those which have been tried consist of killed emulsions of the above-named organisms, either singly or in combination. Vaccines of this description have been widely used both at home and abroad since 1918. Such direct evidence as the Ministry has been able to collect does not encourage an optimistic view of their value. On the other hand, we have the testimony of individual observers which seems to show that they may be of service in certain cases in diminishing the severity of the attack.

Protection by drugs.—No drug has yet been proved to have any specific influence as a preventive of influenza.

Needless exposure.—During influenza prevalence, those who are able to do so will diminish their chances of contracting the disease by keeping away from all places of public resort or social gatherings. Most persons are able to avoid at least some occasions of forming part of a crowd or assembly without prejudice to their necessary occupations, and should do so.

PRECAUTIONS WHEN ATTACKED.

Continuing at work after the first symptoms appear is bad for the patient, and may be dangerous to others. Workers obviously ill should at once be sent or taken home. Where influenza is prevalent no person should in any way be penalised for staying away from work *bona fide*, for even a slight attack of influenza or any form of feverish cold. On the contrary, he should be expected and required so to do.

At the first feeling of illness or rise of temperature the patient should *go to bed, keep warm, and seek medical treatment.* The doctor, if called in immediately at onset, is afforded the opportunity of giving advice or treatment which may in many cases ward off the more dangerous complications. Relapses and complications are much less likely to occur if the patient goes to bed at once and remains there till all fever has gone for two or three days; much harm may be done by getting about too early. Chill and over-exertion during convalescence are fruitful of evil consequences.

The early stages of an attack are the most infectious, but infection may persist throughout the illness, and isolation should be maintained at least till the temperature is normal. If the patient cannot occupy a separate room, the head of the bed should, if possible, be screened off from the rest of the apartment.

The virus of influenza is easily destroyed, and extensive measures of disinfection are not called for. Expectoration should be received when possible in a suitable receptacle in which is a solution of chloride of lime or other distinfectant. Discarded handkerchiefs should be immediately placed in disinfectant or, if of paper, burnt.

The liability of the immediate attendants to infection may be materially diminished by avoiding inhalation of the patient's breath, and particularly when he is coughing, sneezing or talking. A handkerchief or other screen should be held before the mouth, and the head turned aside during coughing and sneezing. The risk of conveyance of infection by the fingers must be constantly guarded against, and the hands should be washed at once after contact with the patient or with mucus from the nose or throat.

Each case should be treated under the direction of the medical attendant. No drug has as yet been proved to have any specific curative effect on influenza, though some may be useful in guiding its course and mitigating its symptoms. The patient's recovery should be fully established before he returns to work.

III.—ACTION BY SANITARY AUTHORITIES TO COMBAT INFLUENZA OUTBREAKS.

Quarantine.—The question of the prevention by quarantine of the importation of influenza from abroad has been considered and may be dismissed as impracticable.

Education.—Health authorities should endeavour to inform the public, by means of leaflets, posters, notices in the Press, lectures in the schools, etc., as to the nature and gravity of the malady, how to prevent infection, and the precautions to be observed in case of attack. The leaflets should advise ordinary prudence in diet and

general mode of life, the avoidance of crowded gatherings, the importance of free ventilation, early isolation of the sick, cleanliness, the disinfection of discharges from the nose and mouth, and other precautions calculated to maintain the health and resistance of the individual and to diminish the opportunities of infection.

In this connection it is particularly desirable that authorities should make widely known full and exact information respecting the local facilities which have been provided in the district. Thus:

How to apply for nursing assistance.
Special arrangements, if any, for the provision of domiciliary medical attendance.
How to apply for "home help" for an influenza-stricken household.
Special arrangements made during an epidemic at public kitchens, crèches, etc.
Hospitals available for sudden or severe cases.
Ambulance service or first aid available.
Or other necessary local information.

Notification.—On a balance of the considerations involved, the Ministry have decided that it is not advisable to make influenza a disease which is compulsorily notifiable throughout the country. Better prevention of this disease cannot be expected as a result of its notification; while the notification of all "influenza" does not help local authorities to the knowledge of those cases where assistance to the individual patient or his household is most needed.

Moreover, regarded merely from the statistical standpoint, the value of influenza notification returns is limited, both on account of the numberless unnotified cases not seen by a doctor and of the uncertainties often attaching to the significance of the term "influenza."

Notification of severe cases.—In some places it may, however, be possible to make a useful arrangement with local practitioners whereby all cases in which the assistance of the local authority is required, in the form of nursing, home help, or institutional treatment, are notified voluntarily to the Medical Officer of Health. Elsewhere, health visitors may be employed to obtain knowledge of all such cases in the ordinary course of their district visiting. Under the Public Health (Pneumonia, Malaria, Dysentery, etc.) Regulations, Acute Primary Pneumonia and Acute Influenzal Pneumonia are now compulsorily notifiable in all districts in England and Wales.

Efforts to lessen the opportunities for infection.—Notwithstanding the wide distribution of advice, the importance of isolation of the patient and of protection of those in attendance on him appears to be only imperfectly realised. One of the most tragic features of the last pandemic was the high mortality in hospital staffs. It is possible that some of this might have been prevented by the observance of the precautions ordinarily adopted in nursing acute infectious diseases.

Closure of Schools.—This measure may sometimes be employed with advantage, particularly in rural and small urban districts where the excluded children have few opportunities of coming in contact with each other outside the school; the measure is of little utility in densely populated urban areas. Where the closure of day schools is resolved upon, the Sunday schools should also be closed. Children showing symptoms of influenza should be excluded from school during the period of attack, and should not be re-admitted until a careful medical examination of the heart and lungs has been made to eliminate possible latent complications and sequelæ.

Public places of entertainment are justifiably regarded as important foci of the spread of the disease. By the terms of their licence, the proprietors of many cinema theatres are compelled, under certain circumstances, to exclude from their performances children of school age, and to provide intervals for the efficient perflation and ventilation of the building. Regulations issued by the Local Government Board in November, 1918, made these conditions apply to all places of public entertainment throughout the country. These emergency regulations, which were admittedly incomplete in certain respects, were withdrawn in May, 1919, with the subsidence of the winter wave, and no sufficient justification has yet been advanced for their re-issue.

Other centres of overcrowding.—The overcrowding of trains and trams was held largely responsible for the spread of the disease in 1918, and in the light of further experience, the Ministry are disposed to endorse this opinion; it must be remembered

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that the intensity of such congestion is usually greater than in even grossly overcrowded tenements. The fact that it is only endured for short continuous periods is not a barrier to successful passage of a highly infective virus from person to person. As regards 'buses and trams, permanent through ventilation should be generally advocated and adopted.

Disinfection.—The routine disinfection of premises and articles after use by influenza patients is not called for, but a thorough washing and cleansing of rooms and their contents and of washable articles, bedding or apparel is desirable. The practice of spraying halls and places of public resort with a disinfectant fluid is of doubtful utility, and only tends to create a false sense of security.

Organisation of domiciliary medical and nursing service and division of district into areas for this purpose.—Where, in serious epidemics, difficulty is experienced in securing early and adequate professional treatment of the cases as they arise there is sometimes advantage in forming a "pool" of unattached medical men whose services can be placed at the disposal of practitioners as required. In the larger areas part of such a "pool" may be formed by the use of the health authorities' own medical staff.

Shortage of nurses is often a more serious problem, but much may be accomplished by subdividing the districts into small areas and using one or more nurses in each area as a nucleus round which a service of voluntary helpers can be gathered. In extreme emergencies it may even be advisable for a local authority to suspend temporarily its maternity and child welfare work and to liberate its health visitors for domiciliary nursing. The co-operation of the local district nursing association, if such exists, should be enlisted in carrying out any scheme of nursing which may be decided upon. Much can also be done in the way of providing home assistance. All cases coming to the notice of the health visitors may be carefully investigated, note being made as to the amount and kind of assistance needed. In certain districts it may be found desirable, during a period of special stress, that emergency kitchens should be improvised for the supply of food to affected households; it is often advisable to establish crèches for the reception of children from households where the patients are stricken with the disease.

Provision of institutional treatment.—Often a local authority will find it helpful to use one or more wards of the Isolation Hospital to supplement the accommodation provided by the General Hospitals and Poor Law Infirmaries, but care is required in the selection of cases for removal to hospital. It should be remembered that, as a rule, patients with pulmonary complications bear removal badly, and, therefore, it should only be attempted with the concurrence and under the supervision of the medical practitioner in attendance. In hospital, the patient should be isolated by screening or otherwise, and ambulance and nursing attendants should observe all precautions usual in treating an acutely infectious respiratory disease.

The importance of rest, warmth, and free ventilation in the treatment of influenza should always be emphasised. By the establishment of emergency hospitals in schools, halls and large unoccupied private houses, the supply of doctors and nurses—particularly the latter—may be considerably economised.

Drugs, etc.—Attempts to induce an increased resistance to infection by administration of commercially advertised medicinal remedies appear to have been justly deprecated or actually discountenanced as likely to do more harm than good.

IV.—SUMMARY AS TO LOCAL ACTION.

It is evident that in some directions local authorities can do much good by energetic action during a wave of epidemic prevalence. Measures can be taken which in the aggregate may reduce the opportunities of exposure to infection, and by thus helping to space out the epidemic something is done to prevent the serious dislocation of the ordinary life of the community which it produces—a dislocation which itself increases the danger by making proper care of the sick difficult. The most important services which can be rendered, however, consist in the *organisation of the available nursing service and the provision of assistance to influenza-stricken households.*

Ministry of Health,
Whitehall, S.W.1.
January, 1927.

GEORGE NEWMAN, M.D.

CIRCULAR 1903.

PUBLIC HEALTH

County Councils.
Local Authorities.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
26th January, 1940.

DIPHTHERIA PROPHYLAXIS.

SIR,—1. I am directed by the Minister of Health to enclose for the information of the Authority a copy of a revised edition of the Memorandum on the Production of Artificial Immunity against Diphtheria (Memo. 170/Med.), the original edition of which was issued in November, 1932.

2. It is hoped that this brief statement will simplify the task of Local Authorities and Medical Officers of Health in districts in which the question of immunisation is under consideration; and that it will be useful to medical practitioners generally.

3. It is also believed that, in view of the present emergency, the Memorandum will be of particular interest to Authorities in Reception Areas.

4. The Minister is prepared, on the application of a Local Authority, to approve, under Section 177 (1) of the Public Health Act, 1936, or Section 277 of the Public Health (London) Act, 1936, the gratuitous provision of the necessary facilities. In cases of County Councils which are also Welfare Authorities, approval would be given under Section 204 of the Public Health Act, 1936, to the provision of facilities for immunisation as a part of the Maternity and Child Welfare Service.

5. The Authority will, of course, appreciate the necessity of obtaining in advance the written consent of the parents or guardians of all children whom it is proposed to test or immunise.

6. Copies of this letter and of the Memorandum are being sent to the Medical Officer of Health. Further copies of the Memorandum can be purchased from His Majesty's Stationery Office or through any bookseller. (Price 1*d.* net, by post 1½*d.*)

I am, Sir,
Your obedient, Servant,
J. N. BECKETT,
Assistant Secretary.

The Clerk of the Authority.

MEMORANDUM 170/MED. (*a*)

MINISTRY OF HEALTH.

THE PRODUCTION OF ARTIFICIAL IMMUNITY AGAINST DIPHTHERIA.

I.—GENERAL CONSIDERATIONS.

1. Diphtheria is a disease due to invasion of the upper respiratory passages by a bacillus, *Corynebacterium diphtheriæ*, which grows and multiplies on the mucous membrances. The results of this growth are twofold; (1) there is local damage to the mucous surfaces with the formation of an inflammatory exudate; this may cover only a small portion of the tonsils or palate or may be very extensive, spreading into the larynx and trachea so as to cause suffocation: primary attack on the nose, larynx and trachea also occurs; (2) the production locally of a potent toxin which is absorbed into the blood stream and damages such important organs as the heart, liver and nerves. Death is most commonly due to these toxic effects.

2. Diphtheria is essentially a disease of children under fifteen years of age. About 60,000 cases are notified annually in England and Wales and the average annual number of deaths is approximately 3,000. It occupies the seventh place in order of

(*a*) First published 1932; revised 1940.

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magnitude amongst the causes of mortality during the first two years of life, and at four it becomes and remains for six or seven years the principal cause of death. Diphtheria is therefore the most common sole cause of death in children of school age; no abatement of incidence or permanent reduction of mortality has taken place since the early years of the century. The annual reports of the Registrar-General show that in 1910 the incidence per 100,000 of the population was 133 and the mortality under fifteen years of age was 38·4; in 1920 the corresponding figures were 186 and 51; in 1930 184 and 34; in 1937 149 and 31.

3. Attempts to control the spread of Diphtheria by compulsory notification, removal to hospital and the disinfection of rooms, bedding, clothes, etc., have long ago reached the limit of their usefulness. The reason for this is that diphtheria is most commonly conveyed by direct transmission from an infective person of droplets of moisture discharged into the air during coughing, sneezing, laughing or even during talking and deep breathing. Infective persons are not necessarily, or even most commonly, those obviously suffering from the disease or in the incubation stage of it; the chief source of infection is the apparently healthy "carrier," *i.e.*, the person who shows no sign of illness but whose throat or nose is harbouring virulent diphtheria bacilli. In districts where diphtheria is endemic the infection is gradually disseminated in this way with the result that a large proportion of the population become immunised to the disease before the end of school life, but the cost of this (natural) process is heavy—in mortality, in sickness and in permanent disability.

4. Artificial immunisation on the other hand when carried out with proper precautions involves no risk to the individual or the community. The experience of the United States of America and of Canada shows that if three-quarters of the number of children at each year below fifteen were immune and this level be maintained year by year it will practically abolish the disease. The immunisation of children of school age will not suffice to reduce the incidence of Diphtheria in a community. This can only be accomplished if the majority of children of pre-school age are also immunised.

It is obviously desirable that the advantages of this form of protection should be brought to the notice of parents and guardians of children of over one year of age and that where practicable the necessary facilities should be offered to them.

II.—THE BASIS OF ACQUIRED IMMUNITY.

1. In early infancy, apart from the first few months of life when a variable degree of passive immunity may exist, there is no defence against diphtheria except the feeble resistance that the cells of the mucous membranes may offer to the implantation and growth of the organism. As the child grows up in a community in which diphtheria is endemic it will be found to develop in its blood a protective substance, antitoxin, which can combine with and render harmless the specific toxin of diphtheria. This antitoxin can be measured with considerable accuracy. It varies in amount from fractions of a unit to several units per 1 ml. of blood. When present to the extent of 0·01 of a unit or more per 1 ml., it confers on the child (or adult) complete or almost complete protection from recognisable or severe diphtheria.

2. This protection can be demonstrated directly by the Schick Test in which a minute amount of diphtheria toxin is injected into the skin: if no antitoxin exists in the blood (or less than 0·01 of a unit per 1 ml.) a local inflammation results, the "positive Schick," whereas in the immune person who possesses greater amounts of antitoxin no effect on the skin is produced.

3. This development of specific antitoxin during childhood and adolescence is to be explained by "subinfection," *i.e.*, by infection of the throat or nose with strains of diphtheria bacilli which, though capable of producing their specific toxin and exciting antitoxin production, are not sufficiently virulent to produce recognisable clinical diphtheria. Such subinfections are naturally more common in crowded communities and in these it is observable that the children develop natural immunity, as shown by the Schick test, at much younger ages and in much greater proportion than in other communities where opportunities of infection are less numerous. As many as 90 per cent. of children in densely populated urban districts may be found immune whereas among children in rural districts there may be less than 10 per cent.

4. A single injection of diphtheria toxin or toxoid in small amount may not be followed by the appearance of an appreciable quantity of antitoxin in the blood but experiments show that an important effect has nevertheless been produced, namely a sensitisation of the body so that a second similar injection induces a much more rapid and abundant antitoxin response. It is this establishment of a basal immunity usually accompanied by the production of small amounts of circulating antitoxin and the increased capacity to respond to the stimulus of a fresh infection that constitutes effective immunity.

III.—Artificial Immunity.

1. Although most cases of Diphtheria occur during school life, the disease is very common and the case mortality highest in the pre-school years. Approximately one in four of all cases under four years of age dies and one out of every two at two years of age. Artificial immunisation should therefore be applied as early in life as is practicable and should form an integral part of the work of child welfare centres. Adults require to be immunised only in exceptional circumstances: nurses and other members of the staff of fever hospitals, who are particularly exposed to infection, are now protected in this manner with excellent results.

2. Artificial immunity requires several weeks or months to develop but, once established, persists for years and perhaps for life, though exceptionally a person may lose his immunity and again give a Schick-positive reaction. Children immunised in infancy should be given a further dose of the prophylactic when they attain school age to ensure adequate protection during the early years of school life.

IV.—Practical Recommendations.

1. Various forms of Diphtheria prophylactic are available for use in different circumstances but all must satisfy the requirements of the Therapeutic Substances Regulations as regards immunising potency and freedom from toxicity. Those mainly used are:

A.P.T. (*Alum Precipitated Toxoid*) which usually forms a small painless and temporary nodule at the site of injection from which the toxoid is gradually liberated.

F.T. (*Formol-Toxoid*).

T.A.F. (*Toxoid Antitoxin Floccules, the suspended precipitate resulting from mixtures of toxoid and antitoxin*). This is the least likely of all prophylactics to cause a local tissue reaction.

T.A.M. (*Toxoid Antitoxin Mixture*).

2. It is now generally agreed that in routine immunisation a preliminary Schick test need not be done. If F.T. or A.P.T. is used then in order that any undue sensitiveness may be detected * the first dose should not exceed 0·1 or 0·2 c.c. If there is undue reaction the initial dose should be repeated; if there is not, then a relatively large dose, say, 0·5 c.c. should be given.

Of T.A.M., T.A.F. or F.T. it is customary to give three doses at two to three weekly intervals, though attempts have been made to reduce the number in order to secure a readier acceptance of immunisation. For some time much was claimed for the efficacy of one injection of 0·5 c.c. of A.P.T. It has been conclusively shown, however, that in children under eight years of age a dose of 0·1 c.c. followed in four weeks by one of 0·5 c.c. gives much better results. It will be observed that owing to its relative insolubility and slower rate of absorption a somewhat longer interval is advocated for A.P.T., and it has been suggested that better results would be obtained by increasing the interval between the injections of the other prophylactics also to four weeks. For older children and adults, the first dose of 0·1 c.c. serves to detect an unusually sensitive person. Such a person should be given two further

* This procedure dispenses with the necessity for employing the Moloney test for hypersensitiveness. The Moloney test consists of the intradermal injection of 0·1 c.c. of 1–100 diluted formol toxoid. A positive reaction (redness, induration) within 24–48 hours indicates special susceptibility and the necessity for reduced dosage or the employment of T.A.F. instead of F.T. or A.P.T.

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similar doses at intervals of two to three weeks or he may be given two doses each of 1 c.c. of T.A.F. If the person is not unduly sensitive, the same procedure as advocated for younger children should be followed. In this country and in the United States of America the present practice is to use two doses of 0·2 c.c. and 0·5 c.c. respectively of A.P.T. particularly for young people, though the first dose need not exceed 0·1 c.c., while for adults, three doses of 1 c.c., 1 c.c. and 1·5 c.c. of T.A.F. are commonly employed.

In the ordinary routine of immunisation of children probably A.P.T. will be the prophylactic preferred.

In France and Canada F.T. is used almost exclusively, and where protection is urgently required and the necessary tests can be carried out, F.T. is the prophylactic of choice; where, on the other hand, no preliminary testing can be done, where the demands on the Medical Officer's time must be reduced to a minimum and reactions must be avoided even at the cost of somewhat lower immunity less quickly attained, T.A.M. or T.A.F. should be chosen. For nurses and busy adults, T.A.F. should be employed as being less likely to produce local reactions.

3. In all cases the Schick test should be done not less than two months after the last injection. It will usually be found that a few of those who have been given the ordinary course, the number varying from 1 to 10 or 15 per cent., are still susceptible. Such cases should be subjected to a second similar course and again tested not less than four weeks later.

4. The testing and immunising preparations are not supplied by the Ministry of Health but can be obtained through ordinary commercial channels. At the present date *manufacturing* licences in respect of them are held by the Wellcome Foundation Ltd., the Director of the Inoculation Department of St. Mary's Hospital (Agents: Messrs. Parke, Davis & Co.) and the Director of the Lister Institute of Preventive Medicine (Agents: Messrs. Allen and Hanbury), The British Drug Houses Ltd. and Messrs. Evans, Sons, Lescher and Webb Ltd.: *import* licences are held by Messrs. Parke, Davis & Co., Sharp and Dohme, Ltd., and Eli Lilly & Co., Ltd., and, for prophylactic preparations only, Chas. F. Thackray Ltd.

Ministry of Health,
Whitehall, S.W.1.
January, 1940.

CIRCULAR 1942.

County Councils.
Local Authorities.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
29th January, 1940.

MEASURES FOR DEALING WITH LOUSINESS AND ITCH.

SIR,—1. I am directed by the Minister of Health to transmit, for the information of the Local Authority, the enclosed copy of a memorandum on the Louse (Memo. 230/Med.) and a memorandum on Scabies (Memo. 229/Med.) which revise the information brought to the notice of Local Authorities by Circular $\frac{\text{P.H.3}}{1919}$ on February 27th, 1919.

2. The memoranda briefly summarise the principal facts regarding pediculosis and scabies, and contain advice which will aid Local Authorities in making provision for preventing and curing these conditions and for securing the treatment and disinfestation of the members of households among whom pediculosis or scabies has been found to exist. It is particularly important that during the war Sanitary Authorities should actively pursue both the above lines of preventive action.

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3. A copy of this circular and a copy of each memorandum are being sent to the Medical Officer of Health. Further copies of Memo. 230/Med. and Memo. 229/Med. may be purchased from H.M. Stationery Office or through any bookseller (price 2*d.* net, by post 2½*d.* and 2*d.* net, 2½*d.* by post respectively).

I am, Sir,
Your obedient Servant,
I. F. ARMER,
Assistant Secretary.

The Clerk of the Authority.

MEMORANDUM 229/Med.

MEMORANDUM ON SCABIES AND HOW TO DEAL WITH IT.

Scabies or "The Itch" is a superficial inflammation of the skin caused by infestation with the itch mite (*Sarcoptes scabiei, var. hominis*). It is marked by great irritation and is frequently accompanied by secondary infections.

LIFE HISTORY AND HABITS.

"Itch-mites" are minute acarine parasites in which the female, considerably larger than the male, reaches a length of 330 to 450 μ, *i.e.* about 1/70th of an inch and just visible to the naked eye. She burrows in the horny layer of the skin, laying eggs at intervals as she advances, and unless the gallery is broken open she remains in the same burrow throughout her adult life which may last as long as five weeks. During this time she lays up to 50 eggs and the effect of her activities on the host is to cause an intense irritation of the skin.

The eggs hatch in about seventy-two to seventy-eight hours after being laid and six-legged larvæ emerge. These either bore more deeply in the floor of the parent gallery or migrate to a fresh site where they burrow into the hair follicles, giving rise to urticarial papules. The larval stage last two to three days and when it moults there emerges an eight-legged nymph. In the female there are two nymphal stages, lasting about two and three days respectively, and during the second period mating occurs. The adult female emerges from the second nymph and restarts the life-cycle which thus lasts about a fortnight.

The females usually select certain well defined body regions for burrowing and oviposition. The female mite may be removed from the end of her burrow with a dissecting needle under a lens of about 3 × magnification, and examined on a slide in a mixture of glycerine and water. A convenient method is to use a watch-maker's glass so as to leave both hands free. A 100 × magnification is ample for identification.

SYMPTOMS.*

The eruption of scabies is of two kinds—the acarine burrows and the follicular papular eruption. The burrows occupy the following sites: The genitals, the fronts of the wrists, the webs and sides of the fingers, the ulnar border of the hand, the backs of the elbows, the anterior axillary folds, the nipples in women, the umbilicus, the sides of the gluteal cleft and lower part of buttocks, the front of the knees, the ankles and the dorsum of the feet. In infants the palms and soles are also frequently affected. They are seen most clearly on the hands, where they usually form thin, sinuous lines, from a millimetre up to a centimetre in length and occasionally even longer. The burrow is generally easily seen, as dirt accumulates in it, but quite often it can only be recognised by a lens. The oldest part of the burrow has a splay mouth, while at the other end the small white body of the acarus, with a black spot in its fore part, can be easily seen with a lens and often with the naked eye. Frequently a clear vesicle or vesicles are seen beneath the burrow, but as a rule on the hands no redness is present unless secondary infection has occurred. When blisters are present, secondary infection is frequent, and pustular, weeping and crusted areas

* The Ministry are indebted to Dr. A. M. H. Gray, C.B.E., T.D., for the description and differential diagnosis of the disease given in this memorandum.

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are produced. In other sites vesicles are not common, but a large pea-sized papule usually underlies the burrow, and the burrow itself and its acarus are not so easily seen; these lesions are frequently seen on the penis, scrotum and anterior axillary folds, and are usually diagnostic.

The follicular papular eruption is arranged in smaller or larger circles round the areas where the burrows occur. The main distribution is on the anterior aspect of the body, from the nipples to the knees, and in a semi-circle around the anterior axillary fold. The back is free, except in severe cases, down to the top of the gluteal cleft, but scratch lesions occur on the lower part of the buttocks, where ecthyma is often a complication, and on the back and inner parts of the thighs. On the limbs the eruption occupies both front and back of the forearms, up to about the centre of the arm, and also occurs around the ankles. The lesions are first pinkish or whitish elevations of scattered hair follicles, but soon they become covered with blood-stained crusts from scratching. Linear scratch marks are rare in scabies.

In old-standing cases almost the whole body may be affected, though the face and scalp are practically never attacked in adults; but in small children even these areas may suffer.

COMPLICATIONS.

A high percentage of cases of scabies are complicated either by impetigo contagiosa or eczema. In impetigo the primary lesion is small vesicles or blisters, which rupture and become covered with crusts. In scabies these are particularly common about the hands, and spread chiefly to the exposed parts such as the face, neck, and knees in children. Eczema is generally the result of scratching and occurs mainly on the limbs and trunk, particularly in the flexures. It is characterised by the presence of red, moist, weeping or crusted areas.

In cases which have been treated with sulphur, dermatitis may arise from the use of this drug. The lesions produced are dry, red scaly areas chiefly affecting the flexures of the limbs and the trunk. The eruption is associated with itching.

DIFFERENTIAL DIAGNOSIS.

Scabies has to be differentiated from the lesions of pediculosis and, in children, from papular urticaria.

Pediculosis capitis which occurs chiefly in children is mainly characterised by itching of the scalp, with the development of impetigo lesions in this region, and these may spread down the neck on to the upper part of the trunk.

In pediculosis corporis the difficulties of diagnosis are greater. The condition is most liable to occur in people who wear their underclothing continuously night and day of several days on end. For this reason it becomes a serious problem in the case of Armies on active service. The distribution of the rash and the character of the lesions is different from that of scabies. The initial lesions are tiny red papules about the size of a pin's head, covered by a small blood-stained crust, but these are mixed up with linear scratches and excoriations. The areas affected are those in which the clothes come into closest contact with the body such as the shoulders, round the waist, hips and buttocks, and in the case of the soldier the area from the knees to the ankle, if puttees are worn. In the more severe cases the scratch eruption is complicated by boils and linear ulcers, caused by severe scratching. These are particularly well seen on the legs, thighs and buttocks.

Pediculosis pubis is not likely to be confused with scabies, as the itching and scratching is limited to the hairy parts affected, mostly the pubic area sometimes extending up the body into the armpits. The presence of small purplish stains in these areas also assists in the diagnosis.

In children, papular urticaria is sometimes confused with scabies. The eruption is confined mostly to the lower limbs, buttocks and forearms, though other parts may be affected. It consists of a more or less symmetrical eruption of urticarial papules, from a pin's head to a lentil in size, which become covered in blood-stained crusts as a result of scratching. It particularly tends to occur in hot weather, and is often recurrent.

METHODS OF SPREAD AND PREVENTION.

Infection by contact is the most usual method of acquiring scabies. The disease often has a venereal origin. Infested clothing will remain infective for at least eleven days.

When dealing with larger collections of people living together in the restricted circumstances one finds in war time, prevention of scabies is best attained by unceasing vigilance and emphasis on the importance of early diagnosis. In the last war it was often found that soldiers with scabies did not report sick for what they considered a trivial ailment, and it was not until complications arose that the Medical Officer saw the case. In the Army the practice is to have regular weekly medical inspections, regular weekly baths and changes of underclothes wherever possible, and disinfestation of clothing and blankets by dry heat or steam.

The early stages of scabies may exist for some time without giving rise to much complaint, which means that the close associates of the patient are frequently infected before the disease is recognised. When the patient is a school child it is probable that other members of the family are infested and health authorities will find it useful to arrange for the whole family to be treated for scabies simultaneously under proper supervision, and to have their belongings disinfested at the same time. In such cases it is also necessary to deal with the bedding and clothing in the home.

TREATMENT.

Scabies does not yield to palliative or half measures and the use of these should never be considered.

On diagnosis the case should be isolated, and the treatment carried out under supervision to ensure that it is not scamped. The patient should be immersed up to the neck, for ten to fifteen minutes, in a hot bath. The whole body is then rubbed with soft soap, the hands, feet and elbows scrubbed with a nail brush and the rest of the body well rubbed with a rough flannel. The purpose is to open up the burrows so that the subsequent treatment may reach the parasites. After drying, the patient can sit in front of the fire and apply sulphur ointment, 2/3 B.P. strength, particular attention being paid to the backs of the hands and webs of the fingers as these are often neglected by the patient. It is important that an adequate supply of ointment be provided but for an average adult 2 ozs. should suffice for a single complete application. The application requires about 20 minutes to complete. Alternatively, liquor calcis sulphuratæ should be applied with a piece of lint to the whole body except the head and neck (2 ozs. for a child and 3 ozs. to 5 ozs. for an adult). The liquid should be allowed to dry on the skin. The resulting yellow staining is temporary. Some authorities use a mixture of equal parts liq. calc. sulph. and linseed oil as being less irritating. After either treatment the patient should dress in clean clothes, or in his original clothes if they have been disinfested in the meantime, but it should be remembered that sulphur ointment soils clothing.

Three treatments with sulphur ointment or two with liquor calcis sulphuratæ, if thoroughly applied, on successive days usually clear up the condition. The baths should not be repeated every day but a hot bath must be taken on the day following the last application. Before the patient can be passed as no longer contagious careful search must be made with a lens for mites and for unopened burrows. If any are found the treatment must be repeated, remembering, however, the danger of setting up of sulphur dermatitis. If subjected to over treatment the patient's last state will be worse than his first. The patient should be warned that the itching may persist for a day or two following the complete suppression of the parasite. Should the itching return after an interval of a few days during which the patient has had complete relief it will be due in the majority of cases to a recrudescence. The occurrence of small clear vesicles on the hands often persisting for a week or two is usually the result of sulphur, especially in children. If these are the only symptoms, further sulphur therapy should be avoided unless burrows are seen.

It may be advisable to prescribe some bland application for a day or two. In cases specially sensitive to sulphur, or in which sulphur has failed, or in which it is desirable to hide the exact nature of the disease from the patient, beta-naphthol ointment (5–10 per cent.) may be used. This preparation is also specially useful

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in children in whom pustulation is usually severe, for the beta-naphthol is soothing to eczematous complications instead of irritating them as is the case with sulphur.

Another application which has been found effective is 25 per cent. balsam of Peru in glycerine.

A rapid method of treatment which is used by one local authority for cleansing children employs ung. pot. polysulphidi B.P.C. often known as Marcussen's or "Danish ointment." After the usual preliminary bath the patient is dried and the ointment is rubbed lightly all over the body except over open sores. The patient stands near a fire for about ten minutes and a lint dressing or vest is applied to the body with dressings or white stockings on the limbs. The patient is instructed to go home to bed, not to remove the dressings and to attend the bathing centre in twenty-four hours' time bringing a clean shirt. On re-attending he is given a plain soap and water bath. Clothing and bedding are disinfected.

Another method adopted for treating children employs a mixture of equal parts soft soap, benzyl benzoate and rectified spirit. The child is scrubbed with soft soap in a hot bath and then soaked for a further ten minutes. The whole body is brushed with the solution, and the child is allowed to dry partially in a warm room. He is then brushed all over again with the solution. He attends for a bath the following day. This method is cleaner than sulphur or Marcussen's ointments and the duration of treatment is shorter. Canadian experience has shown that time lost from school averaged three days when this treatment was used, while with the sulphur ointment and Marcussen's ointment treatments the average time lost was three weeks and ten days respectively.

Impetigo and septic sores are a common accompaniment of scabies and may require treatment. The crusts can be removed by boracic fomentations, and dressings of 1 in 1,000 acriflavine lotion of past. hydrarg. oxid. flav. applied.

Ministry of Health,
Whitehall, S.W.1.
January, 1940.

MEMORANDUM 230/MED.

MEMORANDUM ON THE LOUSE AND HOW TO DEAL WITH IT.

Three kinds of lice infest man: the body louse (*Pediculus humanus corporis*) the head louse (*Pediculus humanus humanus*, often known as *capitis*) and the crab louse (*Phthirus pubis*).

Body lice and head lice are natural vectors of typhus fever, trench fever and relapsing fever. These diseases are transmitted either by the bite of the insect or by crushed infected lice or their excretions being rubbed or scratched into the skin. The crab louse has not been incriminated as the carrier of any specific disease, although febrile symptoms may result from infestation.

The irritation produced by louse bites causes the victim to scratch the affected areas vigorously producing excoriations of the skin. Skin organisms commonly gain entry to the lesions and may give rise to "louse rash," impetigo, furunculosis, eczematous inflammation and adenitis.

I.—THE LIFE HISTORY AND HABITS OF THE LOUSE.

Lice live on or close to the body of their human host, piercing the skin to suck blood and laying eggs—nits—on the head or body hair, or on the fibres of the clothing.

Body Lice.—The average life span of the body louse from the egg to the death of the adult does not exceed two months. The females begin to lay their eggs within a day or two of reaching maturity, and lay between 200 and 300 at the rate of about ten a day The eggs hatch in seven or eight days, the growth of the larvæ through three stages to maturity occupies sixteen to seventeen days under optimum conditions, and the adult life lasts from three to five weeks

The eggs or nits are laid on the underclothing and in the seams of the outer clothing, and are also found on the body hairs of their hosts. The nits are cemented to the fibres of clothing or to the hairs by a chitinous cement which, like the egg-shell, is resistant to chemical reagents. The period of hatching depends on the temperature and is shortest at about 32°–35° C., but at low temperatures may be delayed for as long as thirty-five days.

Lice begin to suck blood immediately they are hatched and discharge their fæces while they feed. They bite freely at all times but most frequently when their host is at rest—especially at night. The bites are usually followed by severe and prolonged itching which, with that due to the lice crawling over the body, causes great distress and loss of sleep.

Lice multiply rapidly in favourable conditions such as are furnished by persons who do not wash themselves or remove their clothes, and especially by those who from tolerance or weakness do not attempt to rid themselves of parasites.

Lice thrive best at temperatures within a few degrees of 30° C. (86° F.), such as ordinarily exist between the body and clothing of their human host. An increase in warmth, as when a number of persons are sleeping closely packed together, renders lice very active, and they may then wander from one person to another.

Lice quickly desert dead bodies, clothing when no longer worn, and persons suffering from high fever. Should lice not obtain human blood, they soon become inactive and die of starvation in about a fortnight or less.

Under adverse conditions lice are sometimes rendered immobile but are not killed and may recover if placed under favourable conditions. They live longer at low than at high temperatures. Lice when dead shrivel, become brittle and the colour changes. If killed with dry heat they turn a brownish black colour, if with steam dull white, while insecticides may colour them a dull reddish brown.

Head lice resemble body lice in general appearance, but the females are more slender, more active and less fecund. It seems probable that body lice and head lice are varieties of the same species and experimental evidence shows that head lice can adapt themselves to the conditions of body lice and by crossing the two varieties, hybrid forms have been produced which have developed through several generations.

The eggs are laid near the roots of the hairs on the head, chiefly of the occiput. The eggs, like those of the body louse, are minute oval bodies, at first opalescent but becoming yellowish as the larvæ develop. The empty egg shells which are collapsed, pale brown and have lost their lids may adhere to the head or clothing for some time. Eggs are not laid nor do they hatch below a temperature of 22° C. (71·6° F.) although they retain vitality for several weeks at a much lower temperature and will even hatch after having been frozen.

Crab lice are found less commonly and infestation is usually confined to the pubic and peri-anal region, but may extend to any hairy part of the body where the hairs are not straight, even to the beard and eye-brows. The adult stage of this species is smaller than that of *Pediculus* and much less active in its habits, remaining attached to the hairs by its strong front claws and feeding for a long time in the same spot. The bites leave a characteristic bluish-black macula. The females are less fecund than those of *Pediculus*. When the active lice are removed from man they quickly die.

II.—METHODS OF SPREAD.

Lousiness is usually the result of close contact with verminous persons or their clothing. Lice crawl actively and move easily on hairs and on rough materials, but cannot cling to smooth surfaces. Their wanderings rarely exceed a few feet and infestation is especially likely to occur when people are sleeping closely packed together.

Children and old people are more likely to be severely infested with lice than others, probably because they are less able to protect themselves. Head lice are found more frequently upon females and body lice upon males. In Britain infestation with body lice is more prevalent in winter than in summer, owing probably to less frequent washing of the person and clothing in cold weather. When, however, as in conditions of warfare, maintenance of cleanliness of the person and clothing is impossible, males and females of all ages are liable to be infested with lice at all seasons of the year.

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Some people, as a result of personal peculiarity or of long habit, appear to be almost insensitive to louse bites. These persons may harbour an abundance of parasites, and readily infect those with whom they come in contact. Other common opportunities for the direct spread of lice are afforded by the association of children with verminous schoolfellows, especially during play; by attendance upon verminous patients; and by handling verminous articles. Lice may readily be picked up from infested blankets, clothing, caps, brushes, etc. The lice are chiefly found attached to the inner side of underclothing, vests, shirts, drawers and also in jackets and trousers, especially in seams, inside the linings, and in the fork of trousers. Shirts are favourite places for both lice and nits, especially the seams of the armpits.

Both the nits and active stages of the crab louse cling tenaciously to the hairs of the body and may be spread when these hairs are shed as the result of scratching. The curled hairs are easily picked up on clothing and infestation is spread in this way in sleeping quarters, or probably even more by closet seats, unless the latter are scrubbed daily and kept scrupulously clean.

III.—METHODS OF PROTECTION.

General.

Cleanliness, both of the person and of the clothing, affords the surest safeguard against lousiness, and under normal conditions the habits of cleanliness commonly observed in this country afford sufficient protection against accidental infestation with lice or against their multiplication should this occur.

Wearing the hair short is a great protection against head lice, and the hair of the scalp should be cut as short as possible at the occiput and sides as these are the sites most favoured by lice. Women especially exposed to risk of infestation should plait their hair and wear it close to the head. Some protection against lice is afforded by wearing overalls of smooth materials, such as oilskin, while silk or cotton undergarments are less liable to be infested than wool or flannelette.

When associating with verminous persons it is a useful protection to wear overalls, and to enclose the head in a close-fitting cap of smooth material, such as a bathing cap. Overalls, such as are worn by surgeons and nurses, afford considerable protecton against lice; but when there is danger of contracting some louse-borne disease it is advisable to wear overalls of smooth material consisting of a single garment with the openings tightly fastened. Rubber gloves, overlapping the sleeves, and wellington boots complete the outfit. Spraying such garments with carbolic acid solution, creosote, or light wood oil affords additional protection. This is important for those having to deal with typhus-infected quarters and clothing, or who have to bathe patients suffering from louse-borne diseases on their admission to hospital.

Repellents.

Numerous substances have been used to repel lice, but experience and experiments have shown that few of them are effective under conditions permitting their application to the body or to the clothing when worn. Their use has the disadvantage of creating a false sense of security, with the consequent danger of relaxation of those efforts to maintain cleanliness which afford the best protection against lousiness.

Repellents, therefore, should only be used under conditions involving both exposure to considerable risk of infestation and great difficulty in the maintenance of personal cleanliness. With proper care their use should be rarely necessary in this country. Of the many substances which have been used in this way, experience gained during the last war has shown crude unwhizzed naphthaline to be the most useful. It is best applied in the form of a paste consisting of crude unwhizzed naphthaline, 90 per cent. and potash soap, 10 per cent.

In preparing the paste the naphthaline should be powdered and passed through a fine sieve to remove foreign particles. It is then mixed with the soft soap and the mixture melted and thoroughly stirred until cold. The paste is rubbed into the seams of clothing, and at the fork of the trousers it should be placed under the fold of the cloth so as to prevent direct contact with the skin. Since naphthaline evaporates it requires renewal at least every week. The paste gradually loses its efficacy on exposure to the air, and should therefore be kept in small air-tight receptacles

Crude unwhizzed naphthaline powder is cheaper and as effective as N.C.I. powder (naphthaline 96 per cent., creosote 2 per cent., iodoform 2 per cent.) and may be dusted on the outside of the shirt, or vest, renewing the application twice weekly. On account of the smell N.C.I. powder may not be suitable for general use.

IV.—How to deal with Pediculosis.

The treatment of pediculosis resolves itself into cleansing the infested person, so as to remove all lice and nits, and thorough disinfestation of the clothing, blankets, etc.

For body lice apply an emulsion of three parts of paraffin in seven parts of olive oil, smearing on thickly and rubbing in well, especially on the hairy parts. Alternatively a mixture of cresol 1½ ounces, soft soap 1½ pounds, water 10 gallons, may be used. The application should be followed by a hot bath and clean clothing.

In severe infestation remove all body hair, with number 0 or number 1 clippers, and shave with a razor. After removal, lice, nits and hair should be burned or put into boiling water or strong disinfectant.

For head lice affecting men and boys, wet the hair thoroughly with a mixture of equal parts of paraffin and olive oil and tie up in a handkerchief for about twelve hours. Then wash thoroughly with soap and warm water. The nits are removed by a fine-toothed steel comb and it is essential that an efficient comb be used. If necessary repeat the treatment in a few days. In the case of women and girls shingling or bobbing the hair greatly facilitates treatment.

For school children the adoption of the fine-toothed steel comb method has greatly simplified the treatment of head infestation, and in this country it is hardly ever necessary for the cleansing authority to cut a child's hair, which should only be carried out in cases of severe infestation after every other method has been fully considered and found wanting.

A satisfactory method of treatment used by a Local Education Authority, is as follows:

> Comb the hair with an ordinary steel dressing comb; apply olive oil with a piece of wool or lint, especially where nits are thickest. Shampoo the hair with a mixture consisting of a tablespoonful of solution of formaldehyde with soap (B.P.C.) in a pint of hot water (soft soap 8 ozs., alcohol (90 per cent.) 6 fl. ozs., solution of formaldehyde 4 fl. ozs., distilled water to 20 fl. ozs. Alcohol (90 per cent.) may be replaced by Industrial Methylated Spirit diluted so as to be of equivalent alcoholic strength). Leave the hair stiff with white suds, then twist the hair in a towel for twenty minutes and rinse in plain water. While the hair is still dripping wet, comb with a fine steel comb, a few strands of hair only should be combed at a time and the comb should be cleansed with a piece of wool after passing through each strand of hair. Under domestic conditions, when formaldehyde soap solution may not be readily available, green soft soap or ordinary brown soap may be used, although it cannot be regarded as so efficient.

Another satisfactory method used by a Local Education Authority is the application of "Tar Oil Compound" followed by washing with soft soap and borax. Tar oil compound consists of cotton-seed oil 20 per cent., tar oil 5 per cent., paraffin oil 74 per cent., and oil of lemon grass 1 per cent. This is rubbed on the scalp and left for a few minutes when a fine-toothed comb is used. The hair is then washed with the soap borax mixture composed of soft soap (2 lbs.), borax (4 ozs.) and water to 1 gallon. After five or six minutes the hair is rinsed sufficiently to allow the use of a fine-toothed metal comb, and this is followed by thorough rinsing.

For crab lice shave the pubic, peri-anal and other hair that shows nits, as in the absence of hair crab lice cannot exist on man. The peri-anal hair is commonly not removed and this is one of the main causes why the old-fashioned mercurial treatment was kept up for a week. In any case, shaving greatly facilitates treatment with insecticides if these are used. Blue ointment should not be applied. Calomel pomade (Hg Cl, one part; vaseline, twenty parts) may be applied where scratches are present. Where shaving is not practised crab lice may be effectively removed by the application to the affected parts of cedarwood or clove oil. This treatment must be carried out with care, for in quantity these oils are irritant. A few minims on a small pledget of cotton wool smeared into the roots of the hair is sufficient, followed by a second application in thirty-six or forty-eight hours to make sure that

no nits have escaped. Drawers should be worn during the treatment and the second application followed by a hot bath. When crab lice and their nits occur on the eyebrows inunct the parts with balsam of Peru and pick off with fine forceps.

To allay the irritation due to louse bites, calamine lotion (40 grains in 1 ounce of water) may be used.

For the disinfectation of clothing and bedding, etc., the best way to kill nits and the active stages of lice is by exposure to dry or moist heat in disinfestation chambers.

In general, lice and their nits are killed by an exposure of one minute to a dry heat of 65°–70° C., and of ten minutes to 55°–60° C. They are also killed in five to ten seconds by water at 80° C., and in ten minutes by water at 55° C. Such temperatures do not injure clothing. Nits exposed to a current of steam (100° C.) are killed instantly, but in the numerous contrivances for disinfestation of clothing by steam it is necessary to allow about fifteen minutes to permit the steam penetrating the folds of the clothing. When circulating dry hot air is used even longer time must be allowed and satisfactory circulation of the hot air ensured, while the temperature must be high enough to be effective, but not so great as to injure the clothing. In actual practice the temperature of a hot air disinfestation chamber should register 88° C., and the garments should be exposed for thirty minutes.

Recently it has been found that Heavy Coal Tar Naphtha to B.S.I Standard Specification No. 479 kills lice immediately on contact. It is readily available at a reasonable price. Clothes can, therefore, be treated by this method. If the clothes have to be worn immediately after treatment, naphtha should only be applied or sprayed on outer clothing. Experiments have shown that lice are killed by exposure to the vapour for one hour. It is probable, though this is not yet proven, that if naphtha is applied to the outer clothing lice will either be killed or leave the person whose clothes have been so treated. Eggs are killed by contact and may be killed by the vapour, but further experiments are necessary on the latter point. *As heavy naphtha is inflammable, naked lights and smoking must be prohibited when it is being handled.*

Although one hour's exposure to the vapour is necessary to kill mature and immature lice, a much shorter exposure will stupefy them and they can then be readily brushed out of clothing. Naphtha has a somewhat pungent smell, which will persist for a time. The use of Heavy Coal Tar Naphtha is an alternative method when heat or steam are not readily available.

It is worth remembering that lice can be got rid of by dry storage alone. If a temperature of 23° C. (73° F.) or over can be depended on, all the lice present on garments will be dead and the eggs either hatched or shrivelled up within ten to fourteen days. With the ordinary fluctuations of temperature and humidity occurring in this country, however, stored clothing should not be regarded as above suspicion until after four weeks, and it is essential that the clothing should be isolated during storage.

V.—DOMESTIC DISINFESTATION.

A convenient method for the domestic disinfestation of louse-infested articles is to immerse them in cold water and bring this momentarily to the boil. Woollen articles which might be injured by soaking in water may be disinfected by ironing or baking in an oven. The ironing should be done slowly with a hot iron, careful attention being given to the creases, pockets and the seams of clothing. After ironing, the garments should be thoroughly brushed. If baking is adopted, the articles should be wrapped in brown paper to protect them from being scorched. The parcel should be placed in a hot oven when the fire is going down and left there for half an hour.

Lice and their eggs are killed when immersed for five minutes in an emulsion of 2 per cent. cresol with 5 per cent. soap. It is a satisfactory method for disinfesting leather or other articles.

VI.—INSTITUTIONAL AND INDUSTRIAL ACTION.

As for individuals, so for groups of persons in institutions, schools, hostels, common lodging houses, workshops, factories, etc., the maintenance of cleanliness is the one essential measure in preventing lousiness. All possible facilities to this end should be provided.

In such places, also, special vigilance should be exercised with regard to unclean individuals, temporary exclusion or segregation being resorted to when necessary. Clothes-racks and cloak-rooms should be so arranged as to prevent contact between the belongings of different persons.

VII.—School Children.

Under the Education Acts, 1921–1937, the Local Education Authority for elementary education may arrange for the examination of children in any public elementary school.

Infestation of the hair with lice or nits is still too common a condition in children, even though such infestation is slight in most cases. To-day head lice would probably be found in children at least fifty times as commonly as body lice. Despite the improvement which has taken place in the last twenty-five years, in 1938 no less than 444,967 elementary school children were found by school nurses to be infested, but it may be noted that the finding of one nit is recorded as infestation. The distribution of infested children in areas is uneven. In almost every large urban area there are schools which show a heavy incidence.

The school nurse (or other authorised person) should inspect each child as soon as can be arranged after admission, and every public elementary school child should be inspected by a school nurse at least once a term, preferably at the beginning of the term. All children who have been found infested and have been cleansed should be re-examined at intervals of not more than a week. The home should be visited, and the mother instructed as to the cleansing of the child.

Pediculosis capitis, like pediculosis corporis, is a family disease, and the continued freedom of a cleansed child is dependent on the condition of other members of the family, and on the freedom of the child's bed and bedding from lice.

If the person or clothing of any child is found to be verminous, the Local Education Authority may give notice in writing to the parent requiring him to cleanse the child within twenty-four hours. The notice must be accompanied by instructions describing the manner in which cleansing may be best effected. In default a person provided with a written authority from the Medical Officer may remove the child from school and have the cleansing done in some suitable place, and in that case, if the parent allows the child to become verminous again, he is liable to a fine. Girls must be examined and cleansed either by a medical practitioner or by a specially authorised woman.

VIII.—Powers of, and Action by, Local Authorities.

It is important that every sanitary authority should be in a position to offer disinfestation of persons and articles.

Under the Public Health Act, 1936 (sections 83–86) (*a*) and the Public Health (London) Act, 1936 (sections 122–127), Local Authorities have power to deal with verminous premises, articles and persons and may provide such cleansing stations as may be necessary for the discharge of their functions.

When steam disinfectors are already available these may be employed for the disinfestation of verminous clothing and bedding. Under special circumstances resort may be had to steam disinfestation huts. The huts should have double walls to prevent loss of heat and be fitted with racks and hooks for the convenient disposition of the articles to be disinfested. Steam, preferably from an existing source, is forced into the hut where it is allowed to escape from small holes in steam pipes suitably arranged in the interior of the hut.

Where no special apparatus is available and when only small numbers of articles have to be disinfested the principle of the "Serbian Barrel" may be adopted. Briefly this consists of a barrel or other receptacle with a lid and a perforated bottom fitting tightly over a boiler. The articles to be disinfested are packed loosely in the barrel which is ready for use as soon as steam is issuing freely from beneath the lid. The clothing should be left for half an hour and then removed and shaken when it will readily dry. If necessary, the boiler which is found in most wash-houses or sculleries may be used as the source of steam. On the top a barrel or metal dustbin,

(*a*) *Ante*, pp. 271 *et seq.*

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with perforations in the bottom, can be fitted to receive the articles to be disinfested.

Local Sanitary Authorities, if they possess or have the right to use premises for cleansing, must allow such premises to be used by the Education Authority.

Finally it must be remembered that, whatever method is employed for dealing with the louse, thoroughness is essential to success.

Ministry of Health,
Whitehall, S.W.1.
January, 1940.

RATING AND VALUATION.

S. R. & O., 1926, No. 795.

THE RATING AND VALUATION ACT (RETURNS) RULES, 1926, DATED 30TH JUNE 1926, MADE BY THE MINISTER OF HEALTH UNDER SECTION 58 OF THE RATING AND VALUATION ACT, 1925, FOR PRESCRIBING THE FORM OF NOTICES REQUIRING RETURNS TO BE MADE BY OCCUPIERS, OWNERS AND LESSEES UNDER SECTIONS 40 TO 42 OF THE SAID ACT.

Whereas by sections 40 to 42 of the Rating and Valuation Act, 1925, provision is made with respect to the service by rating authorities and assessment committees of notices requiring occupiers, owners and lessees of hereditaments to make returns containing such particulars as may be reasonably required for the purpose of carrying out the Act:

And whereas by section 58 of the said Act it is provided that the Minister of Health, after consultation with any local authority or association of local authorities with whom consultation appears to him to be desirable, may by rules prescribe the form of any return or other document whatsoever which is required or authorised to be used under or for the purposes of the Act:

Now therefore, the Minister of Health, after such consultation as is mentioned above, by virtue of the power conferred upon him by the said section 58 and of all other powers enabling him in that behalf, hereby makes the following rules:—

1. These rules may be cited as the "Rating and Valuation Act (Returns) Rules, 1926," and shall come into operation on the date hereof.

2. Subject to the provisions of the two next succeeding rules, every notice served by a rating authority under section 40 of the Rating and Valuation Act, 1925 (*a*), upon the occupier, owner or lessee of any hereditament requiring him to make such a return as is mentioned in the said section shall be in the form shown in Part I. of the Schedule hereto, or in a form substantially to the like effect, and the particulars to be specified on the reverse side thereof shall include questions as to the matters mentioned in Part II. of the said Schedule.

3. A rating authority, if they think fit, may in the case of notices served upon the occupiers, owners or lessees of hereditaments of any particular class omit questions as to any of the matters mentioned in Part II. of the Schedule hereto which appear to them to be inappropriate to hereditaments of that class, and may in any case omit questions as to any of the said matters which appear to them to be inappropriate to a return to be made by an occupier or, as the case may be, by an owner or lessee, not being an occupier (*b*).

4. A rating authority may, if they think fit, in the case of notices served upon the owners or lessees of hereditaments, not being occupiers, serve one notice only in respect of two or more hereditaments of which the same person is the owner or lessee, and may in such case specify the hereditaments to which the notice relates in a schedule to be attached to the notice and framed in such manner, whether tabular or otherwise, as may appear to them most convenient for recording the required particulars.

(*a*) *Ante*, p. 2202.
(*b*) See as to this provision *Grant* v. *Knaresborough U.D.C.*, [1928] Ch. 310; 92 J. P. 30; Digest Supp., discussed, *ante*, p. 2205.

5. Every notice served by an assessment committee under section 41 of the Rating and Valuation Act, 1925 (*a*), upon the occupier, owner or lessee of any hereditament requiring him to make such a return as is mentioned in the said section shall be in the form shown in Part I. of the Schedule hereto, or in a form substantially to the like effect, and the particulars to be specified on the reverse side thereof shall include questions as to the matters mentioned in Part II. of the said Schedule, or questions as to such of those matters as appear to the assessment committee to be material.

SCHEDULE.

PART I.

Parish or Ward
No.

County Borough, Borough or District of

RATING AND VALUATION ACT, 1925.

Notice requiring Return for the Assessment of Rateable Property.

To
or other The Occupier,
Owner or Lessee,
of

In pursuance of the provisions of the Rating and Valuation Act, 1925, you are hereby required to make with respect to the property above-mentioned [specified in the Schedule annexed hereto] a true and correct return of the particulars set out on the reverse side hereof [in the Schedule annexed hereto] and to deliver such return to me, the Officer duly authorised by the to make this requirement, at the under-mentioned address within 21 days from the service of this Notice.

Dated this day of 192

[*Name*]
[*Address*]

Note.—(This gives the effect of sections 40, 41, 42 and 68 of the Act of 1925.)

REVERSE SIDE.

Return to be rendered by an occupier, owner or lessee of rateable property.

	Question.	*Answer.*
1.		1.
2.		2.
3.		3.

DECLARATION.

I declare that the foregoing particulars are in every respect fully and truly stated to the best of my judgment and belief.

Given under my hand this day of 192 .

Occupier (owner *or* lessee).
Profession or Occupation
and Business Address.

PART II.

1. Situation of property, including name of street or road and name and/or number of property.
2. Name of occupier, or of each joint occupier.
3. Name and address of owner. (If not known, name and address of agent or person to whom rent is paid, the word "agent" being added in such a case.)
4. Description of property, including—
   (*a*) Particulars of any cottages, stables, garages or other out-buildings;
   (*b*) Estimated extent (i) of agricultural land and woodlands, and (ii) of gardens or other land (not covered by buildings), if exceeding an area to be specified.

(*a*) *Ante*, p. 2204.

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5.—(1) Whether the property is occupied (*a*) wholly as a private residence, or (*b*) partly as a private residence and partly for trade or business purposes, or (*c*) solely for trade or business purposes.

(2) Nature of the trade or business carried on, if any.

6. Particulars as to the extent of occupation where part only of the property is occupied by the person making the return, including information as to parts (if any) let off, and as to payments received therefor, or for advertising or other rights or privileges.

7.—(*a*) Rent (if any) payable or receivable per week, quarter, year or other period by person making the return;

(*b*) the date when such rent was fixed;

(*c*) whether such rent includes rates (in whole or in part), or water rates, or covers any other services—the nature and value of any such services to be specified;

(*d*) whether the landlord or the tenant undertakes to bear in whole or in part, and, if in part, to what extent, the cost of repairs, insurance and other expenses necessary to maintain the property.

8. Whether the property is held under lease or agreement in writing, and, if so, particulars as to—

(*a*) the date of commencement thereof;

(*b*) the term for which granted;

(*c*) any consideration other than rent (*e.g.*, money premium, surrender of any existing lease, or agreement to lay out money for the improvement of the property);

(*d*) amount of ground rent where ground rent only is paid.

9. Information as to any alterations or improvements carried out during the preceding five years.

10. Information as to the annual amount of and liability of landlord or tenant for —(*a*) land tax (if any); (*b*) tithe rent charge or payment in lieu of tithes (if any); (*c*) land drainage rates or other similar charges (if any).

11. In the case of flats, tenements and other property let out in parts, such of the foregoing particulars as are appropriate and, in addition thereto, the following particulars—to be required from the owner or lessee, not being the occupier—with respect to the separate lettings (including any parts unoccupied)—

(*a*) number of each part, if separately numbered;

(*b*) rooms in each part;

(*c*) floor or floors on which each part is situated;

(*d*) special services rendered by the landlord and covered by the rent.

S. R. & O., 1926, No. 1019.

THE CENTRAL VALUATION COMMITTEE (CONSTITUTION) SCHEME, 1926, DATED 3RD AUGUST, 1926, MADE BY THE MINISTER OF HEALTH UNDER SECTION 57 OF THE RATING AND VALUATION ACT, 1925, FOR THE CONSTITUTION OF A CENTRAL VALUATION COMMITTEE.

Whereas by section 57 of the Rating and Valuation Act, 1925, it is provided that, for the purpose of promoting uniformity of valuation, a Central Valuation Committee consisting of such persons as are mentioned in the said section shall be constituted in accordance with a scheme to be made by the Minister of Health after consultation with local authorities and associations of local authorities and any organisation representing assessment committees appointed under the Union Assessment Acts, 1862 to 1880:

Now therefore, the Minister of Health, after such consultations as are above referred to, in exercise of the powers conferred upon him by the said section 57 and of every other power enabling him in that behalf, hereby makes the following scheme—

1.—(1) This scheme may be cited as the Central Valuation Committee (Constitution) Scheme, 1926, and shall come into operation on the date hereof.

(2) In this scheme, unless the context otherwise requires—

"the Committee" means the Central Valuation Committee constituted by this scheme;

"constituent association" means an association mentioned in the next succeeding Article;

"the Minister" means the Minister of Health;

"the Act" means the Rating and Valuation Act, 1925.

2. There shall be constituted for the purposes specified in the next succeeding Article a central valuation committee for England and Wales consisting of thirty-two members, who shall be appointed (subject to the variations hereinafter contained with respect to certain original appointments) in accordance with the following provisions—

(i) Twenty-four persons, each of whom shall be a member of a rating authority, an assessment committee or a county valuation committee (or of two or more of such bodies) shall be appointed by the associations, and in the proportions hereinunder mentioned, that is to say—

by the County Councils Association—

seven persons, being members of county valuation committees, of whom two at least shall be members also of rating authorities;

by the Association of Municipal Corporations—

eight persons, of whom four at least shall be members of rating authorities, and four at least shall be members of assessment committees;

by the Urban District Councils Association—

two persons, of whom one at least shall be a member of a rating authority and one at least shall be a member of an assessment committee;

by the Rural District Councils Association—

two persons, of whom one at least shall be a member of a rating authority, and one at least shall be a member of an assessment committee; and

by the Association of Poor Law Unions in England and Wales—

five persons, being members of assessment committees.

(ii) Eight persons shall be appointed by the Minister of Health, and of such persons three at least shall be officers of rating authorities or assessment committees.

(iii) A person who at the date of his appointment as a member of the committee was duly qualified for appointment shall not become disqualified for acting by reason of the fact that he ceases to be a member of a rating authority, assessment committee or county valuation committee.

3. The purpose for which the committee is constituted is the promotion of uniformity in the principles and practice of valuation throughout England and Wales; and in the furtherance of such purpose it shall be the duty of the committee to take all such steps as may appear to them to be useful or expedient, and in particular—

(*a*) to consider the operation of the Act and questions connected with the powers and duties imposed by it upon rating authorities, assessment committees, and county valuation committees;

(*b*) to call for such information as they may deem to be material from rating authorities, assessment committees and county valuation committees;

(*c*) to consult persons having experience in the law and practice of valuation for the purpose of ascertaining the points (if any) with respect to which the practice is not uniform or leads to inequalities in the system of valuation or with respect to which amendments of the law may appear to be desirable;

(*d*) to convene, or arrange with a county valuation committee (or with two or more such committees) for the convening of, conferences, either central or regional, for the discussion of questions relating to the valuation of hereditaments in general, or hereditaments of particular classes, with a view more particularly to the formulation of principles for the assistance or guidance of rating authorities, assessment committees and county valuation committees;

(*e*) from time to time to give to the Minister information with respect to the matters aforesaid, to bring to his notice any conclusions arrived at or recommendations made by the committee, or at any such conference as aforesaid, and to make to him such representations as they may think fit; and

(*f*) to submit to the Minister in every year an annual report of their proceedings during the year ending on the 31st day of March.

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4. The first members of the committee shall be appointed as soon as practicable after the making of this scheme; and, in the case of such first appointments, the provisions of Article 2 hereof with respect to the permanent constitution of the committee shall be subject to the following variations—

(*a*) in any case where a person to be appointed by a constituent association is required by the said Article to be a member of a county valuation committee or of an assessment committee, the association may, in lieu of themselves making an appointment in the first instance, nominate to the Minister a person who is not for the time being duly qualified for appointment by them, and the Minister may appoint such person to be a member of the committee;

(*b*) a member so appointed by the Minister shall as soon as he becomes duly qualified be deemed to be a member appointed by the association which nominated him: Provided that if he does not become qualified before the 31st day of December, 1926, he shall vacate his appointment.

5.—(1) The normal term of office of a member of the committee shall be five years; provided that one-half of the members shall retire on the 1st January, 1929, and in every fifth year thereafter, and the other half on the 1st January, 1931, and in every fifth year thereafter.

(2) The members to retire in the year 1929 shall be three members appointed by the County Councils Association, four members appointed by the Association of Municipal Corporations, one member appointed by the Urban District Councils Association, one member appointed by the Rural District Councils Association, three members appointed by the Association of Poor Law Unions in England and Wales and four members appointed by the Minister; and each of the constituent associations and the Minister shall determine which of the members appointed by them or by him shall retire on that date.

(3) Any vacancy occurring amongst the members appointed by a constituent association or by the Minister in consequence of death, resignation, expiration of term of office or otherwise shall be filled as soon as possible after its occurrence by the association, or by the Minister as the case may be.

(4) A person appointed to fill a casual vacancy shall not hold office beyond the date on which the member in whose place he is appointed would in the ordinary course have retired.

(5) A retiring member shall be eligible for re-appointment if otherwise qualified.

6.—(1) The committee shall from time to time appoint one of their number to be chairman at all meetings at which he is present, and may from time to time appoint also a vice-chairman.

At any meeting of the committee the chairman or acting chairman shall have a second or casting vote.

(2) The quorum, proceedings and (subject as hereinafter mentioned) place of meeting of the committee shall be such as the committee determine, and the committee may transact any business entrusted to it notwithstanding any vacancy among its members or any defect in the appointment or qualification of any member.

(3) The first meeting of the committee shall be held on such date and at such place as may be fixed by the Minister.

7. The committee may make such arrangements for secretarial and other assistance as they may deem necessary; and, if and whenever suitable premises for the transaction of the business of the committee, or the holding of conferences, are not available free of charge, the committee may make such arrangements for the provision of suitable premises as appear to them to be expedient.

8.—(1) For the purpose of meeting any expenses incurred or to be incurred by them in the exercise of their powers or the performance of their duties under this scheme (including the repayment to members of reasonable expenses incurred by them in attending meetings of, and conferences called by or on behalf of, the committee), the committee may invite any rating authority, county valuation committee or assessment committee to make contributions towards such expenses in accordance with a scale to be fixed from time to time by the committee with the approval of the Minister; and it shall be lawful for any such authority or committee, without any

further sanction than is herein contained, to make contributions in accordance with such scale.

(2) The committee shall include in their annual report to the Minister a statement of their receipts and payments for the year ending on the 31st day of March in that year.

S. R. & O., 1926, No. 1123.

THE RATE ACCOUNTS (RURAL DISTRICT COUNCILS) ORDER, 1926, DATED SEPTEMBER 15, 1926, MADE BY THE MINISTER OF HEALTH.

To the Councils of the several rural districts in England and Wales,—

Whereas by reason of the provisions of the Rating and Valuation Act, 1925, it is desirable to prescribe the methods in which the accounts of the receipts and expenditure under that Act of rating authorities and their officers shall be kept and presented for audit:

Now, therefore, the Minister of Health, by virtue of the powers conferred upon him by section 5 of the District Auditors Act, 1879 (*a*), and of all other powers enabling him in that behalf hereby orders as follows:—

1. This Order may be cited as the Rate Accounts (Rural District Councils) Order, 1926, and shall come into operation on the first day of April, 1927.

2.—(1) This Order shall apply, subject to any amendment thereof or any departure therefrom to which the Minister may from time to time assent, to every rural district council and to the officers of every such council in relation to the accounts of their receipts and expenditure under the Rating and Valuation Act, 1925 (*b*).

(2) In this Order, unless the context otherwise requires,—

"council" means rural district council;

"the Act" means the Rating and Valuation Act, 1925 (*b*);

"the Minister" means the Minister of Health;

"year" means a period of twelve months commencing upon the first day of April;

"rating officer" means an officer to whom the duty of collecting rates in a rural district or any defined part thereof is assigned by the council;

"collection district" means the area in which the duty of collecting rates is so assigned to a rating officer;

"rate" includes both a general and a special rate.

Accounts of the Council.

3.—(1) The clerk, or other officer to whom the duty has been assigned by the council, shall keep such ledger accounts, books of account and records as are required by this Article or are needed for the purpose of presenting a full and correct account of transactions under the Act.

(2) The accounts, books and records required to be kept by this Article are:—

(i) Ledger accounts on the double entry system according to the Form A in the Schedule hereto, including:—

Personal Accounts with—
- Each officer having cash transactions under the Act.
- The ratepayers in respect of rates assessed upon them.
- The ratepayers in respect of costs due from them.
- Each authority from which precepts are received.

Impersonal Accounts of—
- Valuation expenses.
- Cost of rate collection.
- General rate income.
- Special rate income.

(*a*) 10 Halsbury's Statutes 573. Repealed; see now s. 235 (1) of the L. G. A., 1933, *ante*, p. 1082.

(*b*) *Ante*, p. 2113.

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Final Accounts of or for—
Each part of the area in which an additional item of rate is levied or to which income in aid of rate is credited.
General rate income appropriation.
Financial adjustments certified under the Act.

(ii) A continuous record (to be kept either in the ledger or in a separate book provided for the purpose) of the ascertained products of the rates levied for the purposes of each precepting authority, of each part of the area in which an additional item of the general rate is levied, and of each fund or revenue in respect of which the council are required to keep separate account, and of the disposal thereof, showing the surplus or deficiency to date in respect of each such levy;

(iii) A Rate Charge Book according to the Form B in the Schedule hereto;

Provided that the council may, if they think fit, in lieu of keeping a separate Rate Charge Book in the said Form B, record on the valuation list, in additional columns, added thereto for the purpose, particulars of all rates made during the currency of the list, and in respect of each such rate the particulars so recorded shall be deemed to constitute the Rate Charge Book;

Provided also that, during the period before the first new valuation list made under the Act comes into operation in the district, the provisions of Article 4 (1) (i) (*a*) in regard to the keeping of a Rate Book shall apply in lieu of the foregoing provisions in regard to the keeping of a Rate Charge Book;

(iv) A Summons List and Costs Account Book according to the Form D in the Schedule hereto;

(v) A Rate Arrears Book according to the Form E in the Schedule hereto;

(vi) An account of the rate receipt forms purchased and issued to the several rating officers showing the numbers so issued at each date according to the consecutive numbering printed on the forms; and

(vii) A Rate Produce Book, showing how the produce of a penny rate has been ascertained for the year, both in the district as a whole and in each part thereof in which the general rate is levied at a different poundage, and also how the produce of each special rate has been ascertained.

Accounts of Rating Officers.

4.—(1) Each rating officer shall, in respect of his collection district,—

(i) keep and punctually enter up and balance—

(*a*) during the period before the first new valuation list made under the Act comes into operation in the district, Rate Books (General and Special) according to the forms at present in use in the parish or parishes concerned, and

(*b*) thereafter, a Rate Account Book according to the Form F in the Schedule hereto;

(ii) keep and punctually enter up and balance a Cash Account according to the Form G in the Schedule hereto;

(iii) subject as herein provided, keep and punctually enter up Receipt Books containing consecutively numbered copies of the receipts given by him according to the Form H in the Schedule hereto;

Provided that during the period before the first new valuation list made under the Act comes into operation in the district the rating officer may continue to use receipt check books according to the form in use at the date of this Order in the parish or parishes concerned:

Provided also that thereafter any rating officer who was employed in the collection of poor rates before the first day of April, 1927, may, if the council approve and if the number of assessments in his collection district does not exceed 500, continue to use receipt check books according to the form prescribed by the General Order for Accounts (Unions), 1867, in the manner prescribed by that Order:

(iv) prepare and submit as and when directed by the council and in all cases immediately upon the close of each rate period :—
  (*a*) a list of the items which should in his opinion be written off as irrecoverable, showing the reason in each case ; and
  (*b*) a list of the other items which are still to be collected at the date when such list is prepared, or at the close of the rate period, as the case may be ;
(v) keep a book or books containing consecutively numbered copies of the statements according to one or other of the Forms J, K or L in the Schedule hereto which have been attached by him to the demand notes addressed to owners or other ratepayers ; and
(vi) transmit to the clerk of the council, not less frequently than once a month, a return of all the facts and dates, which have come to his knowledge since the date of his last return in regard to new properties becoming ready for occupation, additions to existing properties, and persons entering into occupation of, or ceasing to occupy, premises in his collection district.

(2) Each rating officer or other officer who collects rate monies on behalf of the council shall—

(i) bank all monies of the council received by him at such times and in such manner as is directed by the council, and in no case less frequently than once a week ;
(ii) comply with the Accounts (Payment into Bank) Order, 1922 (*a*) ; and
(iii) submit his accounts for examination at such times and in such manner as is directed by the council and in no case less frequently than once a month.

(3) Any warrant officer or broker who receives rate monies on behalf of the council shall keep and punctually enter up a Cash Account and Receipt Book, as prescribed in this Order, and shall comply with the Accounts (Payment into Bank) Order, 1922 (*a*).

General.

5. The officer who is charged with the duty of keeping the accounts of the council shall be responsible for the prompt and correct entry and balancing of all the accounts, books and records referred to in Article 3 of this Order, for presenting the ledger accounts to the council or to the appropriate committee, and for obtaining their approval to the submission of such accounts with or without amendment to the district auditor, and for the submission of all accounts at the audit.

He shall also be responsible for the maintenance of a current supervision and independent examination of the accounts, books and records required to be kept by other officers.

6.—(i) The following books shall together constitute the Rate Book of the rural district, that is to say :—

(*a*) in respect of any period before the first new valuation list made under the Act comes into operation in the district, the Rate Books for the several collection districts kept in accordance with Article 4 (1) (i) (*a*) hereof ; and
(*b*) in respect of any subsequent period the Rate Charge Book for the district and the Rate Account Books for the several collection districts kept in accordance with Articles 3 (2) (iii) and 4 (1) (i) (*b*) hereof, respectively.

(ii) Rate Books and Rate Account Books for a collection district kept by a rating officer in accordance with Article 4 (1) (i) hereof shall be deemed to be accounts of the council, and the officer shall, as and when the council may direct, deposit any such book at the offices of the council.

7. A refund made to a ratepayer in respect of an overpayment of either the current rate or any previous rate shall be treated in the rate book of the period then current as an amount written off in that book during that period, the amount of such refund being added to the total of the appropriate column relating to irrecoverable sums and being deducted from the total of the column relating to amounts paid by ratepayers.

(*a*) See this Order at p. 2346, *ante*.

RATING AND VALUATION

8. When a refund is made to an outgoing occupier in respect of a rate payment covering a period extending beyond the end of his occupation, a new rate charge of equal amount shall be entered either at the end of the current rate book, or in a column provided for the purpose in that book, and any sum collected from a new occupier of the hereditament, and any part of the new charge written off as irrecoverable in respect of such period, or carried forward as recoverable arrears, shall also be entered in the appropriate column in connection with the new entry.

9. Subject as herein provided, the forms prescribed in this Order shall not be modified in any material respect without the express approval of the Minister:

Provided always that the council may, without such approval, make such additions to any form as may appear to them to be useful in connection with the keeping or verification of any of the council's accounts or records.

10. Any Order heretofore issued by the Minister or his predecessors relating to any accounts with respect to which provision is made by this Order is hereby rescinded in so far as it is inconsistent with any such provision.

SCHEDULE (*a*).

* * * * * *

S. R. & O., 1926, No. 1178.

THE RATE ACCOUNTS (BOROUGH AND URBAN DISTRICT COUNCILS) ORDER, 1926, DATED SEPTEMBER 30, 1926, MADE BY THE MINISTER OF HEALTH.

To the councils of the several municipal boroughs and urban districts in England and Wales:—

Whereas by reason of the provisions of the Rating and Valuation Act, 1925, it is desirable to prescribe the methods in which the accounts of the receipts and expenditure under that Act of rating authorities and their officers shall be kept and presented for audit;

Now, therefore, the Minister of Health, by virtue of the powers conferred upon him by section 5 of the District Auditors Act, 1879 (*b*), and of all other powers enabling him in that behalf, hereby orders as follows:—

1. This Order may be cited as the Rate Accounts (Borough and Urban District Councils) Order, 1926, and shall come into operation on the first day of April, 1927.

2.—(1) This Order shall apply, subject to any amendment thereof or any departure therefrom to which the Minister may from time to time assent, to the council of every borough and urban district and to the officers of every such council in relation to the accounts of their receipts and expenditure under the Rating and Valuation Act, 1925 (*c*).

(2) In this Order, unless the context otherwise requires—

"council" means council of a borough or urban district;

"the Act" means the Rating and Valuation Act, 1925 (*c*);

(*a*) The forms in this Schedule are identical with those in the Schedule to the Rate Accounts (Borough and Urban District Councils) Order, 1926, *post*, p. 3586, with the following exceptions:—Form B: The words "[and special]" are inserted after "general" in the heading, and a footnote is appended to the "Rate made" columns in the following terms. "For parts of the rating area where Special Rates are made columns headed "Special Rate at..... in the £" should also be provided to such extent as may be necessary. N.B.—The amount in the £ of the Special Rate on the pages relating to railway lines, etc., will be at one-quarter of the amount in the £ appearing on the other pages of the book." Form C is omitted. Form F: The words "or No. of receipt" are omitted in the heading to the Date of Payment column.

(*b*) 10 Halsbury's Statutes 573. Repealed; see now s. 235 (1) of the L. G. A., 1933, *ante*, p. 1082.

(*c*) *Ante*, p. 2113.

"the Minister" means the Minister of Health;

"year" means a period of twelve months commencing upon the first day of April;

"chief financial officer" means the chief officer charged with keeping the accounts of the council;

"rate" means—

(*a*) until a general rate is levied, a poor rate (or a consolidated rate which includes a poor rate), and

(*b*) thereafter, a general rate.

Accounts of the Council.

3.—(1) The chief financial officer of the council shall keep such ledger accounts, books of account and records as are required by this Article or are needed for the purpose of presenting a full and correct account of transactions under the Act.

(2) The accounts, books and records required to be kept by this Article are:—

(i) Ledger accounts on the double entry system according to the Form A in the Schedule hereto including:—

Personal Accounts with—

Each officer having cash transactions under the Act;
The ratepayers in respect of rates assessed upon them;
The ratepayers in respect of costs due from them;
Each authority from which precepts are received.

Impersonal Accounts of—

Valuation expenses;
Cost of rate collection;
Rate income.

Final Accounts of or for—

Each part of the area in which an additional item of rate is levied or to which income in aid of rate is credited;
Rate income appropriation;
Financial adjustments, if any, certified under the Act.

(ii) A continuous record (to be kept either in the ledger or in a separate book provided for the purpose) of the ascertained products of the rates levied for the purposes of each precepting authority, of each part of the area in which an additional item of the general rate is levied, and of each fund or revenue in respect of which the council are required to keep separate account, and of the disposal thereof, showing the surplus or deficiency to date in respect of each such levy.

(iii) A Rate Charge Book according to the Form B, or a Rate Book according to the Form C, in the Schedule hereto;

Provided that the council may, if they think fit, in lieu of keeping a separate Rate Charge Book in the said Form B record on the valuation list, in additional columns added thereto for the purpose, particulars of all rates made during the currency of the list, and in respect of each such rate the particulars so recorded shall be deemed to constitute the Rate Charge Book.

(iv) A Summons List and Costs Account Book according to the Form D in the Schedule hereto;

(v) A Rate Arrears Book according to the Form E in the Schedule hereto;

(vi) An account of the rate receipt forms purchased and issued to the several collecting officers showing the numbers so issued at each date according to the consecutive numbering printed on the forms; and

(vii) A Rate Produce Book, showing how the produce of a penny rate has been ascertained for the year, both in the rating area as a whole and in each part thereof in which the general rate is levied at a different poundage.

RATING AND VALUATION

Accounts of Officers.

4. Any officer who is responsible for rate collection in any collection district of the rating area shall—

(i) In every case where a Rate Charge Book according to Form B is adopted by the council, keep and punctually enter up a Rate Account Book according to the Form F in the Schedule hereto and balance such account promptly after the close of the rate period;

(ii) Prepare and submit, as and when directed by the council, and in all cases immediately upon the close of each rate period:—

(*a*) a list of the items which should in his opinion be written off as irrecoverable, showing the reason in each case, and

(*b*) a list of the other items which are still to be collected at the date when such list is prepared, or at the close of the rate period, as the case may be;

(iii) Keep a book or books containing consecutively numbered copies of the statements according to one or other of the Forms J, K or L in the Schedule hereto which have been attached by him to the demand notes addressed to owners or other ratepayers; and

(iv) Transmit to the chief financial officer not less frequently than once a month a return of all the facts and dates which have come to his knowledge since the date of his last return in regard to new properties becoming ready for occupation, additions to existing properties, and persons entering into occupation of, or ceasing to occupy, premises in his collection district.

5.—(1) Every officer who collects rate monies on behalf of the council, shall—

(i) keep and punctually enter up and balance a Cash Account according to the Form G in the Schedule hereto;

(ii) keep and punctually enter up Receipt Books containing consecutively numbered copies of the receipts given by him according to the Form H in the Schedule hereto;

(iii) bank all monies of the council received by him at such times and in such manner as is directed by the council, and in no case less frequently than twice a week;

(iv) comply with the Accounts (Payment into Bank) Order, 1922 (*a*); and

(v) submit his accounts for examination at such times and in such manner as is directed by the council and in no case less frequently than once a week.

(2) Any warrant officer or broker who receives rate monies on behalf of the council shall keep and punctually enter up a Cash Account and Receipt Book as prescribed in this Order, and shall comply with the Accounts (Payment into Bank) Order, 1922 (*a*).

Transitional Provisions.

6. In respect of any period before the first new valuation list made under the Act comes into operation in the area, the council, notwithstanding anything hereinbefore contained,—

(*a*) shall, instead of bringing into use Form B or Form C in the Schedule hereto, continue to use Rate Books according to the form at present in use in the parish or parishes concerned; and

(*b*) may, instead of bringing into use for any purpose any other form in the Schedule hereto, continue to use any form at present in use for a similar purpose.

(*a*) This Order is set out at p. 2346, *ante*.

General.

7. The chief financial officer shall be responsible for the prompt and correct entry and balancing of all the accounts, books and records referred to in Article 3 of this Order, for presenting the ledger accounts to the council or to the appropriate committee, and for obtaining their approval to the submission of such accounts with or without amendment to the district auditor, and for the submission of all accounts at the audit.

He shall also be responsible for the maintenance of a current supervision and independent examination of the accounts, books and records required to be kept by other officers.

8. Where a Rate Charge Book according to Form B is kept, that book, together with the Rate Account Books according to Form F kept for the several collection districts, shall together constitute the Rate Book of the borough or urban district; and the Rate Account Books of the collection districts shall be deemed to be accounts of the council and shall, as and when the council may direct, be deposited at the offices of the council.

9. A refund made to a ratepayer in respect of an overpayment of either the current rate or any previous rate shall be treated in the rate book of the period then current as an amount written off in that book during that period, the amount of such refund being added to the total of the appropriate column relating to irrecoverable sums and being deducted from the total of the column relating to amounts paid by ratepayers.

10. When a refund is made to an outgoing occupier in respect of a rate payment covering a period extending beyond the end of his occupation, a new rate charge of equal amount shall be entered, either at the end of the current rate book, or in a column provided for the purpose in that book, and any sum collected from a new occupier of the hereditament and any part of the new charge written off as irrecoverable in respect of such period, or carried forward as recoverable arrears, shall also be entered in the appropriate column in connection with the new entry.

11. The ledger accounts, officers' cash accounts and the bank account relating to transactions under the Act shall be kept and balanced apart from any accounts of the council and of their officers which are not subject to audit by the district auditor, but may be kept or balanced together with any other accounts which are subject to that audit.

12. Subject as herein provided, the forms prescribed in this Order shall not be modified in any material respect without the express approval of the Minister:

Provided always that the council may, without such approval, make such additions to any form as may appear to them to be useful in connection with the keeping or verification of any of the council's accounts or records.

13. Any Order heretofore issued by the Minister or his predecessors relating to any accounts with respect to which provision is made by this Order is hereby rescinded in so far as it is inconsistent with any such provision.

SCHEDULE.

FORM A.

LEDGER ACCOUNT.

Dr.

Date.	Folio of Corresponding Credit.	Account of Corresponding Credit.	Description of Item.	Amount. £	s.	d.	Total. £	s.	d.

Cr.

Date.	Folio of Corresponding Debit.	Account of Corresponding Debit.	Description of Item.	Amount. £	s.	d.	Total. £	s.	d.

FORM B.

RATE CHARGE BOOK—GENERAL RATES MADE, 19..... TO 19.....*

Assessment Number.	Occupier.	Dates (in cases of change of occupancy). From	Dates (in cases of change of occupancy). To	Owner, where the owner pays the rates.	Description of Property.	Name or Situation of Property.	Rate made..... day of..... Rateable Value.	Rate made..... day of..... General Rate at .....in the £ £	s.	d.	Rate made..... day of..... Rateable Value.	Rate made..... day of..... General Rate at .....in the £. £	s.	d.	Rate made..... day of..... Rateable Value.	Rate made..... day of..... General Rate at .....in the £. £	s.	d.	Rate made..... day of..... Rateable Value.	Rate made..... day of..... General Rate at .....in the £. £	s.	d.	.....
1							£	£	s.	d.	£	£	s.	d.	£	£	s.	d.	£	£	s.	d.	
2																							

Note in regard to use of form.

* *I.e.*, during the five years covered by the currency of the valuation list.

FORM C.

RATE BOOK.

s- t er.	Occupier.	Dates (in cases of change of occupancy).		Owner where the owner pays the rates.	Description of property.	Name or Situation of property.	Rateable Value.	Rate at ..... in the £.			Arrears of previous rates.			Total for each Occupier or Owner.			Owners' Allowances.			Empty Allowances. *			Otherwise Irrecoverable. *			Reason why Irrecoverable. *	Amounts Paid.			Date of payment or No. of receipt.	Arrears Carried Forward.		
		From	To				£	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.		£	s.	d.		£	s.	d.

Notes in regard to use of form.

* One column suffices where a separate book giving details of irrecoverable rates is kept.
Where Section 8 of the Rating and Valuation Act, 1925, has been adopted, a further column headed "Discount" will be needed on the Credit side.
Where the rate is made payable by instalments, extra columns for amounts paid and date of payment should be added.

FORM D.

SUMMONS LIST AND COSTS ACCOUNT.

SUMMONS LIST.									COSTS ACCOUNT. *Dr.*																		*Cr.*	
Assessment Number.	Name.	Rates due.			Period.	Paid before		War-rant signed.	Notes at Hearing.	Brought forward.		Summons.		Service.		Warrant.		Distraint.		Commitment.		Total.		Costs Paid.		Date of Payment.	Written off.			Carried forward.	
		Amount.				Service.	Hearing.																				Amount.		Reason.		
		£	*s.*	*d.*						*s.*	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*		*s.*	*d.*		*s.*	*d.*

FORM E.

RATE ARREARS BOOK.

Arrears at [30 September, 1927].													Treatment in half-year to [31 March, 1928].											
Name of Ratepayer.	Hereditaments concerned.	Amount due in respect of										Proceedings taken and result thereof.	Collected during half-year.				Written-off during half-year.			Reasons for writing-off or directions given by Committee.	Carried forward at (31 March)			
		Rate to (30 Sept.)			Previous Rates.			Costs.		Total.			Amount.			Date (or No. of receipt).								
		£	s.	d.	£	s.	d.	s.	d.	£	s.	d.		£	s.	d.		£	s.	d.		£	s.	d.

Submitted to and approved by..... Committee.

Date.....

Signature of Chairman.....

FORM F.

RATE ACCOUNT BOOK.

.....District. Half-year.....

Assessment Number.	Ratepayer's Name.	Property and Address (in short).	Rate at .....in £			Arrears brought forward.			Total for each Owner or Occupier.			Owners' Allowances.			Empty Allowances.			Otherwise Irrecoverable.			Amounts Paid.			Date of Payment or No. of receipt.	Arrears carried forward.			Collector's Notes, including dates of change of occupation.
			£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.		£	s.	d.	

Notes in regard to use of form.

Where Section 8 of the Rating and Valuation Act, 1925, has been adopted a further column headed "Discount" will be needed on the Credit side. Where the rate is made payable by instalments, extra columns for amounts paid and date of payment should be added.

FORM G.

CASH ACCOUNT.

COLLECTIONS.										DEPOSITS.			
Date.	Receipt Number.	Amount Received.					Total up to time of Banking.			Date.	Amount.		
		Rate.			Costs.								
		£	s.	d.	s.	d.	£	s.	d.		£	s.	d.

FORM H.

RECEIPT BOOK.

RECEIPT.

(Consec. No.) .....Council.

Received this 19

from.....

the sum of £.....in respect of the items entered hereon.

.....Collecting Officer.

By Cash.
By Cheque.

Assessment Number.	Current Rate.		
	£	s.	d.
Arrears (if any)			
Costs (if any) .			
Total . .			

Notes in regard to use of form.

If a discount for prompt payment is allowed under Section 8 of the Act, the form should provide for showing the total rate charge of the current period and the discount deducted therefrom.

If the receipt of water charges or other income is dealt with on the rate receipt form a separate column or columns should be provided for entering the items of such receipts.

A separate "total" column should be added where sanction has been obtained to total the receipts in the Receipt Book for entry in the officer's Cash Account.

STATEMENTS TO BE ATTACHED TO DEMANDS ADDRESSED TO OWNERS.

FORM J.

For owners Rated under Section 11 (1) *or agreeing under Section* 11 (2) (*b*).

(Consec. No.)

Assessment Numbers.	Hereditaments.	Rateable Values.	Full Rates.			Deductions claimed for Empty Periods.				
						Period.		Amount.		
						From	To			
		£	£	*s.*	*d.*			£	*s.*	*d.*
Deductions in respect of Empties		£								
		£								

An allowance of.....% is claimable if.....of the above is paid before .....and the remainder before.....

FORM K.

For owners agreeing under Section 11 (2) (*a*).

(Consec. No.)

Assessment Numbers.	Hereditaments.	Rateable Values.	Full Rates.		
		£	£	*s.*	*d.*

Total..... £

Less.....% £

£

An allowance of .....% is claimable if.....of the above is paid before.....

.....and the remainder before.....

RATING AND VALUATION

FORM L.

For owners agreeing under Section 11 (2) (*c*).

(Consec. No.)

Assessment Numbers.	Hereditaments.	Rateable Values.	Full Rates.		
		£	£	*s.*	*d.*
		Total .			

The owner's rent accounts show that the amounts collectable and collected during the (half) year in respect of rent and rates taken together were respectively £ ..... and £ .....

The amount due to the council is that proportion of the above total which the aggregate amount actually collected in respect of rent and rates bears to the aggregate amount due in respect thereof, less.....%.

Note in regard to use of Forms K and L.

On Forms K and L it is not necessary to enter in the final column detail in respect of amounts brought together in the columns of the Rate Account Book headed "Total for each owner."

S. R. & O., 1926, No. 1502.

THE RATING AND VALUATION ACT (COUNTY VALUATION COMMITTEES) ORDER, 1926, DATED 30TH NOVEMBER, 1926, MADE BY THE MINISTER OF HEALTH UNDER SECTION 67 OF THE RATING AND VALUATION ACT, 1925, FOR REMOVING A DIFFICULTY ARISING IN CONNECTION WITH THE APPLICATION OF CERTAIN PROVISIONS OF THAT ACT TO AREAS CONSISTING OF AN ADMINISTRATIVE COUNTY AND A COUNTY BOROUGH OR COUNTY BOROUGHS.

Whereas for the purpose of promoting uniformity in the principles and practice of valuation and assisting rating authorities and assessment committees in the performance of their functions under the Rating and Valuation Act, 1925, it is provided by section 18 (1) of that Act (*a*) that there shall be established in every county a committee of the county council (to be called the county valuation committee);

And whereas by section 16 (3) of the said Act (*a*) it is provided that any two or more councils, whether councils of counties or county boroughs, may make and submit to the Minister of Health a joint scheme for the constitution of assessment areas;

And whereas in certain cases the councils of counties and county boroughs have submitted joint schemes; and in such circumstances a difficulty arises in connection with the representation of the councils of county boroughs on the county valuation committee;

And whereas by section 67 of the said Act (*a*) it is provided that if any difficulty arises in connection with the application of the Act to any exceptional area, or the preparation of the first valuation list for any area, or otherwise in bringing into operation any of the provisions of the Act, the Minister of Health may by order remove the difficulty, or constitute any assessment committee, or declare any assessment committee to be duly constituted, or make any appointment, or do any other thing, which appears to him necessary or expedient for securing the due

(*a*) *Ante*, pp. 2163, 2160, 2228.

preparation of the list, or for bringing the said provisions into operation, and any such order may modify the provisions of the Act so far as may appear to the Minister necessary or expedient for carrying the order into effect;

And whereas application has been made to the Minister of Health by certain councils to remove the difficulty above-mentioned by making such an order as is hereinafter contained:

Now therefore the Minister of Health, by virtue of the powers conferred upon him by the said section 67, and of all other powers enabling him in that behalf, hereby orders as follows:—

1. This Order may be cited as the Rating and Valuation Act (County Valuation Committees) Order, 1926, and shall come into operation on the date hereof.

2. In any case where the councils of a county and of a county borough, or two or more county boroughs, have made and submitted to the Minister of Health a joint scheme for the constitution of assessment areas, and such scheme has been approved by the Minister, the county valuation committee for the county may include such number of persons to be appointed by the council of any county borough which is for the purposes of the Local Government Act, 1888, deemed to be situate in the county, as may be agreed between the councils of the county and of the county borough, and it shall not be necessary that a person so appointed shall be a member of the council of the county.

S. R. & O., 1927, No. 55.

THE OVERSEERS ORDER, 1927.

At the Court of Buckingham Palace, the 7th day of February, 1927. Present: The King's Most Excellent Majesty in Council.

Whereas by sub-section (2) of section 1 of the Rating and Valuation Act, 1925 (*a*), it is enacted that as from the 1st day of April, 1927, being the appointed day within the meaning of that Act, all powers and duties of the overseers of the poor in relation to the making, levying and collection of rates, and of any other person who by virtue of any local Act has powers in that behalf, shall in every rating area be exercised and performed by the rating authority:

And whereas sub-section (1) of section 62 of the same Act (*a*) provides that after the day aforesaid overseers shall cease to be appointed, and that His Majesty may by Order in Council provide, subject to the provisions of the Act, for the transfer as from that day to rating authorities, or such other local authorities or persons as seems expedient, of the powers and duties of and any property vested in overseers, and that any such Order may contain such supplemental and consequential provisions as appear to His Majesty to be necessary or expedient to make in connection with the abolition of the office of overseer:

And whereas sub-section (3) of the said section 62 enacts that any reference in any Act or document to overseers in relation to any of their powers or duties shall be construed as references to the rating authority or to the other persons to whom those powers or duties are transferred by or in pursuance of the Rating and Valuation Act, 1925:

Now, therefore, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, as follows:—

Preliminary.

1.—(1) This Order may be cited as the Overseers Order, 1927, and save as otherwise expressly provided shall come into operation on the 1st day of April, 1927.

(2) This Order shall not extend to Scotland, Northern Ireland, the Isles of Scilly or the administrative County of London.

(*a*) *Ante*, pp. 2117, 2222.

RATING AND VALUATION

2.—(1) The Interpretation Act, 1889, applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(2) In this Order, unless the context otherwise requires—

"Parish" has the same meaning as in sub-section (4) of section 68 of the Rating and Valuation Act, 1925;

"Property" includes all property, real and personal, and all estates, interests, easements, and rights, whether equitable or legal, in, to, and out of property real and personal, including things in action, and registers, books and documents;

"Rating authority" means the council of any county borough, urban district or rural district;

"Rural parish" means a parish in a rural district;

"Urban parish" means a parish in a county borough or urban district;

"The Act of 1925" means the Rating and Valuation Act, 1925;

"The appointed day" means the 1st day of April, 1927;

"The Minister" means the Minister of Health.

(3) Where rural parishes are grouped under a common parish council, any reference in this Order to the parish council shall include a reference to the grouped parish council, but where the powers or duties in connection with which the expression is used are excluded by the grouping order from the powers or duties exercisable by the parish council, any reference in this Order to the parish council shall be read as a reference to the parish meeting of each of the grouped parishes.

Jurors Book and Electors Register.

3.—(1) Subject to the provisions of this Article, the powers and duties of overseers under the enactments relating to the preparation of the jurors book and register of electors are hereby transferred to the rating authority.

(2) If the registration officer at any time shall send the rating authority a request that one or more of their officers shall be designated by them to perform the duties of overseers in relation to the preparation of the jurors book or the register of electors, the rating authority shall forthwith designate one or more of their officers for the purpose, and the officer or officers so designated shall, while the designation continues in force, perform the duties of overseers in relation to those matters or either of them, as the case may be:

Provided that if the registration officer shall raise a question whether an officer designated by a rating authority is an officer to whom the work can properly be assigned by the rating authority, that question shall be determined by the Secretary of State.

(3) A designation under this Article of an officer to perform any duty shall cease to have effect if either the rating authority revoke the designation, or the registration officer notifies the rating authority that the assistance of the designated officer will not be required by him in the performance of that duty:

Provided that any such revocation or notification, if given at any time between the 30th day of April and the 15th day of October in any year, shall not have effect until the 15th day of October in the same year.

(4) Where the rating authority revoke a designation under this article they shall forthwith send notice of the revocation to the registration officer.

(5) The remuneration and expenses of a designated officer in respect of—

(*a*) the preparation of the jurors book shall be payable by the rating authority in accordance with the enactments relating to the preparation of the jurors book; and

(*b*) the preparation of the register of electors shall be defrayed in accordance with the enactments relating to the registration of electors.

(6) Any document required to be signed by overseers and relating to the preparation of the jurors book or the registers of electors may be signed by an officer designated under this Article by the rating authority.

Holding or Management of Parish Property, Village Greens and Allotments.

4.—(1) The powers and duties of the overseers, or of the churchwardens and overseers, of any urban parish with respect to the holding or management of parish property (not being property relating to affairs of the church or held for an ecclesiastical charity within the meaning of the Local Government Act, 1894), and the holding or management of village greens or of allotments, whether for recreation grounds or for gardens or otherwise for the benefit of the inhabitants or any of them, and whether of that parish or of that parish conjointly with other parishes, are hereby transferred to the rating authority.

(2) The powers and duties of overseers, or of the churchwardens and overseers, mentioned in paragraph (1) of this Article, as respects any rural parish not having a separate parish council and to which sub-section (6) of section 19 of the Local Government Act, 1894, applies, are hereby transferred to the parish meeting (*a*).

(3) Where immediately before the appointed day the overseers, or the churchwardens and overseers, of any urban parish are associated with any other persons in the holding or management of parish property, village greens or allotments to which this Article applies, the powers and duties of the overseers, or of the churchwardens and overseers, in relation to such holding or management, are hereby transferred to such number of persons, not exceeding the number of overseers, or of churchwardens and overseers (as the case may be) as may be appointed by the rating authority, and shall be exercised and performed by the persons so appointed jointly with the persons associated with them.

(4) Paragraph (3) of this Article shall extend to any rural parish, and if the parish has a parish council with the substitution for the rating authority of the parish council, and if the parish has not a parish council with the substitution for the rating authority of the parish meeting.

Other Powers and Duties of Overseers.

5.—(1) The powers and duties of overseers, or of the churchwardens and overseers, under the enactments mentioned in the schedule to this Order (*b*) are hereby transferred to the local authorities or persons mentioned in the third, fourth and fifth columns of that schedule, and those enactments shall have effect accordingly.

(2) The powers and duties of overseers under any rules in relation to elections made under section 48 of the Local Government Act, 1894, are hereby transferred to the clerk to the rating authority.

(3) Any powers or duties of overseers, or of the churchwardens and overseers, not transferred by the Act of 1925 and to which the foregoing provisions of this Order do not extend are hereby transferred to the rating authority.

Transfer of Property.

6.—(1) All property held by overseers, or by the churchwardens and overseers, for the purposes or in the exercise or performance of any powers or duties transferred by the foregoing provisions of this Order shall by virtue of this Order pass to and vest in the authority to whom the powers and duties are transferred, subject to all debts and liabilities affecting the same.

(2) Notwithstanding anything in section 25 of the Welsh Church Act, 1914, all property vested in the overseers, or in the churchwardens and overseers, of an urban parish (not being property to which paragraph (1) of this Article applies or property connected with the affairs of the church or held for an ecclesiastical charity within the meaning of the Local Government Act, 1894), shall by virtue

(*a*) The subsection was repealed by the L. G. A., 1933, *ante*, p. 1285. See now notes to s. 47 (3) of that Act, *ante*, p. 781, which takes the place of Article 7 here printed in italics. The article is retained here as being a link in the title to parish property.

(*b*) The schedule has been retained (*post*, p. 3601) *in extenso*, to facilitate tracing the course of legislation, although some of the powers and duties included in it have been removed by later legislation shown in the notes, *ibid.*

RATING AND VALUATION

of this Order be transferred to and vest in the rating authority, subject to all trusts and liabilities affecting the same.

(3) Where property is transferred to the rating authority by this Article, the rating authority shall apply the net income of the property for the benefit of the persons for whose benefit the income of the property would have been applied if this Order had not been made.

[7.—(1) *In any rural parish to which sub-section* (6) *of section* 19 *of the Local Government Act,* 1894 (*a*), *applies, the chairman of the parish meeting and, in lieu of the overseers, the councillor or councillors for the time being representing the parish on the rural district council shall, on and after the appointed day, be the body corporate constituted by that sub-section, and shall be called the representative body of the parish:*

Provided that if the parish is represented on the rural district council by one councillor only, and that councillor is also chairman of the parish meeting, the rural district council, at a meeting held either before or after the appointed day, shall appoint in lieu of the overseers a local government elector of the parish to be a member of the representative body of the parish, who shall hold office for a term of four years, or until the offices of rural district councillor for the parish and chairman of the parish meeting cease to be held by one person.

(2) *On the appointed day, or if the first appointment under the proviso to paragraph* (1) *of this Article is made after the appointed day by the rural district council, on the day on which the appointment is made by them, the legal interest in all property vested in the body corporate consisting of the chairman of the parish meeting and overseers shall, by virtue of this Order, be transferred to and vest in the representative body of the parish.*

(3) *If on the appointed day the representative body constituted by this Article is not complete, the persons who immediately before that day constitute the body corporate consisting of the chairman of the parish meeting and overseers shall continue to constitute that body corporate until the representative body is complete.*

(4) *Any reference in any Act or document to the corporate body consisting of the chairman of the parish meeting and overseers of a parish shall be read as a reference to the corporate body constituted by this Article.*]

Trustees under Local Acts.

8. Where immediately before the appointed day the overseers of any parish are members *ex officio* of a body of trustees incorporated by a local Act, and property the income whereof is applicable in aid of the poor rate or otherwise for the general benefit of the ratepayers, parishioners or inhabitants of a parish is vested in those trustees, such number of persons, not exceeding the number of the overseer trustees, as the rating authority shall appoint, shall be trustees in place of the overseers.

Charities.

9.—(1) Subject to the provisions of this Article, where immediately before the appointed day the overseers of a parish, as such, are either alone or jointly with any other persons, trustees of any charity, such number of persons, not exceeding the number of the overseer trustees, as the local authority within the meaning of this Article shall appoint, shall be trustees in their place.

(2) The local authority within the meaning of this Article shall be—

(*a*) Where the parish is an urban parish, the rating authority;
(*b*) Where the parish is under a parish council, the parish council;
(*c*) Where the parish is a rural parish not under a parish council, the parish meeting.

(3) If the rating authority are the council of a county borough or urban district comprising more than one parish, and their borough or district is divided into wards for the election of councillors, the power of appointing trustees conferred on the rating authority by this Article shall be exercised by them on the nomination of the councillors elected for the ward or wards comprising the parish, or any part of the parish, for which the overseer trustees acted as overseers.

(*a*) See note (*a*), p. 3597, *ante*.

(4) This Article shall not extend to a charity which is an elementary school within the meaning of the Education Act, 1921.

10. The preceding Article of this Order shall extend to any charity not being an elementary school within the meaning of the Education Act, 1921, for which overseers act, immediately before the appointed day, as trustees for the nomination of beneficiaries or any other special purpose, so as to provide for the appointment by the local authority, as defined in that Article, of trustees in succession to the overseers for the special purposes for which the overseers are trustees.

11.—(1) Where immediately before the appointed day overseers are trustees of any charity either generally or for any special purpose, or any charitable endowment is vested in overseers, either alone or jointly with other persons, and—

(*a*) provision is not made by any enactment or by this Order for the appointment of trustees as successors to the overseers or for the vesting of the property; or

(*b*) any difficulty arises in the application to the charity or endowment of the provisions of the Local Government Act, 1894, or this Order;

the Charity Commissioners, on the application of any trustee or beneficiary, or any local authority or persons interested, may by order or scheme provide for the appointment of trustees as successors to the overseers or for the vesting of the property, or for the removal of the difficulty, as the case may require.

(2) In the application of paragraph (1) of this Article to any endowment held solely for educational purposes, the Board of Education shall be substituted for the Charity Commissioners.

(3) Notwithstanding anything in section 66 of the Local Government Act, 1894, where overseers immediately before the appointed day are trustees of any elementary school within the meaning of the Education Act, 1921, or have powers of management or control over any such school, the Board of Education may by order provide for the appointment of trustees or other persons in succession to the overseers.

Term of Office of Trustees, etc. Vacancies.

12.—(1) The term of office of a trustee or member of a corporate body appointed under a power conferred by this Order shall, subject to the provisions of this Order, be four years.

(2) Any trustee appointed under a power conferred by this Order may, by a notice signed by him and delivered to the appointing authority, resign his office as trustee, and a copy of the notice shall forthwith be sent by him to the clerk or chairman of the trustees.

(3) Any member of a corporate body appointed by a rural district council under a power conferred by this Order may, by a notice signed by him and delivered to the clerk of that council, resign his office as member.

(4) The body in whom by this Order is vested the power of appointing trustees or members of a corporate body shall fill, as soon as practicable, any vacancy in the office.

(5) Nothing in this Article shall affect the power of the Minister, the Board of Education or the Charity Commissioners to prescribe the term of office of a trustee or other person in any order made under a power conferred by this Order.

Enactments as to expenditure and receipts of Overseers.

13.—(1) Save as otherwise provided in this Order—

(*a*) Any enactment authorising expenses to be defrayed by overseers and either expressly providing or conveying by implication that the expenses shall be defrayed from the poor rate of a parish; and

(*b*) any enactment, authorising fines, fees, allowances, income from an endowment, or other receipts to be applied in aid of the poor rate of a parish, and either expressly providing or conveying by implication that the receipts are to be so applied by overseers; and

(*c*) any order or direction given under any enactment referred to in this Article;

shall have effect with the substitution for the overseers of the rating authority, and for the poor rate of the general rate or the poor rate, or, where the area for which the rate is made comprises more than one parish, of that portion of the general rate or poor rate which is levied on the parish.

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(2) Where under sub-section (3) of section 41 of the Education Act, 1921 (*a*), as amended by this Article, a county council direct money arising from an endowment to be paid to the rating authority, they shall specify the parish or parishes for whose benefit the money is by the rating authority to be applied and the proportions in which the money is so to be applied.

Service and Signature of Documents.

14. Save as otherwise provided by this Order, where any enactment or order provides for the service upon or transmission to the overseers, or the churchwardens and overseers, of a parish of any document, the enactment or order shall have effect in its application to—

(1) an urban parish, as if it provided for the service of the document on or its transmission to the clerk to the rating authority;

(2) a rural parish under a parish council, as if it provided for the service of the document on or its transmission to the chairman of the parish council; or

(3) a rural parish not under a parish council, as if it provided for the service of the document on or its transmission to the chairman of the parish meeting.

15.—(1) Any document required to be signed by the overseers, or by the churchwardens and overseers, of a parish and relating to powers or duties transferred by this Order to a local authority may, save as otherwise in this Order provided, be signed by the clerk to the local authority.

(2) Any document required to be signed by the overseers, or by the churchwardens and overseers, of a parish and relating to powers or duties transferred by this Order to a chairman, officer or other person, may be signed by that person.

Expenses of Execution of Transferred Powers, etc.

16.—(1) Any expenses incurred in the exercise or performance of those powers and duties of overseers which by this Order are transferred to—

(*a*) the parish council or chairman of the parish council, or to the parish meeting or chairman of the parish meeting, shall be defrayed as part of the general expenses of the parish council or parish meeting as the case may require;

(*b*) a relieving officer shall be defrayed by the board of guardians (*b*) as expenditure in the relief of the poor; or

(*c*) a police constable shall be defrayed by the rating authority, subject nevertheless to the power of a justice, on the application of the rating authority, to order the reimbursement of the expenses under section 6 of the Burial of Drowned Persons Act, 1808.

(2) Subject to the provisions of this Order, any expenses incurred in the exercise or performance of those powers and duties which by this Order are transferred to the rating authority, or to the clerk to the rating authority, shall be defrayed by the rating authority, and shall be chargeable by them to the account of the parish in respect of which the expenses were incurred.

Supplemental Provision as to Property Transferred.

17. Where by or in pursuance of this Order property is transferred from overseers to another authority—

(1) The authority to whom the property is transferred shall hold the property for the estate, interest and purposes, and subject to the covenants, conditions, and restrictions for and subject to which the property would have been held if this Order had not been made, so far as the same are not modified by or in pursuance of the Act of 1925; and

(2) All debts and liabilities incurred by overseers in respect of or otherwise affecting the property shall become debts and liabilities of the authority to whom the property is transferred and shall, subject to the provisions of the Act of 1925, be defrayed from the like property and funds from which they would have been defrayed if this Order had not been made.

(*a*) 7 Halsbury's Statutes 152.

(*b*) Now the county or county borough council (L. G. A., 1929 s. 1, *post*).

Exceptional Areas.

18.—(1) In relation to the Parish of Folkestone next Sandgate, the Urban District Council of Sandgate shall be deemed for the purposes of this Order to be the rating authority.

(2) If any difficulty arises in connection with the application of this Order to any exceptional area, as defined in section 67 of the Act of 1925, or otherwise in bringing into operation in an exceptional area any of the provisions of this Order, the Minister may, by order, remove the difficulty or do anything which appears to him necessary or expedient for bringing the said provisions into operation.

(3) An order of the Minister under this Article may modify the provisions of this Order in so far as may appear to the Minister necessary or expedient for carrying his order into effect, and may provide for any necessary adjustment of property and liabilities.

Savings.

19. This Order shall have effect subject to the provisions of the Act of 1925.

20. The abolition of the office of overseer shall not, nor shall anything contained in this Order,—

(1) affect any order which may have been made under section 33 of the Local Government Act, 1894, conferring on the council of a borough or urban district any powers, duties or liabilities of overseers or of a parish council; or

(2) affect the transfer by the Local Government Act, 1894, to parish councils of any powers, duties and liabilities of overseers, or affect any powers as to charities conferred on parish councils by that Act.

21. Nothing in this Order shall prejudice or affect any right or interest in any charitable endowment, or the jurisdiction of the Charity Commissioners or the Board of Education over any charitable endowment.

22. This Order shall have effect subject to the provisions of any future Order made under section 62 of the Act of 1925.

M. P. A. HANKEY.

SCHEDULE.

ENACTMENTS CONFERRING POWERS OR IMPOSING DUTIES ON OVERSEERS AND DESTINATION OF POWERS AND DUTIES.

Enactment.	Subject-matter.	Destination in urban parishes.	Destination in rural parishes	
			under a parish council.	not under a parish council.
(1)	(2)	(3)	(4)	(5)
The Disorderly Houses Act, 1751 (25 Geo. 2, c. 36), ss. 5, 6 & 7 and as extended by any other enactments.	Costs of prosecutions of keepers of disorderly houses and rewards to informers.	The rating authority.	The rating authority.	The rating authority.
The Burial of Drowned Persons Act, 1808 (48 Geo. 3, c. 75), ss. 1 to 13.	Burial of bodies found thrown in or cast on shore from the sea.	Any police constable acting within the parish.	Any police constable acting within the parish.	Any police constable acting within the parish.
The Vestries Act, 1818 (58 Geo. 3, c. 69), s. 2.	Provision of minute book for vestry meetings.	The rating authority.	—	—
The Disorderly Houses Act, 1818 (58 Geo. 3, c. 70), s. 7, as extended by any other enactment.	Service on overseers of notice.	The clerk to the rating authority.	The clerk to the rating authority.	The clerk to the rating authority.
	Prosecutions by overseers.	The rating authority.	The rating authority.	The rating authority.

ENACTMENTS CONFERRING POWERS OR IMPOSING DUTIES ON OVERSEERS AND DESTINATION OF POWERS AND DUTIES—*continued.*

Enactment.	Subject-matter.	Destination in urban parishes.	Destination in rural parishes	
			under a parish council.	not under a parish council.
(1)	(2)	(3)	(4)	(5)
The Poor Law Amendment Act, 1834 (4 & 5 Will. 4, c. 76)—				
s. 54 (*a*) . . .	Relief from poor rate in cases of sudden and urgent necessity and medical relief.	Any relieving officer.	Any relieving officer.	Any relieving officer.
s. 55 (*b*) . . .	Register of recipients of outdoor relief.	The board of guardians.	The board of guardians.	The board of guardians.
The Parish Notices Act, 1837 (7 Will. 4 & 1 Vict. c. 45), s. 3 (*c*).	Signature of notice convening vestry meeting.	The clerk to the rating authority.	—	—
The Parish Constables Act, 1842 (5 & 6 Vict. c. 109), ss. 2 to 4, 8 to 10, 14 & 16.	Appointment, etc., of parish constables.	The clerk to the rating authority.	The chairman of the parish council.	The chairman of the parish meeting.
The Vestries Act, 1850 (13 & 14 Vict. c. 57), ss. 1, 4 and 5 (*d*).	Application for order and provision of rooms or buildings for vestry meetings, etc., and loans for those purposes.	The rating authority.	—	—
The Burial Act, 1852 (15 & 16 Vict. c. 85), s. 42, as extended by the Burial Act, 1853 (16 & 17 Vict. c. 134), s. 7 (*e*).	Provision of mortuary where no burial board appointed.	The rating authority.	The parish council.	—
The Parochial Offices Act, 1861 (24 & 25 Vict. c. 125), ss. 1, 2 (*f*).	Provision of parish offices and depositories for parish books.	The rating authority.	—	—
The Poor Law Amendment Act, 1867 (30 & 31 Vict. c. 106), s. 29 (*g*).	Provision in rural parish of fire engine, fire station, etc.	—	—	The parish meeting.
The Parish Constables Act, 1872 (35 & 36 Vict. c. 92)—				
s. 4 . . .	Delivery of copy of resolution to justices.	The clerk to the rating authority.	The clerk to the parish council.	The chairman of the parish meeting.
ss. 9, 12 . .	Payment over by constable and payment to constable of fees and allowances.	The rating authority.	The rating authority.	The rating authority.

(*a*) See now s. 15, P. L. A., 1930; 12 Halsbury's Statutes 978.
(*b*) See now s. 47, P. L. A., 1930; 12 Halsbury's Statutes 991.
(*c*) See now reference to this section, *ante*, p. 1277.
(*d*) The whole Act is repealed by the L. G. A., 1933, *ante*, p. 1279.
(*e*) The extending section of 1853 is repealed by the P. H. A., 1936, *ante*, p. 730.
(*f*) The whole Act is repealed by the L. G. A., 1933, *ante*, p. 1280.
(*g*) The section is repealed by the Fire Brigades Act, 1938; 31 Halsbury's Statutes 604.

ENACTMENTS CONFERRING POWERS OR IMPOSING DUTIES ON OVERSEERS AND DESTINATION OF POWERS AND DUTIES—*continued.*

Enactment.	Subject-matter.	Destination in urban council.	Destination in rural parishes	
			under a parish council	not under a parish council.
(1)	(2)	(3)	(4)	(5)
The Public Health Act, 1875 (38 & 39 Vict. c. 55)—				
s. 185 and as applied by any other enactment (*a*).	Copy of byelaws of rural district council.	—	The clerk to the parish council.	The chairman of the parish meeting.
s. 229 (*b*) . .	Appeal against apportionment by rural district council of expenses.	—	The parish council.	The parish meeting.
The Reserve Forces Act, 1882 (45 & 46 Vict. c. 48), s. 24 and as applied by any other enactment or by Order in Council.	Publication and service of notices by overseers.	The clerk to the rating authority.	The chairman of the parish council.	The chairman of the parish meeting.
The Burial of Drowned Persons Act, 1886 (49 & 50 Vict. c. 20), s. 1.	Burial of bodies found in or cast on shore from tidal or navigable waters, etc.	Any police constable acting within the parish.	Any police constable acting within the parish.	Any police constable acting within the parish.
The Extraordinary Tithe Redemption Act, 1886 (49 & 50 Vict. c. 54), s. 8 (*c*).	Supply of information as to extraordinary tithe.	The clerk to the rating authority.	The chairman of the parish council.	The chairman of the parish meeting.
The Territorial and Reserve Forces Act, 1907 (7 Edw. 7, c. 9), s. 19, as applied by any other enactment or by Order in Council.	Publication and service of notice by overseers.	The clerk to the rating authority.	The chairman of the parish council.	The chairman of the parish meeting.
The Education Act, 1921 (11 & 12 Geo. 5, c. 51), s. 161 (2).	Compliance with directions of Board of Education as to notices.	The clerk to the rating authority.	The chairman of the parish council.	The chairman of the parish meeting.
The Housing Act, 1925 (15 & 16 Geo. 5, c. 14), s. 81 (2) (*d*).	Appeal against apportionment by rural district council of expenses under Part III.	—	The parish council.	The parish meeting.

(*a*) The section is repealed by the L. G. A., 1933, *ante*, p. 1273.

(*b*) This right of appeal is now abolished by s. 56 of the L. G. A., 1929, *post*: see also "repeals consequential on Part IV" of that Act, in Part IV of the Twelfth Schedule thereto, *post*.

(*c*) The whole Act is repealed by the Tithe Act, 1936; 29 Halsbury's Statutes 974.

(*d*) See now s. 116 (1) of the Housing Act, 1936, *ante*, p. 1723, but that part of the subsection which required notices to be given to overseers and provided for appeal by overseers was repealed by the L. G. A., 1933, *ante*, p. 1292.

RATING AND VALUATION

S. R. & O., 1927, No. 76.

THE RATING AND VALUATION ACT, 1925 (INSPECTION OF DOCUMENTS) RULES, 1927, DATED 15TH FEBRUARY, 1927, MADE BY THE MINISTER OF HEALTH UNDER SECTION 58 (1) OF THE RATING AND VALUATION ACT, 1925, FOR PRESCRIBING THE FEES TO BE DEMANDED UNDER SECTION 60 (1) OF THAT ACT IN RESPECT OF THE INSPECTION OF DOCUMENTS MORE THAN TEN YEARS OLD.

Whereas by sub-section (1) of s. 60 of the Rating and Valuation Act, 1925, it is provided that any ratepayer (whether a ratepayer in the rating area to which the documents relate or in some other area) may at all reasonable times, on payment, in the case of a document which is more than ten years old, of such fee as may be prescribed, and, in any other case, without payment, inspect and take copies of and extracts from any rate book or other document in the said sub-section mentioned;

And whereas by sub-section (1) of section 58 of the said Act it is provided that the Minister of Health, after consultation with any local authority or association of local authorities with whom consultation appears to him to be desirable, may by rules prescribe anything which by the said Act is required to be prescribed:

Now, therefore, the Minister of Health, after such consultation as is mentioned above, by virtue of the powers conferred upon him by the said section 58 hereby orders as follows:—

1. The fee herein-under mentioned may be demanded from any ratepayer who, under sub-section (1) of section 60 of the Rating and Valuation Act, 1925 (*a*), claims to inspect to take copies of, or extracts from, any document referred to in the said sub-section which is more than ten years old, that is to say, a fee of two shillings and sixpence in respect of each such document which he requires to be produced.

2. Nothing in these rules shall be construed as precluding the authority or person having the custody of any document referred to in the said sub-section from supplying copies thereof or extracts therefrom at the request of any ratepayer upon such terms as to payment as may be agreed.

S. R. & O., 1927, No. 80.

THE RATING AND VALUATION ACT (TRANSFER OF OFFICERS) ORDER, 1927, DATED 18TH FEBRUARY, 1927, MADE BY THE MINISTER OF HEALTH UNDER SECTION 67 OF THE RATING AND VALUATION ACT, 1925, FOR REMOVING DIFFICULTIES ARISING IN CONNECTION WITH THE TRANSFER OF CERTAIN OFFICERS TO ASSESSMENT COMMITTEES AND RATING AUTHORITIES.

Whereas by sub-sections (1) and (2) of section 48 of the Rating and Valuation Act, 1925, provision is made with respect to the transfer of officers employed in the service of union assessment committees to assessment committees constituted under the said Act and with respect to the transfer of officers employed in the performance of duties of overseers to rating authorities;

And whereas it has been represented to the Minister of Health that in certain cases difficulty will arise in arranging for the employment of an officer by the authority in whose service he can most effectively be employed and that in order to remove any such difficulty and for securing the due preparation of valuation lists and otherwise for bringing into operation the provisions of the Act, it is expedient that provision should be made whereby certain officers may with their consent and the consent of the authorities concerned be transferred to one only of the authorities to whom they would by the operation of the recited sub-sections be transferred, or may be transferred to some authority other than the authority or authorities to whom they would be so transferred;

And whereas by s. 67 of the said Act it is provided that if any difficulty arises in connection with the preparation of the first valuation list for any area or otherwise in bringing into operation any of the provisions of the Act the Minister of Health

(*a*) *Ante*, p. 2220.

may by order remove the difficulty, or do any other thing which appears to him necessary or expedient for securing the due preparation of the list or for bringing the said provisions into operation, and any such order may modify the provisions of the Act so far as may appear to the Minister necessary or expedient for bringing the order into effect:

Now therefore, the Minister of Health, by virtue of the powers conferred upon him by the said section 67 and of all other powers enabling him in that behalf, hereby orders as follows:—

1.—(1) This order may be cited as the Rating and Valuation Act (Transfer of Officers) Order, 1927, and shall come into operation on the date hereof.

(2) In this Order,—

"the Act" means the Rating and Valuation Act, 1925;

"the appointed day" means the 1st day of April, 1927; and

"authority" means a rating authority or an assessment committee.

2. In any case where the authority, or one of the authorities, to whom an officer would be or has been transferred by s. 48 of the Act (*a*) does not require the services of such officer, but another authority acting for or within the same or an adjoining assessment area (whether one of the authorities to whom he would be or has been so transferred or not) or the County Valuation Committee require his services, then, at any time before the expiration of three months from the appointed day, and whether the officer's appointment has been determined or not, the first mentioned authority and the authority or committee requiring the officer's services may with his consent in writing, but not otherwise, make and give effect to an agreement whereby the officer shall be deemed to be, or to have been, transferred to the authority or committee requiring his services and shall have as against that authority or committee so far as regards the office in respect of which he would have been or has been transferred to the first mentioned authority all the same rights under sections 48 to 51 of the Act as he would have had or has against the first mentioned authority except in so far as the agreement may modify such rights.

S. R. & O., 1927, No. 90.

THE RATING AND VALUATION ACT (REPEALS, ETC.) ORDER, 1927, DATED 19TH FEBRUARY, 1927, MADE BY THE MINISTER OF HEALTH UNDER SECTION 69 (4) OF THE RATING AND VALUATION ACT, 1925, FOR FIXING THE DATES UPON WHICH THE SAID SECTION 69 SHALL COME INTO OPERATION FOR DIFFERENT PURPOSES AND IN RELATION TO DIFFERENT AREAS.

Whereas by sub-sections (1), (2), and (3) of section 69 of the Rating and Valuation Act, 1925 (*b*), provision is made for the repeal of certain enactments therein referred to, with respect to the manner in which references in other Acts or documents to certain terms and expressions are to be construed, and with respect to the exercise of certain powers by assessment committees and rating authorities during the period between the appointed day and the date of the first new valuation as defined for the purposes of the said Act;

And whereas by sub-section (4) of the said section it is provided that the section shall come into operation on such date as may be fixed by the Minister of Health, and that the Minister may fix different dates for different purposes, and in relation to different areas:

Now therefore, the Minister of Health, in pursuance of the powers given to him by the said section 69 (4) hereby orders as follows:—

1. This Order may be cited as the Rating and Valuation Act (Repeals, etc.) Order, 1927, and shall come into operation on the date hereof.

2. In this Order,—

"the Act of 1925" means the Rating and Valuation Act, 1925;

"the appointed day" means the 1st day of April, 1927;

"the date of the first new valuation" means, in relation to any rating area or part of a rating area, the date on which the first new valuation list made under Part II. of the Act of 1925 for that area or part comes into operation; and

(*a*) *Ante*, p. 2208. (*b*) *Ante*, p. 2233.

"the date of the first general rate" means in relation to a rural rating area the appointed day, and in relation to an urban rating area the date of the first new valuation.

3. Sub-section (2) of section 69 of the Act of 1925 shall come into operation on the dates hereinafter mentioned, that is to say:—

The paragraph which relates to references to gross value, gross estimated rental, net annual value, and rateable value, on the date of the first new valuation so far as regards values or rentals referred to as determined by valuation lists made under the Union Assessments Acts, 1862 to 1880, and on the 1st day of April, 1929, so far as regards values or rentals referred to as shown in, or ascertained in accordance with the Acts relating to, the basis or standard of county rates.

Sub-paragraph (*a*) of the paragraph which relates to references to assessable value, on the appointed day; sub-paragraph (*b*) of the same paragraph on the 1st day of April, 1929, where the term to be construed is used in connection with or in relation to the Agricultural Rates Acts, 1896 and 1923, as applying to a county rate, and on the date of the first new valuation in other cases; and sub-paragraph (*c*) of the same paragraph, on the date of the first new valuation; and

The remainder of the sub-section, on the appointed day.

4. Sub-section (3) of section 69 of the Act of 1925 shall come into operation on the appointed day.

5. Sub-section (1) of section 69 of the Act of 1925 shall come into operation on the dates hereinafter mentioned, that is to say:—

So far as it repeals the enactments specified in Part I. of the Schedule to this Order, on the appointed day;

So far as it repeals the enactments specified in Part II. of the Schedule to this Order, on the date of the first general rate;

So far as it repeals the enactments specified in Part III. of the Schedule to this Order, and so far as it repeals so much of any Act (whether public or local and personal) not mentioned in the Eighth Schedule to the Act of 1925 as authorises any valuation of a hereditament to be made for the purposes of any rate in respect of which the valuation list is by the Act of 1925 made conclusive, or any assessment of any such rate to be made except on the basis of that valuation list, on the date of the first new valuation; and

So far as it repeals the enactments specified in Part IV. of the Schedule to this Order, on the 1st day of April, 1929.

6. This Order does not apply to Scotland, Northern Ireland, the Administrative County of London, or the Isles of Scilly.

SCHEDULE.

PART I.

ENACTMENTS REPEALED AS FROM THE APPOINTED DAY.

Session and Chapter.	Short Title.	Extent of Repeal.
43 Eliz. c. 2	The Poor Relief Act, 1601.	Section one so far as it relates to the appointment of overseers; in section eight the words "the noyacion of overseers"; section nine.
14 Car. 2, c. 12	The Poor Relief Act, 1662.	Section twenty-one so far as it relates to the appointment of overseers.
17 Geo. 2, c. 3	The Poor Rate Act, 1743.	The whole Act.
17 Geo. 2, c. 38	The Poor Relief Act, 1743.	Section three.
54 Geo. 3, c. 91	The Poor Law (Overseers) Act, 1814.	The whole Act.
59 Geo. 3, c. 12	The Poor Relief Act, 1819.	Sections six and seven.

ENACTMENTS REPEALED AS FROM THE APPOINTED DAY—*continued.*

Session and Chapter.	Short Title.	Extent of Repeal.
3 & 4 Will. 4, c. 90 .	The Lighting and Watching Act, 1833.	In section thirty-three the words from "Provided always" to the words "pay for the purposes of this Act"; and section thirty-four.
6 & 7 Will. 4, c. 96 .	The Parochial Assessments Act, 1836.	In section one the words "be allowed by any justices or"; in section two the words from "and the churchwardens" to the words "force or validity"; sections three, four and five; in the Schedule, the heading and the declaration to the form of rate.
7 & 8 Vict. c. 101 .	The Poor Law Amendment Act, 1844.	Sections twenty-two and sixty-two.
11 & 12 Vict. c. 91 .	The Poor Law Audit Act, 1848.	Sections one, two and eleven.
11 & 12 Vict. c. 110	The Poor Law Amendment Act, 1848.	Section seven.
12 & 13 Vict. c. 8 .	The Poor Law (Overseers) Act, 1849.	The whole Act.
12 & 13 Vict. c. 103 .	The Poor Law Amendment Act, 1849.	Section six.
13 & 14 Vict. c. 57 .	The Vestries Act, 1850	Sections six to nine.
15 & 16 Vict. c. 81 .	The County Rates Act, 1852.	In section thirty-two the word "allowed."
20 Vict. c. 19 . .	The Extra-Parochial Places Act, 1857.	In section one the words from "and the justices" to the end of the section.
24 & 25 Vict. c. 55 .	The Poor Removal Act, 1861.	Section ten.
25 & 26 Vict. c. 103	The Union Assessment Committee Act, 1862.	Sections two to thirteen and sixteen; in section seventeen the words "or delivered to them as hereinbefore provided," the words "and a copy of such valuation list shall be forthwith delivered to the Board of Guardians" and the words "allowed by the Justices"; in section eighteen the words from "any overseer" to "within such Union or"; in section nineteen the words "allowed by Justices"; in section twenty the words "with the consent of the Guardians as aforesaid"; in section twenty-one the words "or delivered to" and the words "or delivered"; in section twenty-three the words from "and shall be preserved" to the end of the section; in section twenty-six the words "or the Committee may with such consent as aforesaid appoint a person for such purposes"; in section twenty-eight the words from "and instead" to the words "hereunto annexed"; sections thirty to thirty-six, and thirty-eight to forty-five; in the schedule the form of declaration.
27 & 28 Vict. c. 39 .	The Union Assessment Committee Amendment Act, 1864.	In section two the words from "with the consent" to the words "every guardian" and the words "but in the name of the guardians of such union"; sections three, four, seven, eight, ten and eleven.
28 & 29 Vict. c. 79 .	The Union Chargeability Act, 1865.	Section twelve.

ENACTMENTS REPEALED AS FROM THE APPOINTED DAY—*continued.*

Session and Chapter.	Short Title.	Extent of Repeal.
29 & 30 Vict. c. 113	The Poor Law Amendment Act, 1866.	Sections ten to twelve.
31 & 32 Vict. c. 122	The Poor Law Amendment Act, 1868.	Sections twenty-eight and twenty-nine; in section thirty the words from "for the use of the Guardians" to the words "Committee Act, 1862"; sections thirty-one, thirty-two, thirty-nine and forty.
32 & 33 Vict. c. 41 .	The Poor Rate Assessment and Collection Act, 1869.	Sections fourteen and seventeen, and in section eighteen the words "with the allowance of the rate by the justices."
38 & 39 Vict. c. 55 .	The Public Health Act, 1875.	In section two hundred and ten, the words from "any such rate" to the words "shall be excluded"; sections two hundred and nineteen, two hundred and twenty, and two hundred and twenty-two except so far as those sections relate to private improvement rates; sections two hundred and thirty and two hundred and thirty-one, and section two hundred and forty-eight.
39 & 40 Vict. c. 61 .	The Divided Parishes and Poor Law Amendment Act, 1876.	In section six the words "for which an overseer shall be appointed and," and the word "other."
43 & 44 Vict. c. 7 .	The Union Assessment Act, 1880.	The whole Act.
45 & 46 Vict. c. 20 .	The Poor Rate Collection Act, 1869, Amendment Act, 1882.	Section four.
45 & 46 Vict. c. 50 .	The Municipal Corporations Act, 1882.	Section one hundred and forty-four except subsections (1) and (2); in subsection (2) of section one hundred and ninety-eight the words "allowed by two justices usually acting in and for the borough and has been" and section two hundred and thirty-eight.
52 & 53 Vict. c. 63 .	The Interpretation Act, 1889.	Section five.
55 & 56 Vict. c. 53 .	The Public Libraries Act, 1892.	In subsection (1) of section eighteen the words from "and (c) where" to the end of the subsection.
56 & 57 Vict. c. 73 .	The Local Government Act, 1894.	Subsection (1) and paragraph (a) of subsection (2) of section five; in paragraph (i) of subsection (1) (c) of section 6 the words "appeals or objections by them in respect of the valuation list or" and the words "poor rate or"; in paragraph (5) of section nineteen the words from "The power and" to the words "the parish meeting and"; in subsection (1) of section thirty-three the words from "all or any of" to the words "liabilities of overseers and"; sections thirty-four and fifty; subsection (3) of section eighty-one; in rule 7 of Part I. of the First Schedule the words "the appointment of an overseer" and the words "an assistant overseer or"; in rule (3) of Part II. of the First Schedule the words "and to appoint the overseers."

PART II.

ENACTMENTS REPEALED AS FROM THE DATE OF THE FIRST GENERAL RATE.

Session and Chapter.	Short Title.	Extent of Repeal.
54 Geo. 3, c. 170 .	The Poor Relief Act, 1814.	Section eleven.
5 & 6 Will. 4, c. 50 .	The Highway Act, 1835	In section twenty-seven the words from "and provided also" to the end of the section; sections twenty-eight, twenty-nine, thirty-one, thirty-two, thirty-four, and thirty-six to forty.
45 & 46 Vict. c. 27 .	The Highway Rate Assessment and Expenditure Act, 1882.	The whole Act, except sections one, two and six.
53 & 54 Vict. c. 17 .	The Public Health (Rating of Orchards) Act, 1890.	The whole Act.
54 & 55 Vict. c. 33 .	The Allotments Rating Exemption Act, 1891.	The whole Act.

PART III.

ENACTMENTS REPEALED AS FROM THE DATE OF THE FIRST NEW VALUATION.

6 & 7 Will. 4, c. 96 .	The Parochial Assessments Act, 1836.	The whole Act, so far as not previously repealed.
10 & 11 Vict. c. 34 .	The Towns Improvement Clauses Act, 1847.	Sections one hundred and seventy-six and one hundred and seventy-seven.
13 & 14 Vict. c. 101	The Poor Law Amendment Act, 1850.	Section seven.
25 & 26 Vict. c. 103	The Union Assessment Committee Act, 1862	The whole Act, so far as not previously repealed.
27 & 28 Vict. c. 39 .	The Union Assessment Committee Amendment Act, 1864.	The whole Act, so far as not previously repealed, except sections six, nine and thirteen.
30 & 31 Vict. c. 102	The Representation of the People Act, 1867.	Section seven.
31 & 32 Vict. c. 122	The Poor Law Amendment Act, 1868.	Sections thirty and thirty-eight.
32 & 33 Vict. c. 41 .	The Poor Rate Assessment and Collection Act, 1869.	Sections three to six, nine, eleven, thirteen, sixteen and twenty.
37 & 38 Vict. c. 54 .	The Rating Act, 1874.	Section twelve; and in section fifteen the definitions of "valuation list" and "assessment committee."
38 & 39 Vict. c. 55 .	The Public Health Act, 1875.	In section two hundred and ten, the words from "public notice" to the end of the section; section two hundred and eleven, except sub-paragraph (c) of paragraph (1) and paragraph (4) thereof; section two hundred and twelve; in section two hundred and eighteen the words "general district rate or"; sections two hundred and twenty-one, two hundred and twenty-three, and two hundred and twenty-five, except so far as those sections relate to private improvement rates.
45 & 46 Vict. c. 20 .	The Poor Rate Assessment and Collection Act, 1869, Amendment Act, 1882.	The whole Act, so far as not previously repealed.

ENACTMENTS REPEALED AS FROM THE DATE OF THE FIRST NEW VALUATION—*contd.*

Session and Chapter.	Short Title.	Extent of Repeal.
45 & 46 Vict. c. 50 .	The Municipal Corporations Act, 1882.	Section one hundred and forty-five; sub-section (1) of section one hundred and forty-six from "on receipt of" to the words "in the borough" where those sections (3), (4), (5), and (6) of section one hundred and forty-six; sections one hundred and forty-seven and one hundred and forty-eight; subsection (5) of section one hundred and ninety-seven; and section one hundred and ninety-nine.
59 & 60 Vict. c. 16 .	The Agricultural Rates Act, 1896.	In section five the words "and in any valuation made by the council of a borough or any other council for the purpose of raising the borough or other rate"; in section nine the definition of "rateable value" so far as it relates to any rate not being a county rate.
10 & 11 Geo. 5, c. 17	The Increase of Rent and Mortgage Interest (Restrictions) Act, 1920.	Subsection (1) of section sixteen.
13 & 14 Geo. 5, c. 39	The Agricultural Rates Act, 1923.	In the substituted definition of rateable value in Part II. of the Schedule the words from "and in the case of" to the end of the definition.

PART IV.

ENACTMENTS REPEALED AS FROM THE FIRST DAY OF APRIL, 1929.

3 & 4 Vict. c. 88 .	The County Police Act, 1840.	Section four.
15 & 16 Vict. c. 81 .	The County Rates Act, 1852.	Sections four to twenty; in section twenty-six the words from "a printed list" to "within the county and"; sections twenty-seven to twenty-nine, and forty to forty-three.
27 & 28 Vict. c. 39 .	The Union Assessment Committee Amendment Act, 1864.	Section nine.
29 & 30 Vict. c. 78 .	The County Rate Act, 1866.	The whole Act.
51 & 52 Vict. c. 41 .	The Local Government Act, 1888.	Subsection (2) of section thirty-three.
56 & 57 Vict. c. 73 .	The Local Government Act, 1894.	In paragraph (i) of subsection (1) (c) of section six the words "appeals in respect of the" and the words "county rate, or the basis of the county rate; and".
59 & 60 Vict. c. 16 .	The Agricultural Rates Act, 1896.	In section five the words "and in the basis or standard for any county rate"; and in section nine the definition of "rateable value" so far as not previously repealed.
13 & 14 Geo. 5, c. 39	The Agricultural Rates Act, 1923.	In subsection (2) of section six the words from "and section nine" to the end of the subsection, and the substituted definition of "rateable value" in Part II. of the Schedule so far as not previously repealed.

S. R. & O., 1927, No. 479/L. 21.

RATING AND VALUATION

THE PLANT AND MACHINERY (VALUATION FOR RATING) RULES, 1927, DATED 7TH APRIL, 1927, MADE BY THE LORD CHIEF JUSTICE OF ENGLAND UNDER SECTION 24 OF THE RATING AND VALUATION ACT, 1925, FOR FIXING THE FEES TO BE CHARGED IN RESPECT OF PROCEEDINGS BEFORE A REFEREE AND WITH RESPECT TO THE PROCEDURE ON AND IN CONNECTION WITH REFERENCES UNDER THAT SECTION (*a*).

In pursuance of the powers conferred on me by section 24 of the Rating and Valuation Act, 1925, I, the Lord Chief Justice of England, hereby make the following Rules:—

1. These Rules may be cited as the Plant and Machinery (Valuation for Rating) Rules, 1927.

2.—(1) In these Rules, unless the context otherwise requires,—

"The Act" means the Rating and Valuation Act, 1925;

"Question" means a question arising on or in connection with an objection or proposal made, or appeal brought, under Part II. of the Act as to whether any particular plant or machinery falls within any of the classes or descriptions specified in the confirmed statement referred to in sub-section (5) of section 24 of the Act;

"Panel" means the panel of referees constituted under section 24 of the Act and consisting of persons appointed by the Lord Chief Justice of England;

"Referee" means the member of the panel appointed in accordance with these Rules to determine a question;

"Assessment Committee" means an assessment committee constituted in accordance with the provisions of the Act;

"Court" means, in the case of a county, the committee of the justices of the county appointed under s. 32 of the Act and, in the case of a borough having a separate court of quarter sessions, the recorder; and

"Prescribed officer" means the secretary to the Lord Chief Justice of England, whose address for the purpose of these Rules is Royal Courts of Justice, Strand, London, W.C.2.

(2) The Interpretation Act, 1889, applies to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

3.—(1) Where an assessment committee or court have decided, with the written consent of all parties to the proceedings before them, to refer a question to a member of the panel for his determination, they shall—

(i) if all parties to the proceedings are agreed as to the member of the panel to whom the question is to be referred, forward to that member an appointment appointing him to act as referee in the matter; and

(ii) if all parties are not so agreed, forward to the prescribed officer an application, in duplicate, requesting the Lord Chief Justice to appoint a member of the panel to act as referee in the matter.

(2) Appointments, and applications for the appointment, of referees shall be in the forms set out in the First Schedule to these Rules, or in forms to the like effect.

4.—(1) The Lord Chief Justice on receiving a valid application for the appointment of a referee shall, as soon as may be, proceed to select from the panel and appoint a person to act as referee in the matter.

(2) The prescribed officer shall, as soon as a referee has been appointed, forward to him one copy of the application bearing his appointment at the foot thereof and notify the name and address of the referee to the clerk to the assessment committee or court from whom the application was received.

(3) Upon receipt of such notification as is mentioned in paragraph (2) of this Rule the clerk to the assessment committee or court shall notify the name and address of the referee to each party to the proceedings.

5.—(1) The referee shall as soon as may be after his appointment proceed with the determination of the question referred to him, but in fixing the place and time of

(*a*) See note to sub-s. (8) of the section, *ante*, p. 2177.

RATING AND VALUATION

hearing and of any inspection to be made by him, shall, so far as is reasonably possible, consult the convenience of the parties to the proceedings.

(2) Every party to the proceedings shall furnish to the referee on his request any document or other information which it is in his power to furnish and which the referee may require for the purpose of considering and determining the question referred to him.

(3) The referee may in any case, and shall if so required by any party to the reference, before making his award, inspect the plant or machinery in respect of which the question arises, and upon any such inspection each party shall be entitled to be represented by two persons or such greater number of persons as may be agreed between them.

(4) Paragraphs (*a*) and (*c*) of section 7 of the Arbitration Act, 1889, and paragraphs (*g*) and (*i*) of the First Schedule to that Act shall apply to any reference under these Rules as if the referee were an umpire, and the award of the referee so far as it contains any direction as to the taxation and payment of costs may be enforced in manner provided by section 12 of that Act.

(5) The award of the referee shall set out in a Schedule or Schedules a brief description of each piece of plant or machinery specified in the appointment or application for appointment of the referee which he finds to fall, or not to fall, within any of the classes or descriptions specified in the confirmed statement.

(6) Subject to the provisions of the Act and of these Rules the proceedings before a referee shall be such as he in his discretion may think fit.

6. The fees specified in the Second Schedule to these Rules shall be payable to the referee and shall be deemed to be costs of his award.

7.—(1) If a referee refuses to act or is incapable of acting or dies, the assessment committee or court by whom, or upon whose application, he was appointed may, with the consent of all parties to the proceedings, appoint another member of the panel to act as referee, and in the absence of such consent the Lord Chief Justice may, upon application being made to him, make such an appointment.

(2) The making of a substituted appointment under this Rule shall operate as a revocation of the previous appointment and reference.

SCHEDULES.

FIRST SCHEDULE.

FORM OF APPOINTMENT.

Rating and Valuation Act, 1925.

To , of .

In pursuance of the provisions of section 24 of the above-mentioned Act, the Assessment Committee for the Assessment Area of the County of (the Rating Appeal Committee of Quarter Sessions for the County of) (I, the Recorder of the Borough (City) of ,) hereby appoint you, a member of the panel of referees constituted for the purposes of the said section, to act as referee for the determination of the question of which particulars are annexed.

Date

Signatures
Chairman and Clerk
(or Recorder).

PARTICULARS.

Names and addresses of all parties to the proceedings before the Committee or Court and of their respective solicitors (if any) .

Whether all parties have agreed in writing to the reference and as to the referee to be appointed ?

Question.—Whether the plant and/or machinery specified below or any and which of it falls within any of the classes or descriptions specified in the confirmed statement referred to in section 24 (5) of the Rating and Valuation Act, 1925 :—

(*Insert here (or in a Schedule attached) a brief description of the plant and/or machinery, sufficient to indicate to the referee the nature and magnitude of the question referred to him, with information as to the situation of the premises and of the nearest railway station.*)

FORM OF APPLICATION FOR APPOINTMENT.

Rating and Valuation Act, 1925.

To the Lord Chief Justice of England.

In pursuance of the provisions of section 24 of the above-mentioned Act, the Assessment Committee for the Assessment Area of the County of (the Rating Appeal Committee of Quarter Sessions for the County of) (I, the Recorder of the Borough (City) of ,) hereby apply for a member of the panel of referees constituted for the purposes of the said section to be appointed to act as referee for the determination of the question of which particulars are annexed.

Date

Signatures
Chairman and Clerk
(or Recorder).

PARTICULARS.

Names and addresses of all parties to the proceedings before the Committee or Court and of their respective solicitors (if any).

Whether all parties have agreed in writing to the reference ?

Question.—Whether the plant and/or machinery specified below or any and which of it falls within any of the classes or descriptions specified in the confirmed statement referred to in section 24 (5) of the Rating and Valuation Act, 1925 :—

(*Insert here (or in a Schedule attached) a brief description of the plant and/or machinery, sufficient to indicate to the referee the nature and magnitude of the question referred to him, with information as to the situation of the premises and of the nearest railway station.*)

Names of any of the members of the panel who have been concerned in the valuation of the plant and/or machinery in question, or have advised either the authority or the ratepayers with respect thereto.

APPOINTMENT.

I hereby appoint of as referee to determine the above-mentioned question.

Date

C. J.

SECOND SCHEDULE.

Fees payable to a Referee.

Where the hearing before the Referee of the question referred to him does not occupy more than three hours, ... 7 guineas.

Where the hearing occupies more than three hours but not more than five hours, ... 10 guineas.

Where the hearing occupies more than five hours, the last mentioned fee together with an additional fee at the rate of 1½ guineas in respect of each hour or portion of an hour beyond the first five into which the hearing extends.

Notes.—1. The above fees cover the preparation of the Referee's award, but he is entitled to charge in addition thereto reasonable travelling and subsistence expenses and the cost of stamping his award.

2. Any time occupied by the Referee in necessary travelling to and from the hearing and in inspecting the plant and/or machinery in respect of which the question arises shall be treated as time occupied in the hearing.

RATING AND VALUATION

S. R. & O., 1927, No. 308.

THE ASSESSMENT COMMITTEES (FINANCIAL STATEMENT AND AUDIT OF ACCOUNTS) ORDER, 1927, DATED 8TH APRIL, 1927, MADE BY THE MINISTER OF HEALTH.

The Minister of Health, in pursuance of his powers under ss. 3 and 8 of the District Auditors Act, 1879, and of all other powers enabling him in that behalf, hereby orders as follows:—

1.—(1) This Order may be cited as the Assessment Committees (Financial Statement and Audit of Accounts) Order, 1927, and shall come into operation on the date hereof.

(2) In this Order "assessment committee" means an assessment committee constituted under the Rating and Valuation Act, 1925.

2. The provisions of this Order shall apply to the financial statement to be prepared and submitted to the district auditor in duplicate by every assessment committee in respect of—

(i) the period from the date when the committee was constituted to the thirty-first day of March, 1927; and

(ii) each subsequent financial year.

3. Subject to any direction which may be given by the Minister of Health—

(i) The financial statement shall be prepared according to, and shall contain the particulars specified in, the form set forth in the Schedule to this Order; and

(ii) The certificate of the district auditor to be appended to each duplicate copy of the statement shall be in the form set forth in the said Schedule.

4. [*Revoked by the Audit Regulations*, 1934, *ante*, p. 2358.]

THE SCHEDULE.

.....Assessment Committee.

FINANCIAL STATEMENT.

The District Auditors Act, 1879 (42 Vict. c. 6)

and

The Rating and Valuation Act, 1925 (15 & 16 Geo. 5, c. 90).

Statement of the Receipts and Expenditure of the above-named Assessment Committee for the year ended the 31st March, 192 .

Clerk.....

Address.....

PART I.

Receipts (or Income).	£	*s.*	*d.*	£	*s.*	*d.*	*Expenditure.*	£	*s.*	*d.*	£	*s.*	*d.*
From late Union Assessment Committees							Administrative Expenses :—						
From the under-mentioned councils in pursuance of precepts, viz.							Salaries or other remuneration of officers						
From the							Other Established Charges †						
From the													
From the							Compensation to transferred officers						
From the							Costs of arbitrations						
							Costs of appeals to Quarter Sessions						
Costs recovered in respect of :—							Costs of appeals to High Court						
Arbitrations													
Appeals to Quarter Sessions							Other Expenditure,‡ namely :—						
Appeals to High Court							Expenses of members attending conferences held by County Valuation Committees						
From all other sources, specifying them * :							Payment for copies of Schedule A values						
.....							.....						
.....							.....						
.....													
Total Receipts (or Income)							Total Expenditure						
Balances in hand brought forward							Balances overspent brought forward						
Balance overspent (if any) at end of period							Balance in hand at end of period						
Total Receipts (or Income) and Balances							Total Expenditure and Balances						

.....Responsible Accounting Officer.

.....day of.....19 .

* Small items of Receipt or Income under this heading may be entered as "Miscellaneous."

† The cost of stationery, printing, books, postage, and office rent, rates, and taxes should be entered against this heading.

‡ Small items of expenditure under this heading may be entered as "Miscellaneous."

PART II.

	£	s.	d.
Total Expenditure			
Less amount disallowed at Audit			
Total Expenditure allowed at Audit			
Deductions, if any, in accordance with the Schedule to Audit Stamp Duty (Local Authorities) Order, 1921 :—			
Net Expenditure on which Audit Stamp Duty is payable			

I hereby certify that I have compared the entries in this Financial Statement with the accounts of the Assessment Committee relating thereto, and that the regulations with respect to this Statement have been duly complied with.

I hereby further certify that I have ascertained by audit the correctness of this Statement, and that the expenditure of the said Authority during the year ended the 31st March, 192 , included in the Statement and allowed by me at audit is *

As witness my hand this day of 19 .

..... Stamp .....District Auditor.

* The amount to be inserted in words at length.

S. R. & O., 1927, No. 416.

THE RATING AND VALUATION ACT (ASSESSMENT APPEALS) RULES, 1927, DATED 29TH APRIL, 1927, MADE BY THE SECRETARY OF STATE UNDER SECTION 34 OF THE RATING AND VALUATION ACT, 1925, WITH RESPECT TO THE PRACTICE AND PROCEDURE TO BE FOLLOWED ON AND IN CONNECTION WITH APPEALS UNDER PART II. OF THE SAID ACT.

In pursuance of the powers conferred upon me by section 34 of the Rating and Valuation Act, 1925, I hereby make the following Rules :—

1. These Rules may be cited as the Rating and Valuation Act (Assessment Appeals) Rules, 1927, and shall apply to every appeal to a court of quarter sessions under the provisions of Part II. of the Rating and Valuation Act, 1925.

2.—(1) In these Rules, unless the context otherwise requires—

"the Act" means the Rating and Valuation Act, 1925;

"Court" in the case of a court of quarter sessions for a county means the committee of the justices of the county constituted in accordance with the provisions of section 32 of the Act (*a*);

"Clerk" means clerk of the peace;

"party" does not include a person served with a copy of a notice of appeal who has not given notice in accordance with these Rules of his intention to appear as a respondent to the appeal;

"net annual value" means the net annual value of the hereditament to which an appeal relates as appearing in the valuation list, or, in any case where the net annual value of that hereditament does not appear in the valuation list, the rateable value as so appearing.

(2) The Interpretation Act, 1889, shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(*a*) *Ante*, p. 2189.

3.—(1) Every person upon whom a copy of a notice of appeal is served in accordance with the provisions of the Fifth Schedule to the Act shall, if he intends to appear as respondent to the appeal, give notice in writing of his intention so to appear, stating whether he intends to appear separately or jointly with some other person and specifying an address at which documents directed to him may be served.

(2) Such notice shall be given to the clerk and to the appellant before the expiration of fourteen days from the date of the service of the copy of the notice of appeal, or within such extended time as may under these Rules be allowed, and a person omitting to give such notice shall not be heard in opposition to the appeal except upon such terms as the Court may think fit to impose.

(3) A county valuation committee, if they intend to appear as a respondent to an appeal, shall give the like notice of their intention so to appear, provided that in the case of such a committee, the period of fourteen days above mentioned shall be calculated from the date on which a copy of the notice of appeal is served upon the assessment committee.

4. For the purpose of enabling parties to an appeal to make applications with respect to the place and date of hearing, the clerk shall at the request of any party give to him in writing information as to the place at which, and the date on which, such appeal will, subject to any application for a different place or date to be fixed, be in the list of cases for hearing, and also such reasonable information as to the number and nature of the cases awaiting hearing and arrangements for future sittings of the court as he may be able to give.

5.—(1) An application to which this Rule relates shall be made to the clerk in accordance with the provisions of this Rule, and, subject to any general directions given to him by the Court, the clerk shall deal with the application in such manner as he thinks proper, regard being had to the convenience of the parties and the desirability of limiting so far as practicable the costs of appeals, and shall communicate his decision in writing to each party to the appeal.

(2) The application shall be made in writing and shall state briefly the grounds upon which it is made and the names and addresses of all parties to the appeal.

(3) If the application is made with the consent of all parties, it shall be accompanied by consents signed by the parties or their solicitors.

(4) If the application is made with the consent of all parties, then, before it is made, a copy thereof shall be served upon each party, and the application shall state that this requirement has been complied with.

(5) Except where the application is made with the consent of all parties the clerk shall not decide it until the expiration of six days from the receipt thereof, and before deciding it he shall consider any written objections which may have been received by him before the expiration of that period from any other party to the appeal, and, if so required by any party, shall give to all parties an opportunity of appearing before him.

(6) Where an application is made under this Rule, the clerk (whether he grants or refuses such application) shall without any request in that behalf extend the time limited by these Rules for doing any act if he considers that it is reasonable to do so having regard to the delay involved in making and determining the application.

(7) The decision of the clerk upon an application to which this Rule relates shall not be subject to appeal:

Provided that nothing herein contained shall be construed as limiting the power of the Court upon the hearing of the appeal to grant a postponement or extension of time upon such conditions as to costs or otherwise as they may think fit.

(8) The applications to which this Rule relates are applications for—

(*a*) postponing the hearing of an appeal;

(*b*) fixing a date for the hearing of an appeal;

(*c*) fixing or altering the place of hearing; and

(*d*) extending the time limited by these Rules for giving notice of intention to appear as respondent or for lodging a statement of the party's case, when required by these Rules.

6. An application to the Court under these Rules shall be made in the form of a notice of motion which shall be served upon the clerk and upon each party to the appeal seven clear days at least before the date on which the motion is to be made.

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7. Where the terms of any Order or judgment for which application is made to the Court have been agreed upon by all parties, particulars of such terms, signed by the parties or their solicitors, shall be sent to the clerk, and at any subsequent sitting of the Court an Order or judgment may be made or entered in accordance with such terms in the absence of the parties unless the Court for any special reason require their attendance.

8. Where the net annual value of the hereditament to which an appeal relates exceeds £200, the following provisions shall have effect—

(*a*) Before the expiration of fourteen days from the date on which the appellant first receives notice of any person's intention to appear as respondent to the appeal, he shall state in writing his case and the facts to be proved and the points of law (if any) to be argued in support of the case, and shall serve two copies of such statement on the clerk and one copy on each person who has given notice of intention to appear as respondent.

(*b*) Before the expiration of fourteen days from the date of the service upon him of the appellant's case, each respondent shall state in writing his case and the facts to be proved and the points of law (if any) to be argued in support of the case (including any objection to the sufficiency of the notice of appeal or the service thereof) and shall serve two copies of such statement on the clerk and one copy on the appellant.

(*c*) Where the appeal is brought to a court of quarter sessions for a county, each party shall before the day fixed for the hearing supply six additional copies of his statement of case for the use of the Court.

(*d*) If in the opinion of the Court the case presented by any party upon the hearing of the appeal has not been indicated with reasonable particularity in his statement of case, the Court shall make such order in the matter with regard to adjournment, costs or otherwise as may appear to them to be just and equitable.

9. Upon the hearing of an appeal the appellant shall begin; and, if two or more respondents appear separately, they shall be heard in such order as the Court may determine.

10. Costs ordered by the Court, or directed by an arbitrator, to be paid by any party to an appeal shall be taxed by the clerk on such date as he may determine.

11. Upon a taxation of costs the amounts to be allowed as between party and party to counsel, solicitors, expert witnesses, valuers, and arbitrators in respect of the matters mentioned in Part I. of the Schedule hereto shall not exceed the amounts therein specified, unless the Court at the hearing otherwise order or the clerk for special reasons considers such amounts to be inadequate.

12.—(1) Any party dissatisfied with a taxation of costs by the clerk may, within five days, serve on the other party interested therein and on the clerk objections in writing specifying the items objected to and the grounds of his objections and asking for the taxation to be reviewed in respect of such items.

(2) Upon such application the clerk shall reconsider and review his taxation upon such objections (receiving, if he thinks fit, further evidence in respect thereof); and, if so required within five days by either party, he shall state in writing the reasons for his decision thereon and any special facts or circumstances in relation thereto.

(3) Any party dissatisfied with the decision of the clerk as to any item which may have been objected to as aforesaid may within ten days apply to the Court to review the taxation and the Court may thereupon make such Order as they think just, including the payment of the costs of the review of taxation; but the taxation of the clerk shall be final and conclusive as to all matters which shall not have been objected to in manner aforesaid.

(4) The clerk may in any particular case extend any period of time limited by this Rule.

13. The fees specified in Part II. of the Schedule hereto shall be payable in respect of the matters mentioned therein to the clerk.

14.—(1) In any case where the clerk is also an officer of any authority or committee which is a party to an appeal, the chairman of the Court or the recorder, as the case may be, shall appoint some independent person, being a barrister or a solicitor, to act in lieu of the clerk upon the hearing by the Court of such appeal and in all proceedings preliminary or incidental thereto other than applications made with the consent of all parties.

(2) A person appointed in accordance with the provisions of this Rule shall be entitled to receive out of the county fund or the general rate fund of the borough, as the case may be, a fee calculated according to the scale set out in Part III. of the Schedule hereto.

15. The provisions of section 59 of the Act shall apply to documents required or authorised to be served under these Rules.

SCHEDULE.

PART I.

Scale of Fees to be Allowed upon Taxation as between Party and Party.

1. *Counsel.*

(1) Where the net annual value does not exceed £100, there may be allowed to Counsel the following fees:—

	Net Annual Value Not exceeding £50.			Net Annual Value Exceeding £50 but not exceeding £100.		
	£	s.	d.	£	s.	d.
Settling notice and grounds of appeal	1	3	6	1	3	6
Advising upon evidence	1	3	6	1	3	6
Brief upon any motion in Court	2	4	6	2	4	6
Brief upon hearing in Court	4	6	6*	5	10	0*
Conference	1	6	0	1	6	0

(2) Where the net annual value exceeds £100, such fees shall be allowed as are considered to be reasonable.

(3) Fees to a second counsel shall not be allowed in any case, except in pursuance of an Order of the Court made immediately after the conclusion of the hearing or, in the case of an appeal referred to arbitration, made upon motion when the award is enrolled.

2. *Solicitors.*

(1) Where the net annual value does not exceed £100, there may be allowed to Solicitors the following fees:—

	Net Annual Value Not exceeding £50.			Net Annual Value Exceeding £50 but not exceeding £100.		
	£	s.	d.	£	s.	d.
Attending hearing in Court with Counsel	1	1	0	1	1	0
Conducting appeal in Court without Counsel	2	2	0	3	3	0

[These fees may be increased by the same percentage as is for the time being authorised in respect of business in the Supreme Court by Order LXV, Rule 10 (2) of the Rules of the Supreme Court (*a*).]

(2) In respect of matters not specified above, such fees shall be allowed as are considered to be reasonable.

(3) Where the net annual value exceeds £100, such fees shall be allowed as are considered to be reasonable.

3. *Expert Witnesses and Valuers.*

(1) There may be allowed to surveyors, other similar expert witnesses, and valuers a qualifying fee as hereunder:—

	£	s.	d.
Where the net annual value does not exceed £100	5	5	0
Where the net annual value exceeds £100 but does not exceed £200	6	6	0

Where the net annual value exceeds £200, such fee as is considered to be reasonable.

* Where there is no local bar in the court town or within twenty miles thereof (measured in a straight line), a further fee not exceeding £1 1*s.* may be allowed if the fee otherwise allowable is considered to be insufficient.

(*a*) Words substituted by the Rating and Valuation Act (Assessment Appeals) (Amendment) Rules, 1932, S. R. & O., 1932, No. 824, dated October 6, 1932.

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In addition, an allowance of £3 3*s.* may be made for each day on which a witness is necessarily in Court for the purpose of giving evidence.

The above allowances shall include all professional fees and expenses except necessary plans and diagrams.

(2) Fees to more than two expert witnesses on behalf of any one party shall not be allowed except in pursuance of an Order of the Court made immediately after the conclusion of the hearing or, in the case of an appeal referred to arbitration, upon motion when the award is enrolled.

(3) Where a witness gives evidence as to the value of part only of the hereditament to which the appeal relates, the fee to be allowed shall be calculated upon the net annual value estimated to be attributable to that part.

(4) Where the hereditament to which the appeal relates is part of an undertaking extending into more than one parish and in order to determine the value of the hereditament it is necessary to ascertain the value of the whole undertaking, the fee to be allowed shall be calculated upon the net annual value of the whole undertaking; but if two or more appeals relating to different parts of the undertaking are decided upon the same ascertainment of its total value, the fee shall be apportioned between such appeals, a proportion only being allowed in respect of each.

4. *Arbitrators.*

There may be allowed to arbitrators the following fee:—

	£	*s.*	*d.*
Where the net annual value does not exceed £100	7	7	0
Where the net annual value exceeds £100 but does not exceed £200 .	10	10	0
Where the net annual value exceeds £200, such sum as may have been agreed between the parties or in the absence of agreement, as may be awarded by the Court.			

The above fees shall cover all expenses (including costs of preparing and making award) other than stamp duty.

PART II.

Fees to be Paid to the Clerk.

	£	*s.*	*d.*
Entering appeal		2	6
Information in writing as to cases for hearing and sittings of Court .		2	6
Application to Clerk under Rule 5 (including notification of decision)		5	0
Application to Court (including notice requiring attendance of parties or notification of order made)		5	0
* Hearing fee—			
Where net annual value does not exceed £100		10	0
Where net annual value exceeds £100 but does not exceed £300.	1	0	0
Where the net annual value exceeds £300	3	0	0
Certified copy of any Order of Court		1	0
Special case—			
Drawing (if not drawn by parties), for every folio of 72 words .		1	0
Attending Chairman for settling case, for each hour's attendance .		10	0
Copy, for any party, of case as settled, for every folio of 72 words.			4
Taxation—			
For every £2 (or fraction of £2) of the Bill as taxed . . .		1	0

PART III.

Fees to be Paid to a Person Appointed under Rule 14 to Act in Lieu of the Clerk.

In respect of each day's attendance upon the Court at the hearing of an appeal:—

	£	*s.*	*d.*
If in attendance for less than 3 hours	5	5	0
If in attendance for 3 hours or longer	7	7	0

In respect of Special Cases and Taxations, such fees as are specified in Part II. of this Schedule.

In addition to the above fees reasonable travelling and subsistence expenses necessarily incurred in the performance of duties—whether duties in respect of which a fee is specified or not—shall be allowed.

* NOTE.—No hearing fee is payable, if the appeal is disposed of without a hearing in Court.

S. R. & O., 1927, No. 480.

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THE PLANT AND MACHINERY (VALUATION FOR RATING) ORDER, 1927, DATED 30TH MAY, 1927, MADE BY THE MINISTER OF HEALTH UNDER SECTION 24 (5) OF THE RATING AND VALUATION ACT, 1925, FOR CONFIRMING WITH MODIFICATIONS THE STATEMENT PREPARED BY THE COMMITTEE CONSTITUTED UNDER SECTION 24 (3) OF THAT ACT.

Whereas by sub-sections (1), (3), (4), and (5) of section 24 of the Rating and Valuation Act, 1925, it is provided as follows:—

"(1) For the purpose of the making or revision of valuation lists under this Part of this Act, the following provisions shall have effect with respect to the valuation of any hereditament other than a hereditament the value of which is ascertained by reference to the accounts, receipts, or profits of the undertaking carried on therein:—

"(*a*) All such plant or machinery in or on the hereditament as belongs to any of the classes specified in the Third Schedule to this Act shall be deemed to be a part of the hereditament:

"(*b*) Subject as aforesaid, no account shall be taken of the value of any plant or machinery in or on the hereditament.

* * * * * *

"(3) For the purpose of enabling all persons concerned to have precise information as to what machinery and plant falls within the classes specified in the said Third Schedule, there shall be constituted a committee consisting of five persons to be appointed by the Minister, and the said committee shall as soon as may be after the passing of this Act prepare a statement setting out in detail all the machinery and plant which appears to the committee to fall within any of the classes specified in the said Schedule.

"(4) The committee shall as soon as the said statement has been prepared transmit it to the Minister, who shall cause it to be published in such manner as he thinks fit.

"(5) The Minister, after considering the statement and any representations which may be made to him with respect thereto, may, if he thinks fit, make an order confirming it, with or without modifications, and, subject as hereinafter provided, the statement as confirmed by the order shall for all purposes have effect as if it were substituted for the Third Schedule to this Act.

"The order confirming the statement shall as soon as may be after it is made be laid before both Houses of Parliament, and if either House within the next subsequent twenty days on which that House has sat next after the order is laid before it presents an Address to His Majesty against the order, or any part thereof, the order, or that part of the order, shall thenceforth be void, but without prejudice to the validity of anything done thereunder and without prejudice to the making of a new order."

And whereas a committee, duly appointed by the Minister of Health in accordance with the provisions above recited, have prepared and transmitted to the Minister the Statement which they were required by those provisions to prepare and transmit to him;

And whereas the Minister has caused such statement to be published, and having considered it and all representations made to him with respect thereto, has decided to modify it in certain respects and to confirm it as so modified in the form set out in the Schedule to this Order:

Now therefore the Minister of Health by virtue of the powers conferred upon him by the said section 24 (5) hereby orders as follows:—

1.—(1) This Order may be cited as the Plant and Machinery (Valuation for Rating) Order, 1927, and shall come into operation on the date hereof.

(2) In this Order "the Statement" means the statement prepared by the committee appointed under sub-section (3) of section 24 of the Rating and Valuation Act, 1925, and transmitted to the Minister of Health in accordance with sub-section (4) of that section (*a*).

2. The statement as modified and set out in the Schedule to this Order is hereby confirmed.

(*a*) *Ante*, p. 2175.

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SCHEDULE.

STATEMENT PREPARED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 24 OF THE RATING AND VALUATION ACT, 1925, AS MODIFIED AND CONFIRMED BY THE MINISTER OF HEALTH.

Classes of Machinery and Plant deemed to be Part of the Hereditament.

CLASS 1 (*a*).

Machinery and plant specified in paragraphs (*a*) to (*l*) of the Schedule to this Class (together with the appliances and structures accessory thereto specified in paragraphs (1) and (2) of the Schedule of Accessories) which is used or intended to be used mainly or exclusively in connection with the generation, storage, primary transformation (as herein defined) or main transmission (as herein defined) of power in or on the hereditament.

"Primary transformation of power" means and includes any transformation of electrical power in or on the hereditament by any transforming plant which changes the pressure or frequency or form of current of the power as generated in or on or supplied to the hereditament to another pressure or frequency or form of current for distribution in the hereditament wherever such transformation is effected at some point in the main transmission as hereinafter defined.

"Main transmission of power" means and includes all transmission of power from the generating plant or point or points of supply in or on the hereditament up to and including:—

(i) Where power is transmitted to any other hereditament, the point or points at which power passes from the hereditament;

(ii) Where power is transmitted by means of shafting or gear wheels, any shaft or shafts or gear wheel or wheels which is or are directly driven by means of belts, ropes, gear, or other means from the shaft, pulley, drum, driving wheel, or gear of the prime mover;

(iii) Where electrical power is transmitted by means of a cable or cables, the main distribution board or boards to which the cable or cables from the generator or generators or point or points of supply is or are led either directly or with the intervention of a transformer or transformers, and whose bus bars carry or are intended to carry electrical energy at the pressure at which the power distribution circuits are supplied;

(iv) Where hydraulic or pneumatic power is transmitted by means of a pipe or pipes, the point or points where the main supply ceases excluding any branch service piping connected with such main piping.

SCHEDULE TO CLASS 1 (*a*).

(*a*) Steam boilers, including their settings, chimneys, flues and dust or grit catchers used in connection therewith: furnaces; mechanical stokers; injectors, jets, burners and nozzles; superheaters; feed water pumps and heaters; economisers; accumulators; deaerators; blow-off tanks; gas retorts and charging apparatus, producers and generators.

(*b*) Steam engines; steam turbines; internal combustion engines; hot-air engines; barring engines.

(*c*) Continuous and alternating current dynamos; couplings to engines and turbines; field exciter gear; three-wire or phase balancers.

(*d*) Storage batteries, with stands and insulators, regulating switches, boosters and connections forming part thereof.

(*e*) Static transformers; auto transformers; motor generators; motor converters; rotary converters; transverters; rectifiers; phase converters; frequency changers.

(*f*) Cables and conductors; switchboards, distribution boards, control panels and all switchgear and other apparatus thereon.

(*g*) Water wheels; water turbines; rams; governor engines; penstocks; spillways; surge tanks; conduits; flumes; sluice gates.

(*h*) Pumping engines for hydraulic power; hydraulic engines; hydraulic intensifiers; hydraulic accumulators.

(*i*) Air compressors; compressed air engines.

(*j*) Windmills.

(*k*) Shafting, couplings, clutches, worm-gear, pulleys and wheels.

(*l*) Steam or other motors which are used or intended to be used mainly or exclusively for driving any of the machinery and plant falling within this Class.

CLASS 1 (*b*).

Machinery and plant specified in paragraphs (*a*) to (*h*) of the Schedule to this Class (together with the appliances and structures accessory thereto specified in paragraph (2) of the Schedule of Accessories) which is used or intended to be used mainly or exclusively in connection with the heating, cooling, ventilating, lighting, draining, or supplying of water to the land or buildings of which the hereditament consists, or the protecting of the hereditament from fire:

Provided that, in the case of machinery or plant which is in or on the hereditament for the purpose of manufacturing operations or trade processes, the fact that it is used in connection with those operations or processes for the purposes of heating, cooling, ventilating, lighting, supplying water or protecting from fire shall not cause it to be treated as falling within the classes of machinery and plant specified in the Schedule to this Class.

SCHEDULE TO CLASS 1 (*b*).

(a) *General.*

Any of the machinery and plant specified in the Schedule to Class I. (*a*) and any steam or other motors which are used or intended to be used mainly or exclusively for driving any of the machinery and plant falling within paragraphs (*b*) to (*h*) of this Schedule.

(b) *Heating.*

(i) Water heaters.
(ii) Headers and manifolds; steam-pressure reducing valves; calorifiers; radiators; heating panels; hot-air furnaces with distributing ducts and gratings.
(iii) Gas pressure regulators; gas burners; gas heaters and radiators and the flues and chimneys used in connection therewith.
(iv) Plug-sockets and other outlets; electric heaters.

(c) *Cooling.*

(i) Refrigerating machines.
(ii) Water screens; water jets.
(iii) Fans and blowers.

(d) *Ventilating.*

Air intakes, channels, ducts, gratings, louvres and outlets; plant for filtering, washing drying, warming, cooling, humidifying, deodorising and perfuming, and for the chemical and bacteriological treatment of air; fans; blowers; gas burners, electric heaters, pipes and coils when used for causing or assisting air movement.

(e) *Lighting.*

(i) Gas pressure regulators; gas burners.
(ii) Plug-sockets and other outlets; electric lamps.

(f) *Draining.*

Pumps and other lifting apparatus; tanks; screens; sewage treatment machinery and plant.

(g) *Supplying Water.*

Pumps and other water-lifting apparatus; sluice-gates; tanks, filters and other machinery and plant for the storage and treatment of water.

(h) *Protection from Fire.*

Tanks; pumps; hydrants; sprinkler systems; fire alarm systems; lightning conductors.

SCHEDULE OF ACCESSORIES.

(1) In addition to the machinery and plant specified in paragraphs (*a*) to (*l*) of the Schedule to Class 1 (*a*), any of the following machinery and plant which is used or intended to be used mainly or exclusively in connection with the handling, preparing or storing of fuel required for the generation or storage of power in or on the hereditament:—

Cranes with their grabs or buckets; truck or wagon tipplers; elevating and conveying systems, including power winches, drags, elevators, hoists, conveyors, transporters, travellers, cranes, buckets forming a connected part of any such system, and any weighing machines used in connection therewith; magnetic separators; driers; breakers; pulverisers; bunkers; gasholders; tanks.

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(2) Any of the following machinery and plant which is used or intended to be used mainly or exclusively as part of or in connection with or as an accessory to any of the machinery and plant falling within Class 1 (*a*) or Class 1 (*b*) :—

(i) Foundations, settings, gantries, supports, platforms and stagings for machinery and plant;

(ii) Steam-condensing plant, compressors, exhausters, storage cylinders and vessels, fans, pumps and ejectors; ash-handling apparatus;

(iii) Travellers and cranes;

(iv) Oiling systems; earthing systems; cooling systems;

(v) Pipes, ducts, valves, traps, separators, filters, coolers, screens, purifying and other treatment apparatus, evaporators, tanks, exhaust boxes and silencers, washers, scrubbers, condensers, air heaters, and air saturators.

(vi) Shafting supports, belts, ropes, and chains.

(vii) Cables, conductors, wires, pipes, tubes, conduits, casings, poles, supports, insulators, joint boxes and end boxes.

(viii) Instruments and apparatus attached to the machinery and plant, including meters, gauges, measuring and recording instruments, automatic controls, temperature indicators, and alarms and relays.

CLASS 2.

Lifts and elevators mainly or usually used for passengers.

CLASS 3.

Railway and tramway lines and tracks.

CLASS 4.

The following parts of a plant or a combination of plant and machinery whenever and only to such extent as any such part is, or is in the nature of, a building or structure:—

Acid concentrators;
Bins and hoppers;
Blast furnaces;
Bunkers;
Burners, forges, furnaces, kilns, ovens, and stoves;
Chambers for:—

Absorption of gases or fumes;	Fibre separation (wool carbonising);
Aerographing and spraying;	Fuming;
Bleaching;	Impregnating;
Chemical reaction;	Refrigerating;
Conditioning or treatment;	Regenerating;
Cooling;	Sandblasting;
Drying;	Sterilising;
Dust or fume collecting;	Sulphuric acid.

Chimneys;
Coking ovens;
Condensers and scrubbers:—

Acid;	Oil;
Alkali;	Tar.
Gas;	

Conveyor gantries;
Cooling ponds;
Crane gantries;
Cupolas;
Economisers;
Elevators and hoists;
Evaporators;
Fan drifts;
Floating docks and pontoons, with any bridges or gangways not of a temporary nature used in connection therewith;
Flues;
Flumes and conduits;
Foundations, settings, gantries, supports, platforms, and stagings for plant and machinery.
Gas:—

Holders;	Purifiers and cleansers.
Producers and generators;	

Headgear :—	
Mine, quarry, and pit;	Well.
Hydraulic accumulators.	
Pits, beds, and bays :—	
Casting;	Liming, soaking, tanning, or other treatment;
Cooling;	
Drop;	Settling.
Inspection or testing;	
Racks;	
Refuse destructors and incinerators;	
Retorts;	
Ship construction and repair :—	
Slipways;	Cradles;
Uprights;	Grids.
Silos;	
Stages, staithes, and platforms for loading, unloading, and handling material;	
Stills;	
Superheaters;	
Tanks;	
Towers for :—	
Absorption of gases or fumes;	Oil refining and condensing;
Chemical reaction;	Treatment;
Cooling;	Water.
Transporter gantries;	
Transversers and turntables;	
Vats;	
Weighbridges;	
Windmills;	
Wireless masts.	

S. R. & O., 1928, No. 609.

THE RATING AND VALUATION ACT (SUPERANNUATION OF TRANSFERRED OFFICERS) ORDER, 1928, DATED AUGUST 8, 1928, MADE BY THE MINISTER OF HEALTH UNDER SECTION 51 (1) OF THE RATING AND VALUATION ACT, 1925, WITH RESPECT TO THE APPLICATION OF THE POOR LAW OFFICERS' SUPERANNUATION ACT, 1896, TO TRANSFERRED OFFICERS.

The Minister of Health, in pursuance of the powers given to him by section 51 (1) of the Rating and Valuation Act, 1925, and of all other powers enabling him in that behalf, hereby orders as follows :—

1. In this Order, unless the context otherwise requires—

"the Act of 1925" means the Rating and Valuation Act, 1925 (*a*);

"the Act of 1896" means the Poor Law Officers' Superannuation Act, 1896 (*b*);

"Rating Act Authority" means a Rating Authority, Assessment Committee or County Valuation Committee;

"remuneration" includes salary, wages and emoluments;

"transferred officer" means an officer who by section 48 of the Act of 1925 was transferred, or by virtue of the Rating and Valuation Act (Transfer of Officers) Order, 1927 (*c*), is deemed to have been transferred, to a Rating Act Authority, and "transferred" and "transferred office" have corresponding meanings.

2. In any case where the annual contributions required by the Act of 1896 have

(*a*) *Ante*, p. 2113.
(*b*) 12 Halsbury's Statutes 949. But see ss. 32, 40 of the Local Government Superannuation Act, 1937, *ante*, pp. 2090, 2098.
(*c*) *Ante*, p. 3604.

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been made by a transferred officer, the provisions of that Act shall apply as respects the transferred office subject to the following modifications:—

Authorities.

(1) References in the Act of 1896 to Guardians shall be construed as references to the Rating Act Authority to whom the officer was transferred.

Calculation of Superannuation Allowances.

(2) For the purpose of calculating under section 3 of the Act of 1896 the amount of any superannuation allowance payable—

(*a*) by a Rating Act Authority to a transferred officer who ceases to hold office under such authority within five years after the date of transfer, or

(*b*) by a board of guardians to a transferred officer who continued to hold office under that board after the date of transfer but ceases to hold such office within five years after that date,

account shall be taken of so much only of his remuneration before the date of transfer as was properly attributable—

(*a*) in the first case mentioned, to the duties in respect of which he was transferred to that Rating Act Authority, and

(*b*) in the second case mentioned, to duties in respect of which he was not transferred to any Rating Act Authority.

(3) For the purposes of the preceding paragraph an officer's remuneration shall be apportioned, when necessary, in accordance with the following principles:—

(i) If before the date of transfer he was performing for a board of guardians duties in respect of which he has been transferred to a Rating Act Authority and also other duties, and his remuneration (or any part thereof) was not specifically apportioned between his various duties, such unapportioned remuneration (or part) shall be fairly and equitably apportioned as between the duties in respect of which he was, and the duties in respect of which he was not, transferred.

(ii) In the case of an officer transferred from a board of guardians to two or more Rating Act Authorities—

(*a*) remuneration in respect of transferred duties which was chargeable to any parish in the Union shall be deemed to be attributable to the duties in respect of which he was transferred to the Rating Act Authority whose area comprises that parish; and

(*b*) remuneration in respect of transferred duties which was chargeable to the Union as a whole shall be apportioned amongst the Rating Act Authorities in proportion to the rateable values, on the date of transfer, of the portions of the Union comprised in the areas of those authorities respectively.

Contributions Returnable on Loss of Office.

(4) Where a transferred officer ceases to hold office in circumstances which make section 8 of the Act of 1896 operative, the amount payable to him by way of return of contributions (*a*) by a Rating Act Authority, or (*b*) by a board of guardians, shall comprise all contributions paid by him to that authority or board after the date of transfer, and all contributions made by him before the date of transfer so far as they were made in respect of remuneration properly attributable—

(*a*) in the case first mentioned, to duties in respect of which he was transferred to that Rating Act Authority; and

(*b*) in the second case mentioned, to duties in respect of which he was not transferred to any Rating Act Authority.

(5) For the purposes of the preceding paragraph an officer's remuneration shall be apportioned, when necessary, in accordance with the same principles as are made applicable by this Order to the calculation of a superannuation allowance.

(6) A transferred officer who on relinquishment of office becomes entitled to compensation under the Act of 1925, shall be deemed to lose his office in circumstances which make section 8 of the Act of 1896 operative.

Expenses.

(7) Any expenses incurred by a Rating Act Authority under the Act of 1896 in respect of a transferred officer shall be defrayed in the same manner as if they were expenses incurred under the Act of 1925, and the contributions under the Act of 1896 of any transferred officer shall from and after the date of transfer be applied in aid of the rate out of which such expenses are payable.

Suspension of Superannuation Allowance.

(8) Section 6 of the Act of 1896 shall be modified so as to read as follows:—

"6. Where a person in receipt of a superannuation allowance or superannuation allowances under this Act is appointed to any office or employment under any authority to whom this Act applies or under any rating authority, assessment committee or county valuation committee, such allowance or allowances shall cease to be paid to him so long as he continues to hold such office or employment if the salary or emoluments of such office or employment are equal to or in excess of the amount of such allowance or allowances; if they are not, then only so much of such allowance or allowances shall be paid, so long as he holds such office or employment, as will make up the deficiency, and in such last mentioned case, if the person is entitled to allowances from two or more authorities, such authorities shall contribute to the deficiency in proportion to the amounts of the respective allowances granted by them.

Any such person ceasing to hold such office or employment shall be entitled to revert to and to receive the full amount of his original superannuation allowance or allowances from the authority or authorities who granted it or them."

3. This Order may be cited as the Rating and Valuation Act (Superannuation of Transferred Officers) Order, 1928, and shall have effect as from the 1st day of April, 1927.

Given under the Official Seal of the Minister of Health this Eighth day of August, in the year One thousand nine hundred and twenty-eight.

(L.S.) H. W. S. FRANCIS,
Assistant Secretary, Ministry of Health.

S. R. & O., 1929, No. 427.

THE RATING AND VALUATION ACT (ESTIMATES OF RELIEF TO RATES) ORDER, 1929, DATED JUNE 6, 1929, MADE BY THE MINISTER OF HEALTH UNDER SECTION 69 (2) OF THE RATING AND VALUATION ACT, 1925 (*a*).

Whereas by section 69 (2) of the Rating and Valuation Act, 1925 (in this order referred to as "the Act of 1925") it is provided that for the purposes of the Agricultural Rates Acts, 1896 and 1923, and the Tithe Rent Charge (Rates) Act, 1899, the rates in respect of which relief is given under those Acts shall in an urban rating area be taken to be such part of the general rate levied for that area as is estimated by the Minister of Health to be levied in substitution for the rates in respect of which such relief was given at the date of the passing of the Act of 1925:

And whereas by an order dated the 4th day of December, 1928, the Minister of Health, in relation to any urban rating area, or part of an urban rating area, for which a percentage deduction had been determined in accordance with the provisions of Part III. of the Second Schedule to the Act of 1925, estimated, subject as in the order provided and to any further or amending estimate which he might thereafter make, the part of the general rate which is levied in substitution for rates in respect of which relief was given as aforesaid at the date of the passing of the Act of 1925:

And whereas it is expedient that further provision should be made as hereinafter mentioned:

(*a*) For the object of this order, see note to s. 69 (2) of the Rating and Valuation Act, 1925, *ante*, p. 2233.

RATING AND VALUATION

Now therefore, the Minister of Health, by virtue of the powers conferred upon him by the said section 69, and of all powers enabling him in that behalf, hereby makes the following order :—

1. This Order may be cited as the Rating and Valuation Act (Estimates of Relief to Rates) Order, 1929.

2. The above cited Order dated the 4th day of December, 1928, is hereby rescinded.

3. The Minister of Health, subject as hereinafter provided and subject to any further or amending estimate which he may hereafter make, estimates that in any urban rating area, or part of an urban rating area, for which a percentage deduction has been determined in accordance with the provisions of Part III. of the Second Schedule to the Act of 1925,—

(1) the part of the general rate which is levied in substitution for rates in respect of which relief was given under the Agricultural Rates Acts, 1896 and 1923, at the date of the passing of the Act of 1925, is such part of the rate as bears to the whole rate the same proportion as seventy-five reduced by an amount equal to the amount of the percentage deduction determined for the area, or for the part of the area, bears to seventy-five: Provided that this estimate shall not apply for the purposes of the Agricultural Rates Act, 1923, in the case of any rating area or part of a rating area in which a partial consolidation of rates was authorised by a local Act passed before the commencement of the Act of 1925, or for which different percentage deductions have been determined in accordance with the provisions of Part III. of the Second Schedule to the Act of 1925, for different classes of hereditaments: and

(2) the poundage of the part of the general rate which is levied in substitution for rates in respect of which relief was given under the Tithe Rent Charge (Rates) Act, 1899, at the date of the passing of the Act of 1925, is such part of the total poundage of the rate as bears to that total the same proportion as three hundred reduced by an amount equal to four times the amount of the percentage deduction determined for the area, or for the part of the area, bears to three hundred reduced by an amount equal to three times the amount of the percentage deduction determined for the area, or for the part of the area, as the case may be: Provided that in the case of any rating area or part of a rating area for which different percentage deductions have been determined for different classes of hereditaments, the deduction to be taken into account in using the estimate for the purposes of the Tithe Rent Charge (Rates) Act, 1899, shall be the deduction so determined in respect of tithes.

Given under the official seal of the Minister of Health, this Sixth day of June, in the year One thousand nine hundred and twenty-nine.

(L.S.) R. B. CROSS,
Assistant Secretary, Ministry of Health.

CIRCULAR 1079A.

County Borough Councils.

MINISTRY OF HEALTH,
WHITEHALL,
LONDON, S.W.1.
11th February, 1930.

RATING AND VALUATION ACT, 1925.

LOCAL GOVERNMENT ACT, 1929.

SIR,—1. I am directed by the Minister of Health to state that he has had under consideration the modifications rendered necessary or desirable by the passing of the Local Government Act, 1929, in the form of demand note now in use, and to enclose for the information of the Council copies of new rules which he has made under Section 58 of the Rating and Valuation Act, 1925, after consultation with

representative associations of local authorities. The new rules (*a*) supersede the Rating and Valuation Act (Forms of Demand Note) Rules, 1926, and apply to every demand note of a rating authority in respect of any period beginning on or after the first day of April, 1930.

2. Subject to Section 97 (1) (*c*) of the Local Government Act, 1929 (*b*), the whole of the new grants which are payable under Part VI of the Local Government Act, 1929, to a county borough council in respect of any period beginning on or after the first day of April, 1930, are, with the proceeds of the local taxation licence duties levied by them, applicable in relief of the general rate in the county borough. The Act contemplates that the cost of the services of the council of the county borough shall be met out of a "pool" into which shall flow the above-mentioned moneys together with the proceeds of the general rate. In these circumstances it will be impracticable to distinguish between that part of the cost of any particular purpose or service which is met from rates and that part of the cost which is met from the other moneys above mentioned. The new form of demand note now prescribed has been drawn with due regard to these facts, and it will be seen that the statement attached to the form of demand note will show the gross poundage for each of the principal services, after allowance has been made for any income (including any Government Grant) specifically in aid of such service, and the rate payable by the ratepayer will be the total of the gross poundages shown thereon less the equivalent, in terms of a rate in the pound, of the new grants under the Act of 1929 receivable by the council.

3. Apart from the changes referred to in the preceding paragraph, only minor modifications of the rules and forms have been made. The chief modification is in connection with the services which must be specified in the statement appended to the demand note. Hitherto, local authorities have been required to specify only those services for which separate fund accounts or separately balanced accounts were kept, although it was open to them to add other services. There has, however, been a great variety of practice, and in many cases the information available to the ratepayer has been somewhat meagre. It is now provided that each of the more important services, a list of which is given in the prescribed statement, must be shown in every statement appended to a demand note, subject, of course, to the exception that if no expenditure is to be incurred in respect of a particular service that service need not be mentioned. The intention of the statement is to give to the ratepayer a list of the principal rate services in the area on which the council spends money, together with figures which will indicate to him the relative cost of these services. It will be appreciated that the list of services prescribed by the rules contains only those of which information is required to be given; local authorities are empowered to add to this information and to include particulars of such other services as they think desirable.

4. It is not necessary that local authorities should adopt the prescribed forms without any modification whatsoever. The rules provide that forms substantially to the like effect may be used. It would thus be possible, for example—

(*a*) either to include any adjustments of general credit or debit balances in the item "other services and expenses," or to show such adjustments as a separate item; the poundages shown for the individual services for which by law separate funds must be kept must, however, take account of adjustments of balances in those funds, and, where local authorities do in fact keep separately balanced accounts for other individual services, the same procedure should apply.

(*b*) to give additional information to ratepayers, *e.g.* to state the sums of money for each service as well as the rate poundages.

It has also been represented to the Minister that, though the total poundage of the rate may not be increased by reason of the alteration in the system of rating and grant distribution, yet that alteration may result in an apparent increase of poundage in respect of some particular service or services, and that in such a case it should be open to the authority to add to the statement attached to the first demand note under the new rules

(*a*) *Post*, p. 3634. (*b*) See Vol. V, *post*.

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an explanation to this effect. There is nothing in the rules to prevent this.

5. It will be seen that the demand note is required to be signed by the authorised officer of the authority (see Sections 59 (3) and 68 (1) of the Rating and Valuation Act, 1925 (*a*)). It will suffice if the signature is printed.

6. An additional copy of this Circular and of the rules is enclosed for the information of the responsible accounting officer. The Circular and rules are on sale and copies may be obtained at the addresses shown below.

I am, Sir,
Your obedient Servant,
E. H. RHODES.
Assistant Secretary.

The Town Clerk.

CIRCULAR 1103.

All Assessment Committees (outside London).

MINISTRY OF HEALTH,
WHITEHALL,
LONDON, S.W.1.
12*th May*, 1930.

RATING AND VALUATION ACT, 1925.

ANNUAL REPORTS OF ASSESSMENT COMMITTEES.

SIR,—I am directed by the Minister of Health to remind you that paragraph 7 of the First Schedule to the Rating and Valuation Act, 1925, provides for the making of Annual Reports in a prescribed form by Assessment Committees to their Constituent Authorities, to the Minister, and to the Central Valuation Committee, and that section 58 of the Act empowers the Minister to prescribe by Rules anything which by the Act is to be prescribed.

The Minister has been in consultation with the Central Valuation Committee on this matter, and has made the accompanying Rules prescribing the form of Report for the year ending on April 1st, 1930 (*b*). It will be seen that the Rules prescribe the particulars which are to be *included* in the Reports, and so leave the Committees free to include therein any additional particulars which they may deem of interest.

* * * * * *

I am, Sir,
Your obedient Servant,
R. B. CROSS.
Assistant Secretary.

To the Clerk to the Assessment Committee.

(*a*) *Ante*, pp. 2220, 2229.
(*b*) The Assessment Committees (Forms of Annual Report) Rules, 1934, *post*, p. 3674, supersede the rules of 1930 and apply generally for the future.

S. R. & O., 1930, No. 541.

THE RATING AND VALUATION (FORMS OF PRECEPT—COUNTY COUNCILS) RULES, 1930,* DATED JUNE 28TH, 1930, MADE BY THE MINISTER OF HEALTH UNDER SECTION 58 OF THE RATING AND VALUATION ACT, 1925, FOR PRESCRIBING FORMS OF PRECEPTS TO BE USED BY COUNTY COUNCILS.

Whereas by section 9 of the Rating and Valuation Act, 1925 (*a*), provision is made with respect to precepts to be issued to rating authorities by councils of counties in respect of any period beginning on or after the first day of April, 1929; and by subsection (5) of that section such councils are required on issuing any such precept to supply to the rating authority such information as is reasonably necessary for the preparation of demand notes in accordance with the provisions of Part I of the Act:

And whereas by section 58 of the said Act it is provided that the Minister of Health, after consultation with any local authority or association of local authorities with whom consultation appears to him to be desirable, may by rules prescribe the form of any return or other document whatsoever which is required or authorised to be used under or for the purposes of the Act:

And whereas by the Rating and Valuation (Forms of Demand Note) Rules, 1930, made by the Minister of Health under the said section 58, rating authorities are required to include in any demand note a statement giving certain information with respect of services administered by the County Council:

And whereas consequent upon the coming into operation of the Local Government Act, 1929, the changes therein provided for, and the making of the said rules it is expedient to supersede by the rules hereinafter contained the Rating and Valuation Act (Forms of Precept—County Councils) Rules, 1929 (*b*), made under the said section 58:

Now therefore, the Minister of Health, after such consultation as is mentioned above, by virtue of the powers conferred upon him by the said section 58 and of all other powers enabling him in that behalf, hereby makes the following Rules:

1.—(1) These rules may be cited as the Rating and Valuation (Forms of Precept—County Councils) Rules, 1930, and shall be deemed to have had effect as from the 5th day of February, 1930.

(2) These rules shall not apply to any precept issued by the London County Council.

(3) In these Rules, "equivalent in terms of a rate in the pound" means in relation to any sum and any area the poundage of the rate which would be levied on that area under precept of the County Council if that sum formed the subject of a separate precept.

2. Every precept issued by a County Council under section 9 (2) of the Rating and Valuation Act, 1925, in respect of any period beginning on or after the 1st day of April, 1930, shall be in the form set out in the Schedule hereto or in a form substantially to the like effect.

3. Every precept issued by a County Council in accordance with the foregoing Rule shall show:

(i) the rate in the pound which the Council require the rating authority to levy as part of the general rate;

(ii) the rate in the pound which the Council require the rating authority to levy as an additional item of the general rate in respect of each part of the rating area on which any expenses are chargeable separately, indicating the part so charged, and the purpose of the charge;

(iii) in the case of an amount which is not required to be expressed in the precept in terms of a rate in the pound, the amount and purpose of the sum demanded and the area charged.

* These Rules supersede Provisional Regulations which were made on the 5th day of February, 1930, and came into force on that date.

(*a*) *Ante*, p. 2134.

(*b*) S. R. & O., 1929, No. 11.

RATING AND VALUATION

4.—(1) There shall be included in every such precept a statement in the form set out in the Schedule hereto, or in a form substantially to the like effect, showing, in the manner for which the form provides,

(*a*) the equivalent in terms of a rate in the pound of the gross estimated expenditure less any income specifically applicable thereto, in respect of each service specified in the form and in respect of such other of their principal services, if any, as the County Council think fit;

(*b*) the equivalent in terms of a rate in the pound of the Exchequer Grants payable to the County Council under the Local Government Act, 1929;

and distinguishing by an asterisk, in the manner indicated in the form, each such service towards the cost of which a grant payable to the County Council by any Government Department is specifically applicable.

(2) In calculating the amount to be shown for the purposes of any service or group of services, there shall be included any sums required for repayment of, or for interest on, moneys borrowed for that service or group of services.

5. Except as regards any precept issued in respect of any period ending on or before the 31st day of March, 1930, the Rating and Valuation Act (Forms of Precept—County Councils) Rules, 1929, are hereby rescinded.

SCHEDULE.

Form of County Council Precept.

Administrative County of.....

To the Rating Authority for the { Borough / Urban District / Rural District } of.....

The Council of the above-mentioned County hereby give you notice that in respect of the financial [half-year] [year] beginning on the first day of....., 19.... they will require from you the proceeds of the rates specified below [subject to such adjustment, by way of addition to those rates, as may be necessary to comply with the provisions of Section 9 (2) (*c*) of the Rating and Valuation Act, 1925 *];

And they do accordingly hereby require you to levy the said rates as part of the general rate or as additional items of that rate, as the case may require, and to make payments on account thereof to† as follows:

£.....on or before the.....day of.....19....
£.....on or before the.....day of.....19....
£.....on or before the.....day of.....19....
£.....on or before the.....day of.....19....

and the balance thereof within 14 days after the date on which the total amount due shall have been ascertained in accordance with the provisions of the Rating and Valuation Act, 1925, and of the Rules made thereunder.

Rates to be levied on the whole of the rating area.

General County purposes at.....in the pound.
Special County purposes at.....in the pound.
Total.....in the pound.

Rates to be levied on part only of the rating area.

Part of rating area chargeable.	Service.	Amount in the Pound.
		s. *d.*

* Omit these words in the case of a rural rating authority.

† Insert name and address of

* And they do also give you notice that in respect of the above-mentioned period they will require from you the sums of money specified in the third column of the following table in respect of the services specified in the second column of that table, the cost of which is chargeable on that part only of your rating area specified in the first column of that table.

* And they do accordingly hereby require you to pay the said sums to† . . . . . on or before the . . . . . day of . . . . . 19. .

Part of rating area chargeable.	Service.	Sum.
		£

Dated this . . . . . day of . . . . . 19. .

(Signature) . . . . . Clerk of the County Council.

STATEMENT.

The following statement shows, in respect of each of the under-mentioned services of the County Council the cost of which is chargeable over the whole of the rating area, the equivalent, in terms of a rate in the pound, of the gross estimated expenditure on the services *less* any estimated income from Government Grants or other sources (not being rates) specifically applicable thereto. In the case of the services marked ‡ Government Grants specifically applicable thereto are receivable.

SERVICES.	Amount in the Pound for General County Purposes.		Amount in the Pound for Special County Purposes.	
	s.	*d.*	*s.*	*d.*
‡Education: Elementary				
‡Education: Higher				
Public Assistance				
‡Police				
‡Highways and Bridges				
Public Health				
Other Services and expenses				
Total of above items				
Deduct the equivalent in terms of a rate in the pound of—				
(1) The Exchequer Grants under the Local Government Act, 1929			—	—
(2) The proceeds of local taxation licence duties			—	—
(3) Other income or credits of the County Council, if any, not allocated to specific services				
Total deductions				
NET TOTAL				

Given under the Official Seal of the Minister of Health this twenty-eighth day of June, in the year One thousand nine hundred and thirty.

(L.S.)

J. N. BECKETT,
Assistant Secretary,
Ministry of Health.

* The two paragraphs marked * and the table following them may be omitted where the precept is wholly on a poundage basis.

† Insert name and address of payee and any necessary directions.

RATING AND VALUATION

S. R. & O., 1930, No. 542.

THE RATING AND VALUATION (FORMS OF DEMAND NOTE) RULES, 1930, DATED JUNE 28TH, 1930,* MADE BY THE MINISTER OF HEALTH UNDER SECTION 58 OF THE RATING AND VALUATION ACT, 1925, FOR PRESCRIBING THE FORMS OF DEMAND NOTES TO BE USED BY RATING AUTHORITIES.

Whereas by section 7 of the Rating and Valuation Act, 1925 (*a*), provision is made with regard to the inclusion of certain information in the demand notes on which general rates and special rates are levied:

And whereas by section 58 of the said Act it is provided that the Minister of Health, after consultation with any local authority or association of local authorities with whom consultation appears to him to be desirable, may by rules prescribe the form of any demand note or other document whatsoever which is required or authorised to be used under or for the purposes of the Act:

And whereas, consequent upon the coming into operation of the Local Government Act, 1929, and the changes therein provided for, it is expedient to supersede by the Rules hereinafter contained the Rating and Valuation Act (Forms of Demand Note) Rules, 1926 (*b*), made under the said section 58:

Now therefore, the Minister of Health, after such consultation as is mentioned above, by virtue of the powers conferred upon him by the said section 58 and of all other powers enabling him in that behalf, hereby makes the following Rules:

1.—(1) These Rules may be cited as the Rating and Valuation (Forms of Demand Note) Rules, 1930, and shall be deemed to have had effect as from the 5th day of February, 1930.

(2) In these Rules:

"demand note" does not include a demand note issued in respect of any rating period beginning before the 1st day of April, 1930;

"the Act" means the Rating and Valuation Act, 1925;

"equivalent in terms of a rate in the pound" means in relation to any sum the poundage of the rate which it would be necessary to levy to produce that sum and for this purpose the product of a rate of a penny in the pound shall be a sum estimated in the manner prescribed by Rule 6 of the Rating and Valuation Act (Product of Rates and Precepts) Rules, 1929 (*c*).

2.—(1) Every demand note for a general rate shall incorporate form A, form B or form C in the schedule hereto, as the case may be, or a form substantially to the like effect, modified, where necessary, to meet the case of a rate made payable in instalments.

(2) Every demand note for a special rate shall incorporate form D in the schedule hereto, or a form substantially to the like effect, modified, where necessary, to meet the case of a rate made payable in instalments.

(3) Subject to the provisions of Rule 3 the rating authority shall in preparing any demand note enter in the several columns particulars in accordance with the headings thereto.

3.—(1) As regards hereditaments in respect of which an allowance may be claimed under paragraph (*a*) of subsection (1) or under subsection (2) of section 11 of the Act the rating authority—

(*a*) in any case where the amount due from an owner in respect of a group of two or more hereditaments is shown as one total in the rate book, shall, in lieu of entering the particulars as specified in form A, form B, form C, or form D (as the case may be) in the columns appearing upon the demand note, enter those particulars in a schedule in respect of each such group to be attached to the demand note and shall enter on the demand note a reference to such

* These Rules supersede Provisional Regulations which were made on the 5th day of February, 1930, and came into force on that date.

(*a*) *Ante*, p. 2131.

(*b*) S. R. & O., 1926, No. 798.

(*c*) S. R. & O., 1929, No. 12, printed at p. 3723 of the tenth edition. Revoked and replaced by the Rating and Valuation Act (Product of Rates and Precepts) Rules, 1938,

schedule and the total amount of rates shown by the schedule to be due, and

(*b*) in any other case shall, in preparing the demand note, insert on the form prescribed by Rule 2 information with respect to the allowance which may be claimed.

(2) The schedule referred to in paragraph (1) (*a*) of this Rule shall embody such one of the forms of statement J, K, or L, prescribed in the Rate Accounts (Rural District Councils) Order, 1926 (*a*), and the Rate Accounts (Borough and Urban District Councils) Order, 1926 (*b*), as may be appropriate.

(3) The rating authority may, if they see fit, make use of a schedule in the manner provided by paragraph (1) of this Rule in any case where a person undertakes to pay the rates in respect of two or more hereditaments but is not entitled to claim any allowance referred to in the said paragraph.

4. A demand note or the schedule attached thereto in accordance with the provision of Rule 3, as the case may be, shall contain such a brief description of the hereditament or hereditaments to which it relates as may be reasonably necessary for the purposes of identification.

5. A demand note shall also include—

(i) information with regard to the place and mode of payment; and

(ii) in a rating area in which a resolution under section 8 of the Act (as to discount for prompt payment) is in force, information as to the effect of the resolution (including the date after which payment must be made in full).

6. A rating authority may include in a demand note for rates a demand for any water rate, rent or charge, or other rate, rent or charge payable to them, and may combine in one demand note demands for a general rate and for a special rate, provided that such combined demand note shall be so framed as to include all the information which by the Act and these rules would be required to be given to ratepayers if separate demand notes were issued.

7. There shall be included in every demand note a statement in the form set out in the schedule hereto appropriate to that demand note, or in a form substantially to the like effect, showing, in the manner for which that form provides—

(1) the equivalent in terms of a rate in the pound of the gross estimated expenditure less any income specifically applicable thereto, in respect of—

(*a*) each service or group of services for which a separate fund account is kept by the rating authority,

(*b*) each of the services separately set out in a precept received from any authority.

(*c*) each of the services specified in the form which is not included under the preceding categories (*a*) and (*b*), and in respect of which expenditure is to be incurred, and

(*d*) the other services of the rating authority, specifying such of them, if any, as they think fit,

distinguishing by an asterisk, in the manner indicated in the form, each service towards the cost of which a grant payable to the rating authority or County Council by a Government Department is specifically applicable; and

(2) the equivalent in terms of a rate in the pound of the Exchequer Grants under the Local Government Act, 1929, and, in the case of a rural district council, of any moneys receivable under section 92 of that Act.

8. For the purposes of the last preceding Rule the following provisions shall have effect:

(1) The expression "separate fund account" includes—

(*a*) in relation to expenses chargeable on part only of a rating area, the separate account or accounts of such expenses,

(*a*) S. R. & O., 1926, No. 1123, *ante*, p. 3579.
(*b*) S. R. & O., 1926, No. 1178, *ante*, p. 3582.

RATING AND VALUATION

(*b*) in relation to any service for which by law separate accounts are required to be kept, the separate revenue account kept therefor.

(2) In calculating the amount to be shown for the purposes of any service or group of services, there shall be included any sums required for repayment of, or for interest on, moneys borrowed for that service or group of services.

(3) Where the aggregate amount in the pound which would otherwise have been levied by the rating authority has been varied in order to give effect to any differential rating requirements to which effect has to be given by the rating authority, a note shall be made on the statement showing the extent of, and reason for, such variation.

9. The Rating and Valuation Act (Forms of Demand Note) Rules, 1926 (*a*), except as regards demand notes for any rate in respect of any rating period beginning before the 1st day of April, 1930, are hereby rescinded.

SCHEDULE.

FORM A.

(COUNTY BOROUGH COUNCIL.)

County Borough of.....

Demand Note for General Rate.

Mr. ..... [or occupier].

(Address).....

.....

The Council of the..... demand payment of a General Rate at.....pence in the pound [including .....pence for additional items*], made in respect of the financial [half-year] [year] ending on the.....day of.....19...., and of the arrears (if any) of former rates,* now due from you as below :

Number in Rate Book.	Description of Hereditament and Situation (if other than that specified in the address above).	Net Annual Value (where it differs from Rateable Value).	Rateable Value.	Amount of Rate.
		£	£	£ s. d.
			Arrears (if any) of former rates*	
			Total . .	

Cheques, money orders and postal orders should be made payable to the..... Council of.....and crossed. They should not be made payable to any individual officer.

By order of the Council.

.....

(Authorised Officer.)

* These words may be omitted if not required.

(*a*) S. R. & O., 1926, No. 798.

FORM A.—Statement.

Rate Services.

The following statement shows how the rate in the pound demanded is made up. It sets out the rate in the pound which would be required to meet the net expenses of each of the principal services, after allowing for specific Government grants towards the expenses of the services marked * but without allocation to particular services of the Government grants under the Local Government Act, 1929.

The Government grants under the Act of 1929, being in aid of local government expenses generally, cannot be allocated to any particular service. They reduce by the amount shown the total rate in the pound which would otherwise be demanded.

SERVICES ADMINISTERED BY THE TOWN COUNCIL:

	s. *d.*	*s.* *d.*
*Education: elementary		
*Education: higher		
Public assistance		
*Police		
*Housing (including for Assisted Scheme, 1919)		
Public health		
Highways and bridges		
Fire brigade		
undertaking		
Other services and expenses		
Deduct in respect of—	*s.* *d.*	
undertaking		
Other credits (not being Government grants)		

SERVICES ADMINISTERED BY PRECEPTING AUTHORITIES, VIZ.:—

Assessment Committee		
Joint Board		
Deduct—		
The equivalent in terms of a rate in the pound of the Exchequer Grants under the Local Government Act, 1929		
The equivalent in terms of a rate in the pound of the proceeds of Local Taxation Licences		
Rate in the pound payable by ratepayer		

FORM B.

(BOROUGH COUNCIL OR URBAN DISTRICT COUNCIL.)

Borough [or Urban District] of

Demand Note for General Rate.

Mr. [or occupier].

(Address)

The Council of the demand payment of a General Rate at pence in the pound, [including

RATING AND VALUATION

. ... pence for additional items*] made in respect of the financial [half-year] [year] ending on the .... day of..... .... 19 , and of the arrears (if any) of former rates,* now due from you as below :

Number in Rate Book.	Description of Hereditament and Situation (if other than that specified in the address above).	Net Annual Value (where it differs from Rateable Value).	Rateable Value.	Amount of Rate.
		£	£	£ s. d.
			Arrears (if any) of former rates*	
			Total . . .	

Cheques, money orders and postal orders should be made payable to the .... Council of ... . and crossed. They should not be made payable to any individual officer.

By order of the Council.

.....

(Authorised Officer).

FORM B.—Statement.

Rate Services.

The following statement shows how the rate in the pound demanded is made up. It sets out the rate in the pound which would be required to meet the net expenses of each of the principal services, after allowing for specific Government grants towards the expenses of the services marked * but without allocation to particular services of the Government grants under the Local Government Act, 1929.

The Government grants under the Act of 1929, being in aid of local government expenses generally, cannot be allocated to any particular service. They reduce by the amount shown the total rate in the pound which would otherwise be demanded.

SERVICES ADMINISTERED BY THE (BOROUGH) (URBAN DISTRICT) COUNCIL :	s. d.	s. d.
*Education : elementary		
*Police		
*Housing (including..... .....for Assisted Scheme, 1919)...		
Public health		
Highways and bridges		
....undertaking		
Other services and expenses		———
Deduct in respect of—	s. d.	
....undertaking		
....		
Other credits (not being Government Grants)		
	———	———

* These words may be omitted if not required.

SERVICES ADMINISTERED BY THE COUNTY COUNCIL:	*s.* *d.*	*s.* *d.*	*s.* *d.*
(a) *General County Purposes:*			
*Education: elementary			
*Education: higher			
Public assistance			
*Police			
Public health			
*Highways and bridges			
Other services and expenses			
Deduct in respect of credits of the County Council (not being Government Grants)			
(b) *Special County Purposes:*		†	
*Education: elementary			
*Police			
Other services and expenses			
Deduct in respect of credits of the County Council (not being Government Grants)			
Add, For additional sum under the proviso to Section 9 (2) (*c*) of the Rating and Valuation Act, 1925			

SERVICES ADMINISTERED BY PRECEPTING AUTHORITIES OTHER THAN THE COUNTY COUNCIL, VIZ.:

Assessment Committee		
Joint Board		
Deduct the equivalent in terms of a rate in the pound of—		
The Exchequer Grants under the Local Government Act, 1929.		
(*a*) Amount receivable by (Borough) (Urban District) Council		
(*b*) Amount receivable by County Council †		
Rate in the pound payable by Ratepayer		

FORM C.

(RURAL DISTRICT COUNCIL.)

Rural District Council of.....

Demand Note for General Rate.

Mr. .....[or occupier].

(Address) .....

.....

The Rural District Council of..... demand payment of a General Rate at ..... pence in the pound [including.....

† The rate in the pound actually called for by the County Council for general county purposes is the difference between the two amounts marked,† namely, ... *s.*..... *d.*

pence for additional items],† made in respect of the financial [half-year] [year] ending on the..... day of ..... 19 , and of the arrears (if any) of former rates,† now due from you as below :

Number in Rate Book.	Description of Hereditament and Situation (if other than that specified in the address above).	Net Annual Value (where it differs from Rateable Value).	Rateable Value.	Amount of Rate.
		£	£	£ s. d.
	Arrears (if any) of former rates† . . .			
	Total . . .			

Cheques, money orders and postal orders should be made payable to the Rural District Council of ..... and crossed. They should not be made payable to any individual officer.

By order of the Council.

....

(Authorised Officer.)

FORM C.—Statement.

Rate Services.

The following statement shows how the rate in the pound demanded is made up. It sets out the rate in the pound which would be required to meet the net expenses of each of the principal services, after allowing for specific Government grants towards the expenses of the services marked * but without allocation to particular services of the Government grants under the Local Government Act, 1929.

The Government grants under the Act of 1929, being in aid of local government expenses generally, cannot be allocated to any particular service. They reduce by the amount shown the total rate which would otherwise be demanded.

SERVICES ADMINISTERED BY THE RURAL DISTRICT COUNCIL :

	s. d.	s. d.
(a) *General Expenses :*		
*Housing (including..... for Assisted Scheme, 1919)		
Public health		
Other services and expenses		
Deduct in respect of—	s. d.	
.....		
Other credits of the Rural District Council (not being Government Grants)		
(b) *Special expenses payable out of General Rate : (Principal services to be specified.)*		
.....		
.....		
Deduct in respect of—		
.....		
Other parochial credits		

† These words may be omitted if not required.

SERVICES ADMINISTERED BY THE COUNTY COUNCIL:	s. d.	s. d.	s. d.
(a) *General County Purposes:*			
*Education: elementary			
*Education: higher			
Public assistance			
*Police			
Public health			
*Highways and bridges			
Other services and expenses			
Deduct in respect of credits of the County Council (not being Government Grants)			
(b) *Special County Purposes:*		†	
*Education: elementary			
*Police			
Other services			
Deduct in respect of credits of the County Council (not being Government Grants)			
SERVICES ADMINISTERED BY PRECEPTING AUTHORITIES OTHER THAN THE COUNTY COUNCIL, VIZ.:			
Parish Council (or Parish Meeting)			
Assessment Committee			
Joint Board			
Deduct: The equivalent in terms of a rate in the pound of—			
The Exchequer Grants under the Local Government Act, 1929, other than that under Section 92:			
(*a*) Amount receivable by the Rural District Council			
(*b*) Amount receivable by the County Council		†	
Sums applicable in aid of parish rate (Section 92 of the Local Government Act, 1929)			
Rate in the pound payable by Ratepayer			

FORM D.

(RURAL DISTRICT COUNCIL.)

Rural District Council of .....

Demand Note for Special Rate.

Parish of .....

(or other area subject to the special rate).

Mr. ..... [or occupier].

(Address) .....

The Rural District Council of ..... demand payment of a Special Rate made in respect of the financial [half-year] [year] ending on the..... ....day of .....19 . , and of the arrears (if any) of former rates,‡ now due from you as below.

The Rate is made at..... ..... pence in the pound upon the rateable value of hereditaments as shown below, except that it is made upon one-quarter only of that rateable value in the case of tithe, tithe rent charge, land covered with water, or used as a canal or as a towing path for a canal, or as a railway constructed under the powers of any Act of Parliament for public conveyance.

† The rate in the pound actually called for by the County Council for general County Purposes is the difference between the two amounts marked † namely, ...*s.* ...*d.*

‡ These words may be omitted if not required.

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Number in Rate Book.	Description of Hereditament and Situation (if other than that specified in the address above).	Net Annual Value (where it differs from Rateable Value).	Rateable Value.	Amount of Rate.
		£	£	£ s. d.

CIRCULAR 1122.

Rating Authorities and Assessment Committees (in London and outside London), County Valuation Committees, London County Council.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
17th July, 1930.

RAILWAYS (VALUATION FOR RATING) ACT, 1930.

SIR,—1. I am directed by the Minister of Health to draw your attention to the provisions of the Railways (Valuation for Rating) Act (*a*), which received Royal Assent on July 10th, 1930.

2. The Act, which was based on negotiations between representatives of Railway Companies and Local Authorities, applies the principle of valuation *in cumulo* to railway undertakings.

3. The Companies to which the Act in the first instance applies are the Great Western, the London and North Eastern, the London, Midland and Scottish, the Southern and the Metropolitan Railway Companies, but provision is made in the First Schedule for the application of the Act, with any necessary modifications, to the undertakings of other Railway Companies by means of Schemes.

4. The assessment of railway hereditaments will in future be determined by a Railway Assessment Authority, to be constituted under the Act, and not by the Rating Authorities and Assessment Committees.

5. Railway hereditaments are defined to mean hereditaments occupied for the purposes of the undertaking of a railway company, and " undertaking " includes for this purpose, in addition to the company's principal undertaking,

(*a*) any canal, dock or harbour undertaking carried on by the company ;

(*b*) any subsidiary or ancillary undertaking carried on by the company, not being a road-transport, sea-transport or air-transport undertaking ; and

(*c*) the share of the company in any joint undertaking carried on by, or on behalf of, two or more railway companies not being a road-transport, sea-transport or air-transport undertaking.

It is to be noted, however, that " no premises occupied as a dwelling-house, hotel or place of public refreshment, or so let out as to be capable of separate assessment, shall be deemed to be, or to form part of, a railway hereditament."

Such premises will, therefore, fall to be assessed by local Rating Authorities and Assessment Committees.

6. The constitution of the Railway Assessment Authority is laid down in Section 2 of the Act. It is to consist of a paid chairman, who is to be an experienced lawyer appointed by the Lord Chancellor, and nine other members appointed by the Minister. Of these, six are to be appointed on the recommendation of the bodies specified in the Section and three at the Minister's discretion.

In the case of the two Anglo-Scottish railways, the ascertainment of receipts not solely attributable to hereditaments in England and the division thereof between England and Scotland will be made by a Joint Authority consisting of the Chairman of the Railway Assessment Authority, one other person appointed by that Authority and the Assessor of Railways and Canals for Scotland.

The expenses of the Railway Assessment Authority and a proportion of the expenses of the Joint Authority will fall to be defrayed by County and County Borough Councils.

7. It will be the duty of the Railway Assessment Authority to prepare a railway valuation roll containing, in separate parts, the particulars of the railway hereditaments in England occupied by the several companies. The first roll is, subject to the temporary provisions hereafter referred to, to come into operation on the

(*a*) *Ante*, p. 2302.

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appointed day, viz., in London on April 6th, 1931, and elsewhere on April 1st, 1931, and subsequent rolls are to come into operation at quinquennial intervals.

8. The preparation of the roll will involve—

(i) the determination of the value *in cumulo* of the undertaking of each railway company (or in the case of the two Anglo-Scottish railways of the undertaking so far as it is carried on in England);

(ii) the apportionment of this valuation *in cumulo* among the individual railway hereditaments, in accordance with a scheme to be prepared under Section 13 of the Act (referred to later);

(iii) the calculation of the rateable value of each railway hereditament from the net annual value so apportioned to it.

9. The valuation *in cumulo* is to be ascertained by reference to average net receipts in accordance with the provisions of Sections 4 and 5 of the Act.

10. Provision is made in Section 7 and the Third Schedule for the publication in draft of the determinations of the Joint Authority and the Railway Assessment Authority respectively, and for the making of representations. The particulars to be sent to the railway companies and local authorities concerned and the notices to be issued in connection therewith will, in due course, be prescribed by the Minister as required by the Act.

The matters in regard to which representations may be made and the bodies entitled to make them are specified in the Third Schedule. Representations to the Joint Authority in respect of matters which are to be determined by them and representations to the Railway Assessment Authority with regard to the amount of the average net receipts or the valuation *in cumulo* may be made by railway companies, County Valuation Committees and County Borough Councils. Representations to the Railway Assessment Authority as to the classification of, or the value apportioned to, particular premises may be made by the same bodies and also by the Rating Authority concerned or any person aggrieved, but it is provided that, on any such representation, the Authority shall not enter on any inquiry as to the correctness of the valuation *in cumulo*.

11. After consideration of any representations that may be made, the Joint Authority will issue their certificate in the case of the Anglo-Scottish railways and the Railway Assessment Authority will proceed to complete the roll both as regards the English portion of those railways and as regards the purely English railways. The Railway Assessment Authority are required to send notice of completion of each part of the roll and such particulars as may be prescribed to railway companies, County Valuation Committees, Assessment Committees and Rating Authorities.

12. Appeals against the railway valuation roll (or part thereof) as completed by the Railway Assessment Authority and against the certificate of the Joint Authority may be brought to the Railway and Canal Commissioners, and the superior court to which appeals from their decisions are to lie is the House of Lords. The provision as to the matters on which appeal may be brought and as to the bodies or person entitled to appeal follow the provisions as to representations already mentioned.

13. No alteration is to be made in any part of the railway valuation roll within six months of completion or pending the decision of any appeal against the valuation *in cumulo*. At the expiration of the six months (or after the decision on any such appeal) the Railway Assessment Authority will revise the roll, making any alterations necessitated by the decision on the appeal or by any decisions which they themselves may have given in the meanwhile on representations made in pursuance of Section 11 of the Act.

14. Section 11 provides for representations and appeals by railway companies, County Valuation Committees or Rating Authorities or by any person aggrieved on the ground of changes of circumstances affecting particular premises and occurring during the quinquennium. Effect is to be given to the decisions on any such representations or appeals by alteration of the roll. Such alterations, however, are not to involve any general review of the assessments of the other railway hereditaments on the company's system unless and until, in total, they involve an increase or decrease of more than one per cent. (or £5,000 whichever is greater) in the sum of the

net annual values of the company's railway hereditaments. If and when that limit is reached, there is to be a general percentage revision of the value of all the railway hereditaments in the company's occupation.

15. Section 12 deals with two points, viz.: (1) the translation into local valuation lists of the relevant particulars in the railway valuation roll and the amendment of the lists to correspond with alterations in the roll, and (2) the date of operation of entries, and amendments of entries, in the lists, for purposes of determining rate liability.

It will be the duty of Assessment Committees, on receipt of information as to the completion or subsequent alteration of the roll, to cause the necessary entries to be made in the valuation lists for their areas in substitution for the existing entries.

In compiling any new valuation lists for their areas, Rating Authorities will, as regards railway hereditaments, automatically insert therein the particulars standing in the existing lists, and these will remain unaltered pending receipt from the Railway Assessment Authority of information as to alterations in the corresponding entries in the railway valuation roll.

The date of operation of amendments in valuation lists, for the purpose of determining a railway company's rate liability, will vary according to the circumstances in which the alteration of the roll, which occasions the amendment of the valuation list, is made. The relevant provisions will be found in subsection (4) of Section 12.

Alterations of the roll involving a change in the classification of premises may necessitate procedure by way of proposal for amendment of the list under Section 37 of the Rating and Valuation Act, 1925 (*a*) (or in London by way of provisional or supplemental list) to secure the proper assessment of premises no longer so occupied and used as to be (or form part of) "railway hereditaments." The date of operation of amendments so made, for the purpose of determining the occupiers' rate liability, is governed by the provisions of subsection (5) of Section 12.

Provisions as to consequential adjustments of rate charges (and, in London, as to the date of operation of amendments on totals for purposes of precepts) are contained in the succeeding subsections.

16. Reference has already been made to the question of the basis of apportionment of the valuation *in cumulo*. Section 13 requires the Railway Assessment Authority to prepare an apportionment scheme for determining the principle on which the valuation *in cumulo* of each company's undertaking is to be apportioned among the individual railway hereditaments occupied by the company, and also the basis of the distribution between the several counties and county boroughs of the Authority's expenses.

The principles laid down in the scheme are to be such as to secure that regard shall be had, *inter alia*, to certain considerations in the case of different classes of railway premises covered by the phrase "railway hereditaments."

The Railway Assessment Authority are to give public notice of the scheme when prepared and are required to hear and consider any representations made within two months by railway companies, County Valuation Committees or the Councils of County Boroughs or by any other Rating Authority whose interests are, in the opinion of the Railway Assessment Authority, specially affected.

The Authority are then to submit the scheme, with such modifications as they may consider necessary in the light of any representations received, for confirmation by the Minister, with or without modifications. The Minister's confirming Order is to be laid in draft before both Houses of Parliament, and if an address is presented against the draft scheme by either House within the next twenty-eight days no further proceedings are to be taken thereon, but without prejudice to the making and confirmation of a new scheme.

17. County Valuation Committees and Rating Authorities are empowered to combine for the purposes of prosecuting or resisting any representations or appeals under the Act, and to share the expenses.

18. Rating Authorities and Assessment Committees are required to render the Railway Assessment Authority any assistance reasonably required, and the Minister is confident that such help will be readily given.

(*a*) *Ante*, p. 2194.

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19. The only other provisions of the Act to which the Minister thinks it necessar to draw the attention of Local Authorities are the temporary and transitory pro visions contained in the Fourth Schedule.

Part I deals with railway assessments outside London for the current financia year, and gives statutory sanction to any agreement relating thereto made betwee the Chairman of the Central Valuation Committee and any railway company. A Local Authorities are aware, such an agreement was in fact concluded while the Bi was before Parliament, and Rating Authorities and Assessment Committees ar aware of its provisions, which follow generally those of the agreement concluded fo 1929/30. Accordingly, the rate liability for the current financial year of the railwa companies which were parties to the agreement will, as regards hereditaments out side London, be determined by the rateable values calculated in accordance with th agreement.

Part II contains provisions which will operate temporarily in the event of the firs railway valuation roll, or any particular part thereof, not having been completed an revised by April 1st, 1931. Broadly, the effect of the provisions is to stereotype fo the time being the classification and values of freight-transport hereditaments in th occupation of railway companies as at March 31st, 1931. The particulars and valu are to stand until the roll has been finally revised and, immediately thereafter, th valuation lists are to be amended to bring them into conformity with the rol Amendments so made will have retrospective effect for purposes of determining rat liability in accordance with the provisions of Section 12 of the Act.

I am, Sir,
Your obedient Servant,
R. B. CROSS.
Assistant Secretary.

The Clerk to the Rating Authority, Assessment Committee, County Valuation Committee, London County Council.

CIRCULAR 1212.

Local Authorities.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
10*th August*, 1931.

RATING AND VALUATION ACT, 1925.

LAND DRAINAGE ACT, 1930.

SIR,—I am directed by the Minister of Health to say that he has been in con munication with the Minister of Agriculture and Fisheries as to the operation of th provisions of the Land Drainage Act, 1930 (*a*), relating to the expenses of Catchmer Boards.

The Minister understands that, as the boundaries of Catchment Areas mu normally follow the natural feature known as the watershed, they will, in many case not coincide with the boundaries of rating areas or of existing parishes or parts parishes as defined in Section 68 of the Rating and Valuation Act, 1925 (*b*), and he informed that the boundary of one of the Catchment Areas constituted by the Lar Drainage Act in fact passes through your Rating Area.

In these circumstances action on the part of the Rating Authority and Assessmer Committee will be necessary to secure the effective operation of the provisio relating to the distribution of charges in respect of the Catchment Board's expense

Where the boundary of a Catchment Area divides an existing parish, or part of parish which is a contributory place or otherwise subject to separate or differenti rating, the operation of the provisions of the Land Drainage Act as to expenses County Councils in respect of amounts due to Catchment Boards may have th effect of creating a new area subject to differential rating. Section 21 (2) of th Rating and Valuation Act, 1925 (*c*), and Rule 3 of the Rating and Valuation Act (For

(*a*) 23 Halsbury's Statutes 529. (*b*) *Ante*, p. 2229.
(*c*) *Ante*, p. 2168.

of Valuation List) Rules, 1926 (*a*), require that the particulars with respect to each parish (or part of a parish) in the rating area shall be set out in a separate division of the valuation list. Where, therefore, a new area of charge is created consequential on the formation of a Catchment Area, it will, strictly speaking, be necessary to divide into two parts the valuation list, or the section of the valuation list relating to the parish or part of the parish affected, one of the new parts of the list relating to hereditaments within the Catchment Area and the other relating to hereditaments not within that area.

In any such case the Rating Authority should consult the Assessment Committee. If the Assessment Committee are of opinion that a physical division of the existing lists cannot be effected without undue inconvenience, the object in view might, during the continuance of the present lists, be attained by the compilation of a separate record of the hereditaments included in the Catchment Area, or, alternatively, by placing distinguishing marks in the existing lists against the entries relating to those hereditaments, and in either case compiling a separate record of totals in respect of the hereditaments affected.

Further, in any case where the boundary of the Catchment Area cuts across an existing hereditament, and the parts of the divided hereditament become situate in separate areas of charge, the parts will automatically become separate hereditaments, and it will be necessary for the Rating Authority to make a proposal to the Assessment Committee for assessing them separately.

Procedure on the lines suggested may be required not only for the purpose of facilitating the issue of precepts and the making of rates in the event of the County Council electing to charge its expenses as provided by paragraphs (*b*) or (*c*) of section 23 (1) of the Land Drainage Act, but also for the purposes of Section 20 of that Act. That Section provides that, where a Catchment Area extends into two or more Counties, the Catchment Board shall apportion its expenses between the Counties on the basis of the rateable value of hereditaments in the portions of the Catchment Area within each County, as shown in the valuation lists in force on the first day of the period of account in which those expenses are chargeable; and, under subsection (4) of that Section, the totals of such rateable value are to be supplied to the Catchment Board by the County Councils. It is, therefore, desirable that steps should be taken forthwith which will enable the totals of rateable value, as at the relevant date, inside and outside the Catchment Area respectively to be readily supplied to the County Council for transmission to the Catchment Board.

If any hereditament which is divided by the Catchment Area boundary is a railway hereditament as defined in the Railways (Valuation for Rating) Act, 1930, the Railway Assessment Authority should be informed of the action taken to make any necessary apportionment of the existing value.

The Minister is informed that, pursuant to the provisions of Section 5 of the Land Drainage Act, maps have been prepared showing the boundaries of the Catchment Area which passes through your Rating Area; and he understands that, if application is made to the County Council, they will be prepared to supply you with such information as is available to show where the Catchment Area boundary differs from the boundaries of existing parishes or parts of parishes in your Rating Area.

It will be appreciated that, where Catchment Boards have already been constituted, it is desirable that any steps necessary for the apportionment of expenditure incurred by them should be taken without delay, and I am accordingly to request that your Council, as Rating Authority, will give the matters referred to in this letter immediate consideration.

An additional copy of this Circular is enclosed for the information of the responsible rating or accounting officer of the Rating Authority. Copies are also being sent to the County Councils concerned.

I am, Sir,
Your obedient Servant,
R. B. CROSS.
Assistant Secretary.

The Clerk to the Rating Authority.
The Clerk of the Assessment Committee.

(*a*) Superseded by Rating and Valuation Act (Form of Valuation List) Rules, 1932, S. R. & O., 1932, No. 395. For these and the titles of several series of amending Rules also superseded by the Rules of 1932, *vide post*, pp. 3657–58.

RATING AND VALUATION

S. R. & O., 1932, No. 282.

THE RATING AND VALUATION ACTS (FORMS OF PROPOSAL AND CLAIM) RULES, 1932* DATED APRIL 1ST, 1932, MADE BY THE MINISTER OF HEALTH UNDER SECTION 58 OF THE RATING AND VALUATION ACT, 1925, AS APPLIED BY SECTION 10 (2) OF THE RATING AND VALUATION (APPORTIONMENT) ACT, 1928, AND SECTION 70 OF THE LOCAL GOVERNMENT ACT, 1929.

Whereas by subsection (2) of section 70 contained in Part V of the Local Government Act, 1929 (hereinafter referred to as "the Act of 1929") it is provided that as from the appointed day, no proposal for the amendment of a valuation list on the ground that a hereditament ought to be shown therein as an industrial or freight transport hereditament or ought to be omitted therefrom (or, while the first new valuation list is in force, shown therein) as being an agricultural hereditament shall be made under section 37 of the Rating and Valuation Act, 1925, by any person except the owner or occupier of the hereditament, and every such proposal shall contain such particulars as may be prescribed;

And whereas by subsection (4) of the said section 70 it is provided that notwithstanding anything in the Rating and Valuation (Apportionment) Act, 1928, no hereditament shall, for the purposes of any valuation list which will come into force after the appointed day, be treated as an agricultural, industrial or freight transport hereditament unless it was so treated for the purposes of the last preceding valuation list except upon a claim that it ought to be so treated being made to the rating authority by the owner or occupier of the hereditament in a prescribed form, which shall be supplied by the rating authority on the demand of the owner or occupier of any hereditament in their area;

And whereas the appointed day for the purposes of the said section in the first day of October, 1929;

And whereas by section 84 of the Act of 1929 it is provided that Part V of that Act, the Rating and Valuation (Apportionment) Act, 1928, and the Rating and Valuation Act, 1925, shall be construed as one and cited together as the Rating and Valuation Acts, 1925 to 1929;

And whereas by section 58 of the Rating and Valuation Act, 1925, it is provided that the Minister of Health may after consultation with any local authority or association of local authorities with whom consultation appears to him to be desirable may by rules prescribe anything which by the Act is to be prescribed;

Now therefore the Minister of Health, after such consultation as is mentioned above, by virtue of the powers conferred upon him by section 58 of the Rating and Valuation Act, 1925, section 10 of the Rating and Valuation (Apportionment) Act 1928, and section 70 of the Act of 1929, and of all other powers enabling him in that behalf, hereby makes the following rules:

(1) These rules may be cited as the Rating and Valuation Acts (Forms of Proposal and Claim) Rules, 1932, and shall come into operation on the date hereof but shall not apply in relation to London.

(2) Every proposal made under section 37 of the Rating and Valuation Act, 1925, for the amendment of a valuation list on the ground that a hereditament ought to be shown therein as an industrial or freight transport hereditament or ought to be omitted therefrom (or, while the first new valuation list is in force, shown therein) as being an agricultural hereditament and every claim made by an owner or occupier under subsection (4) of section 70 of the Act of 1929 that a hereditament ought to be treated as an agricultural, industrial or freight-transport hereditament, shall be in the appropriate form A, B, or C set out in the Schedule hereto, or in a form substantially to the like effect.

For the Rating and Valuation Act, 1925, and the Rating and Valuation (Apportionment) Act, 1928, see *ante*, pp. 2113, 2273. For the Local Government Act, 1929, Part V, see Vol. V, *post*.

* These Rules supersede Provisional Rules which were made on September 17th 1929.

SCHEDULE.

FORM A.—RATING AND VALUATION ACTS, 1925 TO 1929.

Proposal made under Section 37 of the Rating and Valuation Act, 1925, for the amendment of the valuation list for the time being in force, on the ground that a hereditament is an agricultural hereditament, *or*

Claim that a hereditament ought to be treated as an agricultural hereditament.

To the Rating Authority for the { County Borough / Borough / Urban District / Rural District } of .....

I/We .....
being the occupier/s (or owner/s) of the hereditament described in the schedule hereto [make under the Rating and Valuation Acts, 1925 to 1929, a proposal for the amendment of the valuation list in force, on the ground that the said hereditament is] [*or* claim under the Rating and Valuation Acts, 1925 to 1929, that the said hereditament ought to be treated as] an agricultural hereditament within the meaning of the said Acts.

Signature .....

*(Capacity in which person signing makes the proposal or claim.)

.....

Date .....

Address .....

.....

NOTES.

The expression " agricultural hereditament " means any hereditament being agricultural land or agricultural buildings.

The expression " agricultural land " means any land used as arable meadow or pasture ground only, land used for a plantation or a wood or for the growth of saleable underwood, land exceeding one-quarter of an acre used for the purpose of poultry farming, cottage gardens exceeding one-quarter of an acre, market gardens, nursery grounds, orchards or allotments, including allotment gardens within the meaning of the Allotments Act, 1922, but does not include land occupied together with a house as a park, gardens (other than aforesaid) pleasure grounds, or land kept or preserved mainly or exclusively for purposes of sport or recreation, or land used as a race-course ; and for the purpose of this definition the expression " cottage garden " means a garden attached to a house occupied as a dwelling by a person of the labouring classes.

The expression " agricultural buildings " means buildings (other than dwelling-houses) occupied together with agricultural land or being or forming part of a market garden, and in either case used solely in connection with agricultural operations thereon.

SCHEDULE.

Where the buildings or land extend into two or more parishes—even if the parishes are in the same rating area—separate particulars are to be given as to the parts in each parish.

1. Name, situation and description of the buildings or land .....

.....

2. Name of occupier .....

3. Name and address of owner if other than occupier .....

.....

4. Grounds on which it is considered that the hereditament is an agricultural hereditament (*e.g.*, used as an allotment, nursery grounds, etc.). .....

.....

* For example as occupier or owner or as secretary or other authorised officer acting on behalf of a company being the occupiers or owners.

RATING AND VALUATION

FORM B.—RATING AND VALUATION ACTS, 1925 TO 1929.

Proposal made under Section 37 of the Rating and Valuation Act, 1925, for the amendment of the valuation list for the time being in force, on the ground that a hereditament is an industrial hereditament, *or*

Claim that a hereditament ought to be treated as an industrial hereditament.

To the Rating Authority for the { County Borough / Borough / Urban District / Rural District } of .....

I/We .....

being the occupier/s (or owner/s) of the hereditament described in the schedule hereto [make under the Rating and Valuation Acts, 1925 to 1929, a proposal for the amendment of the valuation list in force, on the ground that the said hereditament is] [*or* claim under the Rating and Valuation Acts, 1925 to 1929, that the said hereditament ought to be treated as] an industrial hereditament within the meaning of the said Acts.

Signature .....

*(Capacity in which person signing makes the proposal or claim.)

.....

Date .....

Address .....

.....

SCHEDULE [TO FORM B].

Where the factory, workshop, mine, or mineral railway extends into two or more parishes —even if the parishes are in the same rating area—separate particulars are to be given as to the parts in each parish. A definite reply should be given to each question unless the question is inapplicable.

1. Name and situation and description of the factory, workshop, mine, or mineral railway .....
2. Name of occupier .....
3. Name and address of owner, if other than occupier .....

.....

4. In the case of a factory or workshop state nature of the industry carried on .....

.....

5. Is it claimed that the above described factory, workshop, mine or mineral railway is occupied and used—
   (*a*) wholly as an industrial hereditament ? .....
   (*b*) partly as an industrial hereditament ? .....
6. For the purposes of any necessary apportionment of value under section 4 of the Rating and Valuation (Apportionment) Act, 1928, between use for industrial and non-industrial purposes, state :
   (i) in the case of a factory or workshop, whether any, and, if so, what part is used for any of the following purposes :
      (*a*) as a sleeping room or dwelling-house .....
      (*b*) as a retail shop .....
      (*c*) as an office .....
      (*d*) as a sale-room or show room .....
      (*e*) as a warehouse or store (other than a building or space used only for storing raw materials to be worked up on the premises, goods manufactured thereon and awaiting despatch, or spare plant, machinery and equipment for use thereon) .....

* For example as occupier or owner or as secretary or other authorised officer acting on behalf of a company being the occupiers or owners.

(*f*) as a garage, cart-shed, or stable . . . . . .

(*g*) for any purpose (not mentioned above) which is not a purpose of the manufacturing process or handicraft carried on in the factory or workshop . . . . . .

(ii) in the case of a mine whether any, and, if so, what, part of the hereditament—

(*a*) constitutes a factory or workshop within the meaning of the Factory and Workshop Acts . . . . . .

(*b*) is, under the enactments relating to the regulation of mines, deemed not to form part of the mine . . . . . .

(iii) in a case where it is claimed that the premises are used partly (but not wholly) for industrial purposes, whether it is considered that the net annual value attributable to the user for non-industrial purposes does not exceed ten per cent. of the net annual value attributable to the user for industrial purposes

7. Are the premises—

(i) occupied by the owner ? . . . . . or

(ii) held under lease or tenancy ? . . . . . .

In the latter case state—

(*a*) rent . . . . . .

(*b*) date of commencement of lease (if any), or date when rent fixed . . . . . .

(*c*) term for which lease granted . . . . . .

(*d*) whether the rent includes rates or water rates or covers any other services—the nature and value of any such services to be specified. . . . . .

(*e*) any consideration other than rent (for example, money premium, surrender of any existing lease, or agreement to lay out money for the improvement of the property) . . . . . .

(*f*) amount of ground rent, where ground rent only is paid . . . . . .

8. Is any part of the premises let off ? If so, give particulars as to that part, and amount of rent and other receipts obtained in respect thereof . . . . . .

FORM C.—RATING AND VALUATION ACTS, 1925 TO 1929.

Proposal made under Section 37 of the Rating and Valuation Act, 1925, for the amendment of the valuation list for the time being in force, on the ground that a hereditament is a freight transport hereditament, *or*

Claim that a hereditament ought to be treated as a freight transport hereditament.

To the Rating Authority for the { County Borough / Borough / Urban District / Rural District } of . . . . . .

I/We . . . . . .
being the occupier/s (or owner/s) of the hereditament described in the schedule hereto [make under the Rating and Valuation Acts, 1925 to 1929, a proposal for the amendment of the valuation list in force, on the ground that the said hereditament is] [*or* claim under the Rating and Valuation Acts, 1925 to 1929, that the said hereditament ought to be treated as] a freight-transport hereditament within the meaning of the said Acts.

Signature . . . . . .

*(Capacity in which person signing makes the proposal or claim.)

. . . . . .

Date . . . . . .

Address . . . . . .

. . . . . .

* For example as occupier or owner or as secretary or other authorised officer acting on behalf of a company being the occupiers or owners.

SCHEDULE [to Form C].

Parish in which the hereditament is situate.	Description of the hereditament.	State— (i) whether the transport purposes for which the hereditament is occupied and used are *wholly* (*a*) "railway transport purposes"; (*b*) "canal transport purposes"; or (*c*) "dock purposes" (as those purposes are defined in section 5 (2) of the Rating and Valuation (Apportionment) Act, 1928); (ii) whether the hereditament is used for two or more of those purposes; (iii) whether the hereditament is also used for non-transport purposes.	If any part of the hereditament is occupied and used for the purposes of a dwelling-house, hotel, or place of public refreshment, or (not being actually occupied and used for transport purposes) is so let out as to be capable of separate assessment, give sufficient particulars to enable the part to be identified.	If, in the case of a hereditament occupied and used for canal transport purposes as part of a canal undertaking or occupied and used for dock purposes as part of a dock undertaking, any part of the hereditament is a building, yard, or other place primarily occupied and used for warehousing merchandise not in the course of being transported, give sufficient particulars to enable the part to be identified.	State in the columns below the percentage of the net annual value of the hereditament which is claimed to be attributable to its user for transport purposes and non-transport purposes (if any), respectively. (In the case of composite hereditaments, give the information for each transport purpose on a separate line.)		
					Transport purposes.		Non-transport purposes.
					That part of the hereditament of which the rateable value, as calculated in accordance with the Rating and Valuation Act, 1925, or any scheme made thereunder, or any Local Act or Order, differs from the net annual value.	Any other part of the hereditament, so far as used for transport purposes.	Any part of the hereditament, so far as used for purposes not being transport purposes.
					Percentage of total net annual value.	Percentage of total net annual value	Percentage of total net annual value.
1.	2.	3.	4.	5.	6a.	6b.	6c.

Given under the Official Seal of the Minister of Health this first day of April, in the year one thousand nine hundred and thirty-two.

(L.S.)

J. N. BECKETT,
Assistant Secretary,
Ministry of Health.

(*20th April*, 1932).

RAILWAYS (VALUATION FOR RATING) ACT, 1930: SECTION 13.

CONFIRMATION OF APPORTIONMENT SCHEME.

RAILWAY ASSESSMENT AUTHORITY.

Whereas the Railway Assessment Authority constituted under the Railways (Valuation for Rating) Act, 1930, under and in accordance with section 13 of the said Act (*a*) submitted to the Minister of Health for his confirmation an apportionment scheme (hereinafter referred to as "the apportionment scheme");

And whereas the Minister of Health has made certain modifications in Article 8 (4) (ii) (*b*) of the apportionment scheme and the apportionment scheme as modified by him is set out in the schedule hereto:

Now therefore the Minister of Health in exercise of the powers conferred upon him by section 13 of the Railways (Valuation for Rating) Act, 1930, and of all other powers enabling him in that behalf hereby makes the following order:

1. The Minister of Health confirms the apportionment scheme as modified and set out in the schedule hereto.

2. This order may be cited as the Railways (Valuation for Rating) Apportionment Scheme Order, 1932.

SCHEDULE.

RAILWAYS (VALUATION FOR RATING) ACT, 1930: SECTION 13.

THE RAILWAYS (VALUATION FOR RATING) APPORTIONMENT SCHEME, 1931.

Whereas it is provided in section 13 (1) of the Railways (Valuation for Rating) Act, 1930 (hereinafter referred to as "the Act") that the Railway Assessment Authority (hereinafter referred to as "the Authority") shall, as soon as may be after the passing of the Act, prepare an apportionment scheme for determining:

(*a*) The principles in accordance with which in the case of every railway company (as defined in the Act) the net annual value of the company's undertaking as a whole, or the net annual value of the company's undertaking as a whole in so far as it is carried on in England, as the case may be, is to be apportioned between the railway hereditaments in England occupied by the company, and

(*b*) The basis on which the expenses of the Authority are to be apportioned among the councils of the several counties and county boroughs in England;

And whereas it is provided in section 13 (2) of the Act that the principles laid down in any scheme as aforesaid shall be such as to secure that the Authority in apportioning the net annual value of a railway company's undertaking as a whole, or the net annual value of such an undertaking as a whole in so far as it is carried on in England, shall:

(i) In the case of hereditaments consisting of land used only as a railway made under the powers of any Act of Parliament for public conveyance, have regard, amongst other material considerations, to an estimate of the traffic conveyed over the hereditament; and

(ii) In the case of other hereditaments have regard, amongst other material considerations, to the value for the purposes of the undertaking of a railway company of the land and structures comprised in the hereditament;

(*a*) *Ante*, p. 2324.

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And whereas it is also provided by section 13 (2) of the Act that any scheme as aforesaid may contain such incidental and consequential provisions as appear to the Authority to be necessary or desirable;

Now therefore the Authority, acting in pursuance of their powers and duties under the said section 13, have prepared the following Scheme:

PART I.—GENERAL.

1. This Scheme may be cited as The Railways (Valuation for Rating) Apportionment Scheme, 1931.

2.—(1) In this Scheme unless the context otherwise requires—

"The Act" means the Railways (Valuation for Rating) Act, 1930;

"The Authority" means the Railway Assessment Authority constituted under the Act;

"Company" means a railway company to which the Act for the time being applies;

"The undertaking of a company," where a company's undertaking is carried on in England and in Scotland, means the undertaking of the company (as defined in the Act) in so far as it is carried on in England;

"Constituent undertaking" means one of the constituent parts of the undertaking of a company into which such undertaking has for the purposes of this Scheme been divided in accordance with Article 4 hereof;

"Auxiliary undertaking" means a constituent undertaking other than the principal undertaking;

"Dock undertaking" includes a harbour undertaking and, where any dock and harbour undertakings are carried on conjointly with one another, a dock and harbour undertaking;

"Subsidiary undertaking" means any subsidiary or ancillary undertaking not being a canal or dock undertaking;

"The net annual value of the undertaking of a company as a whole" means the net annual value of the undertaking of the company as a whole as ascertained by the Authority under section 4 of the Act or section 5 of the Act as the case may be;

"Railway hereditament" means a railway hereditament (as defined in the Act) in England and includes the share of a company in a railway hereditament occupied by two or more companies which by virtue of section 6 (3) of the Act is to be deemed to be occupied severally by each of those companies;

"Estimated" means fairly and justly estimated by the Authority;

"Land used only as a railway" means land used only as a railway made under the powers of any Act of Parliament for public conveyance;

"Train mile" means every mile run by a train (other than a light engine) whether empty or loaded, otherwise than in shunting or marshalling, or in the clearance of the track consequent on obstructions;

"The appropriate period" means, in the case of the first railway valuation roll, the accounting years 1928 and 1929 and in the case of each subsequent roll, the first five of the six accounting years next preceding the year in which the roll is to come into force.

(2) In estimating for the purposes of this Scheme the relative value of a hereditament to a constituent undertaking, the Authority shall have regard to all considerations material to the estimation of such value, including the estimated value arising from any service provided by or revenue, benefit, whether pecuniary or otherwise, or advantage obtained from the occupation of that hereditament by the Company, and subject always to due regard being had to the considerations named in subsection (2) of section 13 of the Act.

3. The Interpretation Act, 1889, shall apply to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

PART II.—APPORTIONMENT OF NET ANNUAL VALUE.

4.—(1) For the purposes of this Scheme the undertaking of a company shall be divided into the following constituent parts, namely:

(*a*) The principal undertaking;
(*b*) Any canal undertaking;
(*c*) Any dock undertaking;
(*d*) Any subsidiary undertaking.

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Where the undertaking of the company includes more than one canal, dock, or subsidiary undertaking, each canal, dock, or subsidiary undertaking shall be deemed to be a separate constituent part.

(2) For the purposes of the foregoing division,

(i) services performed by the company in connection with the collection and delivery of parcels, goods or merchandise conveyed or to be conveyed by rail shall be deemed to be performed by the company in carrying on the principal undertaking;

(ii) services performed by the company in connection with the transportation of passengers, parcels, goods or merchandise in ferry boats, or boats plying on rivers, canals or lakes, or with the embarkation or disembarkation of passengers, parcels, goods or merchandise in or from any boats or vessels shall, in so far as those services are performed at or in connection with the premises of any auxiliary undertaking, be deemed to be performed by the company in carrying on that auxiliary undertaking, and in any other case be deemed to be performed by the company in carrying on the principal undertaking;

(iii) the share of the company in any joint undertaking forming part of its undertaking shall—

(*a*) in so far as the joint undertaking is carried on for purposes similar to or the same as the purposes of the principal undertaking, be deemed to form part of the principal undertaking;

(*b*) in so far as the joint undertaking is carried on as a joint canal, or dock undertaking, be deemed to be respectively a canal, or dock undertaking;

(*c*) in so far as the joint undertaking is carried on for purposes other than those mentioned in the immediately preceding sub-paragraphs (*a*) and (*b*), be deemed to be a subsidiary undertaking.

5. For the purposes of Articles 6, 7 and 8 of this Scheme:

(*a*) Every railway hereditament occupied by a company which, so far as occupied for the purposes of the undertaking of the company, is occupied exclusively for the purposes of one of the constituent undertakings shall be deemed to be a hereditament of that constituent undertaking.

(*b*) Every railway hereditament occupied by a company which, so far as occupied for the purposes of the undertaking of the company, is occupied for the purposes of more than one constituent undertaking shall be notionally divided into parts allocated to the several constituent undertakings in accordance with the estimated proportions in which the hereditament, so far as occupied for the purposes of the undertaking of the company, is occupied for the purposes of those constituent undertakings; and any such notional part of a hereditament so allocated to any constituent undertaking shall be deemed to be a hereditament of that constituent undertaking.

Provided that any railway hereditament occupied by a company or any part of any such hereditament, in so far as it is occupied and used as offices for the general direction and management of the undertaking of a company, shall be deemed to be a hereditament of the principal undertaking.

6.—(1) The net annual value of the undertaking of a company as a whole shall be divided among the several constituent undertakings in proportion to the estimated relative values of the several constituent undertakings to the undertaking of the company as a whole, and in estimating for the purposes of this Article the relative value of a constituent undertaking the Authority shall have regard to all considerations material to the estimation of such value, including the estimated value arising from any service performed by the company in carrying on that constituent undertaking and from any service provided by or revenue, benefit, whether pecuniary or otherwise, or advantage obtained from the carrying on of that constituent undertaking by the Company, and subject always to due regard being had to the considerations named in subsection (2) of section 13 of the Act.

(2) The amount allocated under this Article to any constituent undertaking shall, for the purposes of this scheme, be deemed to be the net annual value of that constituent undertaking.

7.—(1) The net annual value of each auxiliary undertaking shall be apportioned among the several hereditaments (if more than one) of that auxiliary undertaking in proportion to the estimated relative values of the several hereditaments to that auxiliary undertaking.

(2) The amount apportioned under this Article to any hereditament shall be the net annual value of that hereditament.

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8. The net annual value of the principal undertaking shall be apportioned among the several hereditaments thereof in accordance with the following provisions:

(1) The hereditaments of the principal undertaking shall be sub-divided into two classes, viz.:

(i) Class A comprising hereditaments consisting of land used only as a railway (hereinafter called "the hereditaments of Class A"); and

(ii) Class B comprising all other hereditaments (hereinafter called "the hereditaments of Class B").

(2) The net annual value of the principal undertaking shall be divided between the said two classes in proportion to the estimated relative values of the aggregate of the hereditaments of each such class to the principal undertaking, and the amount so allocated to each class (hereinafter in this Article referred to respectively as "the net annual value of Class A" and "the net annual value of Class B") shall be apportioned among the several hereditaments of Class A and the several hereditaments of Class B respectively in manner hereinafter provided.

(3) For the purpose of apportioning the net annual value of Class A among the hereditaments of Class A, the Authority shall divide the said net annual value into two parts (hereinafter in this Article referred to respectively as "the traffic element of net annual value" and "the non-traffic element of net annual value") in the proportions in which the relative value of the aggregate of the hereditaments of Class A to the principal undertaking, as estimated for the purposes of Article 8 (2), is estimated to be attributable to the train-mile receipts, ascertained as hereinafter provided, from traffic conveyed over the hereditaments and in which that value is estimated to be otherwise attributable.

(4) The traffic element of net annual value shall be apportioned among the several hereditaments of Class A in accordance with the following rules:

(i) The Authority shall divide the land used only as a railway comprising the said hereditaments into such sections as shall be convenient and proper for the purpose of enabling the traffic conveyed over each section to be estimated.

(ii) There shall be estimated:

(*a*) the passenger-train and goods-train miles respectively worked over each such section during twelve months of normal working within the appropriate period; and

(*b*) the gross receipts attributable to each such passenger-train and goods-train mile respectively for twelve months of normal working within the appropriate period, and such gross receipts shall, where such passenger-train or goods-train miles include train miles for trains conveying only the company's own traffic which does not earn gross receipts, be the amount which would have been estimated to be attributable to each such passenger-train and goods-train mile respectively if the company's own traffic conveyed by such trains had been traffic earning gross receipts.

(iii) The Authority shall ascertain the train-mile receipts of each such section by adding together (*a*) the amount obtained by multiplying the passenger-train miles estimated under rule (ii) (*a*) of this paragraph to be worked over the section during twelve months of normal working within the appropriate period by the gross receipts estimated under rule (ii) (*b*) of this paragraph to be attributable to each such passenger-train mile for twelve months of normal working within the appropriate period, and (*b*) the amount obtained by multiplying the goods-train miles estimated under rule (ii) (*a*) of this paragraph to be worked over the section during twelve months of normal working within the appropriate period by the gross receipts estimated under rule (ii) (*b*) of this paragraph to be attributable to each such goods-train mile for twelve months of normal working within the appropriate period.

(iv) By reference to the train-mile receipts of each such section, ascertained under rule (iii) of this paragraph, the share (if any) of those train-mile receipts which is attributable to each hereditament or part of a hereditament comprised in the section shall be estimated.

(v) The Authority shall apportion to each hereditament such proportion of the traffic element of net annual value as the share (if any) of the train-mile receipts estimated to be attributable to that hereditament under rule (iv) of this paragraph bears to the sum of the train-mile receipts ascertained under rule (iii) of this paragraph for all the sections into which for the purposes of these rules the land used only as a railway was divided under rule (i) of this paragraph.

(5) The non-traffic element of net annual value shall be apportioned among the several hereditaments of Class A in the proportions in which the relative values of the several hereditaments to the principal undertaking are estimated to be attributable otherwise than

to the train-mile receipts, ascertained as hereinbefore provided, from traffic conveyed over such hereditaments.

(6) The sum of the amounts apportioned under paragraphs (4) and (5) of this Article to any hereditament of Class A shall be the net annual value of that hereditament.

(7) The net annual value of Class B shall be apportioned among the several hereditaments of Class B in proportion to the estimated relative values of the several hereditaments to the principal undertaking.

(8) The amount apportioned under the last preceding paragraph of this Article to any hereditament of Class B shall be the net annual value of that hereditament.

9. Where a hereditament has under Article 5 of this Scheme been notionally divided, the sum of the net annual values apportioned to every part into which the hereditament was so divided shall be the net annual value of the hereditament.

PART III.—APPORTIONMENT OF EXPENSES OF THE AUTHORITY.

10. As from the commencement of the financial year first following the date on which the last part of the first railway valuation roll to be completed and revised under the Act shall have been completed and revised by the Authority, the expenses of the Authority (including any sum paid to the Joint Authority in accordance with paragraph 1 of Part II of the Second Schedule to the Act) shall be apportioned among the councils of the several counties and county boroughs in England upon the basis of the net annual values (as shown in the railway valuation roll in force upon the first day of the financial year in which the precepts are issued) of the railway hereditaments within each county and county borough.

11. During the period elapsing between the date on which the last part of the first railway valuation roll to be completed and revised has been completed and revised by the Authority and the date of the commencement of the financial year first following such completion and revision the expenses of the Authority (including any sum paid to the Joint Authority in accordance with paragraph 1 of Part II of the Second Schedule to the Act) shall be apportioned on the basis set out in the proviso to paragraph 3 of Part II of the Second Schedule to the Act.

Given under the official seal of the Railway Assessment Authority this twenty-first day of March, nineteen hundred and thirty-one.

(L.S.)

A. E. JOLL,
Clerk of the Railway Assessment Authority.

Given under the official seal of the Minister of Health this twentieth day of April nineteen hundred and thirty-two.

(L.S.)

R. H. H. KEENLYSIDE,
Assistant Secretary, Ministry of Health.

S. R. & O., 1932, No. 395.

THE RATING AND VALUATION ACTS (FORM OF VALUATION LIST) RULES, 1932, DATED MAY 24TH, 1932, MADE BY THE MINISTER OF HEALTH UNDER SECTION 58 OF THE RATING AND VALUATION ACT, 1925, FOR PRESCRIBING THE FORM OF VALUATION LIST TO BE USED OUTSIDE LONDON FOR THE PURPOSES OF THE RATING AND VALUATION ACTS, 1925 TO 1932, AFTER THE PERIOD OF THE FIRST NEW VALUATION LIST MADE UNDER THE SAID ACT OF 1925, THE FORM OF THE DECLARATION AND CERTIFICATE TO BE APPENDED TO SUCH LIST, AND THE PARTICULARS WITH RESPECT TO TOTALS OF VALUES TO BE INSERTED IN SUCH LIST AND TO BE RECORDED.

Whereas by Part II of the Rating and Valuation Act, 1925 (in this order referred to as " the Act of 1925 ") provision is made with respect to the preparation approval revision and effect of valuation lists ;

And whereas it is provided by subsection (2) of section 1 of the Rating and Valuation (Apportionment) Act, 1928 (*a*) (in this order referred to as " the Act of 1928 "),

(*a*) *Ante*, p. 2274.

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that valuation lists which will come into force after the 1st day of October 1929 shall be made in conformity with the provisions of that Act;

And whereas by subsection (1) of section 1 of the Act of 1928 it is provided *inter alia* that in every valuation list agricultural industrial and freight transport hereditaments shall be distinguished from each other and from all other hereditaments and that where by that Act the net annual value of such hereditaments is required to be apportioned such apportionment shall be shown in the prescribed manner in the valuation list;

And whereas by section 67 of the Local Government Act, 1929 (*a*), it is provided that no particulars with respect to agricultural land or agricultural buildings shall be included in any valuation list subsequent to the valuation lists in force on the appointed day under that Act namely the first day of October 1929;

And whereas by section 12 of the Railways (Valuation for Rating) Act, 1930 (*b*), it is provided that so soon as an assessment committee have received from the Railway Assessment Authority notice that any part of a railway valuation roll has been completed and information as to the contents of that part they shall cause the values entered in that part of the roll and such of the other particulars entered therein as may be prescribed to be entered in the valuation list in substitution for values or particulars appearing in that list; and it is further provided in paragraph 2 of Part II of the fourth schedule to that Act that until the relevant part of the first railway valuation roll has been revised by the Railway Assessment Authority no alteration shall be made in the particulars and values appearing in any valuation list with respect to any hereditament which is under paragraph 1 of Part II of that schedule to be treated as if it was for the time being shown in the railway valuation roll as a railway hereditament;

And whereas by sections 21, 29 and 58 of the Act of 1925 provision is made with respect to the insertion in valuation lists of such particulars as to hereditaments and values and the recording of such particulars as to totals of values as may be prescribed and it is further provided that the Minister of Health after consultation with any local authority or association of local authorities with whom consultation appears to him to be desirable may by rules prescribe the form of any valuation list or other document whatsoever which is required or authorised to be used under or for the purpose of that Act;

And whereas the Minister of Health in exercise of the powers conferred on him as aforesaid has duly made the Rating and Valuation Act (Form of Valuation List) Rules, 1926 (*c*), the Rating and Valuation (Apportionment) Act (Special List) Rules, 1928 (*d*), the Rating and Valuation (Apportionment) Act (Special List) (Amendment) Rules, 1929 (*e*), and the Rating and Valuation (Apportionment) Act (Special List) Amendment (No. 2) Rules, 1929 (*f*) (hereinafter in this order collectively referred to as "the existing rules");

And whereas it is expedient that the existing rules should not apply to the second new valuation list or to any subsequent valuation list to be made for any rating area under the Act of 1925 and that in substitution therefor the rules hereinafter in this order contained should apply to those valuation lists:

Now therefore the Minister of Health after such consultation as is above mentioned and by virtue of the powers conferred upon him by the recited enactments and of all other powers enabling him in that behalf hereby makes the following rules:

1.—(1) These rules may be cited as the Rating and Valuation Acts (Form of Valuation List) Rules, 1932, and shall apply to the second new valuation list and any subsequent new valuation list to be made for any rating area outside London under the Act of 1925.

(2) In these rules unless the context otherwise requires—

"parish" includes any part of a parish being either a contributory place or an area otherwise subject to separate or differential rating;

(*a*) See Vol. V, *post*.
(*b*) *Ante*, p. 2322.
(*c*) S. R. & O., 1926, No. 796.
(*d*) S. R. & O., 1928, No. 627.
(*e*) S. R. & O., 1929, No. 65.
(*f*) S. R. & O., 1929, No. 244.

" valuation list " includes a draft valuation list;
other expressions have the same meaning as in the Rating and Valuation Acts, 1925 to 1932.

2. Every valuation list made under the provisions of the Rating and Valuation Acts, 1925 to 1932 shall be in the Form A in the schedule hereto or in a form substantially to the like effect and the declaration and certificate required to be appended thereto shall be in the Form B in the said schedule.

3. Where a rating area comprises two or more parishes (as defined in rule 1) each of the three parts of the valuation list shall be divided into parochial sections and the particulars relating to the hereditaments in each parish shall be contained in the appropriate sections of the list and at the end of each section there shall be left such blank space as may be estimated to be necessary for the addition of particulars relating to new hereditaments.

4.—(1) The hereditaments falling to be entered in any parochial section of Part I or Part II of the list shall subject to any direction given by the assessment committee be entered therein in such order as the rating authority may think convenient:

Provided that—

(*a*) hereditaments which are wholly or partly within class (3) of Part II of the second schedule to the Act of 1925 as amended by the Local Government Act, 1929 and which fall to be entered in Part I or Part II of the list shall be entered in one group after the entries relating to other rateable hereditaments in the parish;

(*b*) hereditaments occupied by or on behalf of the Crown for public purposes in respect of which a contribution is made in aid of rates shall be entered in one group at the end of that section of Part I of the list which relates to the parish;

(*c*) in Part II of the list where in pursuance of section 3 (3) of the Act of 1928 two or more hereditaments in the same occupation and either within the same curtilage or contiguous to one another are for certain purposes of that section and of section 4 treated as if they formed parts of a single hereditament then if those hereditaments are situate in the same parish they shall be entered consecutively and bracketed together and if they are situate in different parishes a note drawing attention to the facts shall be entered in column 1 against each of the hereditaments.

(2) The hereditaments falling to be entered in any parochial section of Part III of the list shall be arranged therein in four separate groups viz.:

(A) hereditaments occupied for railway transport purposes;

(B) hereditaments occupied for canal transport purposes;

(C) hereditaments occupied for dock purposes; and

(D) composite hereditaments being hereditaments occupied for more than one of the foregoing purposes (A), (B) and (C).

5. A rating authority and an assessment committee shall comply with the following directions as to the entries to be made in the respective columns of the valuation list:—

(i) *General.*

Entries shall be made in each column in accordance with the heading thereto provided that:

(*a*) No entry shall be made in respect of any agricultural land or agricultural building;

(*b*) in the case of any hereditament which is included in the Railway Valuation Roll there shall be inserted in column 1 in addition to the assessment number the letter " R " and the number of the hereditament in the Railway Valuation Roll;

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(*c*) if a part only of a hereditament comes within class (3) of Part II of the second schedule to the Act of 1925 as amended by the Local Government Act, 1929, or is deemed for the purposes of section 3 (2) of the Act of 1925 to be land covered with water or used as a canal or as a towing-path for a canal or as a railway constructed under the powers of any Act of Parliament for public conveyance separate particulars shall be inserted in respect of that part;

(*d*) no entry in respect of estimated extent shall be necessary in the case of—

(i) a hereditament consisting of a dwelling-house or other building without land; or

(ii) a railway hereditament; or

(iii) a hereditament of which the estimated extent does not exceed one-quarter of an acre or is in the opinion of the rating authority otherwise immaterial.

(*e*) An entry in respect of gross value shall be made only if the hereditament belongs to one of the classes specified in Part I of the second schedule to the Act of 1925 and no entry in respect of gross value or net annual value shall be made if the hereditament is occupied by or on behalf of the Crown for public purposes.

(ii) *Part I.—Hereditaments other than Industrial or Freight Transport hereditaments.*

Column 4.—If the hereditament is one to which section 72 of the Local Government Act, 1929, applies there shall be inserted in addition to any other description the words "agricultural dwelling-house";

Columns 9 *and* 10.—The rateable value of a hereditament shall be entered in that column which (according to the heading thereof) is appropriate to such hereditament;

Column 10.—The hereditaments of which the rateable values are to be entered in this column are tithes tithe commutation rentcharge and other payments in lieu of tithes issuing out of any land, any land (not being or forming part of an industrial or freight transport hereditament) used as a railway constructed under the powers of any Act for public conveyance or as a canal or towing path for a canal and any land covered with water:

Columns 7, 8, 9 *and* 10.—No entry shall be made in any of these columns in the case of a church chapel or other hereditament so long as the occupier is wholly exempt from rating in respect thereof:

Provided nevertheless that in the case of any hereditament in respect of which such a payment or contribution is made as is mentioned in section 2 (7) or section 64 (3) of the Act of 1925 the value upon which the amount of such payment of contribution is computed shall be entered in the appropriate column as representing the rateable value of that hereditament.

(iii) *Part II.—Industrial Hereditaments.*

Columns 8, 9*a*, 9*b*, 10*a*, 10*b* *and* 11.—The net annual value of the hereditamen shall be entered in column 8 and in the case of any hereditament wholly or partl assessed as "land covered with water" the letter "W" shall be entered in tha column immediately before the amount of the net annual value of the hereditamen or of the part thereof so assessed. If the hereditament is by virtue of the provision of section 4 of the Act of 1928 deemed to be occupied wholly for industrial purpose its net annual value as appearing in column 8 shall also be entered in column 9 In any other case the amount of such value apportioned in accordance with thos provisions shall be entered in columns 9*a* and 10*a* respectively. The rateable valu corresponding to the values entered in columns 9*a* and 10*a* and the total rateab value of the hereditament calculated in the manner provided in subsection (1) section 68 of the Act of 1929 shall be entered in columns 9*b*, 10*b* and 11 respectivel

(iv) *Part III.—Freight transport hereditaments.*

Column 8.—Where a hereditament is not used for more than one of the named transport purposes and is entered accordingly under one of the groups (A), (B), (C) mentioned in rule 4 (*d*) no entry need be made in column 8.

Columns 9, 10*a*, 11*a and* 12*a*.—The net annual value of the hereditament shall be entered in column 9. In so far as the net annual value is deemed to be attributable to user for transport purposes it shall also be entered in columns 10*a* and 11*a* and shall in so far (if at all) as it is deemed to be attributable to user for non-transport purposes be entered in column 12*a*.

Where a hereditament is used for more than one of the named transport purposes and is entered accordingly under the group (D) mentioned in rule 4 (*d*) the values falling to be entered in columns 10*a* and 11*a* shall be apportioned between user for the several purposes and the amount apportioned to each shall be entered on a separate line. In any such case the nature of the purposes to which each separate line relates shall be indicated by the appropriate word—railway canal or dock—in column 8.

Columns 10*a and* 10*b*.—If the rateable value under the Act of 1925 of a hereditament or of any part thereof would in accordance with the provisions of that Act or of a scheme made thereunder or of a local Act be ascertained by making a deduction from the net annual value the net annual value of the hereditament or of that part (as the case may be) shall be entered in column 10*a* and in column 10*b* there shall be entered the rateable value of the hereditament or of that part (as the case may be) ascertained in accordance with the said provisions.

Columns 11*a and* 12*a*.—If the rateable value of a hereditament or of any part thereof as ascertained in accordance with the Act of 1925 would be the same as the net annual value thereof the net annual value of the hereditament or of that part (as the case may be) shall in so far as it is attributable to user for transport purposes be entered in column 11*a* and shall in so far (if at all) as it is attributable to user for non-transport purposes be entered in column 12*a*.

Columns 10*c*, 11*b*, 12*b and* 13.—The rateable values corresponding to the values entered in columns 10*a* or 10*b*, 11*a* and 12*a* and the total rateable value of the hereditament ascertained in the manner provided by subsection (1) of section 68 of the Act of 1929 shall be entered in columns 10*c*, 11*b* 12*b* and 13 respectively.

6. A rating authority and an assessment committee shall comply with the following directions as to the method of making corrections insertions alterations or amendments in a valuation list—

(i) a correction insertion alteration or amendment if made before approval of the list shall be made in ink of the same colour as that used in the preparation of the list and if made after approval of the list shall be made in ink of a different colour ;

(ii) a line shall be ruled through any words or figures which require to be omitted or for which other words or figures are to be substituted in such manner as to leave legible the original entries ;

(iii) where a hereditament becomes divided into two or more hereditaments the whole of the original entries shall be struck out and the particulars with respect to the new hereditaments may be entered at the end of that portion of the list which relates to the parish a reference to the page on which such particulars are to be found being inserted at the place where the original entries occur ;

(iv) every correction insertion alteration or amendment shall be authenticated by the responsible officer whether of the rating authority or assessment committee having for the time being the custody of the list and such officer shall for that purpose enter the date and his initials accordingly in the columns provided for that purpose.

7.—(1) Immediately before the approval of a valuation list the assessment committee shall cause the entries as to values in columns 8–10 of Part I, and in columns 8–11 of Part II, to be totalled at the foot of each page of the list and the totals for

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each page shall be carried to a summary or summaries to be appended to the list so arranged as to show in respect of (*a*) the rating area as a whole and (*b*) each parish as defined in rule 1) the totals of all the entries in each of the said columns distinguishing the totals in Part I from the totals in Part II and also in the case of column 8 of Part II the total of the entries therein which are marked by the letter "W."

(2) In the case of Part III of the list such entries shall be made similarly in a summary or summaries as will show in respect of (*a*) the rating area as a whole and (*b*) each parish (as defined in Rule 1) the totals of the entires as to values appearing in columns 9–13 distinguishing the totals of values attributable to (i) user for railway transport purposes (ii) user for canal transport purposes and (iii) user for dock purposes respectively.

(3) For the purposes of the above summaries any entries under the group (D) mentioned in rule 4 (*d*) shall be aggregated respectively with the values entered under that one of the groups (A), (B) or (C) which is appropriate thereto.

8. All corrections insertions alterations and amendments made in the valuation list after such list has been approved (including such as are made by direction of a Court of Quarter Sessions or of the Railway Assessment Authority) shall be recorded in the minutes of the assessment committee and the committee shall cause the necessary net addition or subtraction to be made to or from the relevant totals appearing in the summaries referred to in the last preceding rule.

9. Every assessment committee shall cause to be kept a book entitled "Record of Total Rateable Values" and shall cause to be entered therein in respect of each rating area and of each parish (as defined in rule 1) the totals of rateable values as shown in the summary or summaries referred to in rule 7 and whenever corrections insertions alterations or amendments are made in any valuation list shall cause the necessary corrections to be made in the totals so entered.

10. The copy of a deposited valuation list transmitted to an assessment committee in accordance with section 25 (2) of the Act of 1925 shall be retained by the committee who shall cause the entries therein to be corrected from time to time so that such copy may agree with the valuation list except in regard to figures recorded by the committee in a record of total rateable values.

11. The existing rules shall not apply to the second new valuation list or any subsequent new valuation list to be made for any rating area under the Act of 1925.

SCHEDULE.

FORM A.

FORM OF VALUATION LIST.

Part I.—Hereditaments other than Industrial and Freight Transport Hereditaments.

Assessment No.	Name of Occupier.	Name of Owner.	Description of Property.	Name or situation of property.	Estimated Extent.	Values.				Date of amendment and initials of responsible officer.
						Gross value of the hereditament where required to be ascertained.	Net Annual Value where it differs from Rateable Value.	Rateable Value.		
								Hereditaments not specified in Column 10.	Tithes, etc., and land used as a railway or canal, etc., or covered with water.	
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.

Part II.—Industrial Hereditaments.

Assessment No.	Name of Occupier.	Name of Owner.	Description of Property.	Name or situation of Property.	Estimated Extent.	Values.							Date of amendment and initials of responsible officer.
						Gross Value of the hereditament where required to be ascertained.	Net annual value of the hereditament (distinguishing by the letter "W" any hereditament or part thereof assessed as land covered with water).	Net annual value (as in Col. 8) and rateable value apportioned between Industrial Purposes and Non-Industrial Purposes.				Rateable value of the hereditament (*i.e.* total of sums in cols. 9b and 10b).	
								Industrial Purposes.		Non-Industrial Purposes.			
								Net Annual Value.	Rateable Value.	Net Annual Value.	Rateable Value.		
1.	2.	3.	4.	5.	6.	7.	8.	9a.	9b.	10a.	10b.	11.	12.

Part III.—Freight Transport Hereditaments.

Assessment No.	Name of Occupier.	Name of Owner.	Description of property.	Name or situation of property.	Estimated Extent.	Gross Value of the hereditament when required to be ascertained.	Whether Railway, Canal or Dock.	Net Annual Value of the hereditament.	Values.										Date of amendment and initials of responsible officer.
									Net Annual Value (as in Col. 9) and Rateable Value apportioned between Transport Purposes and Non-Transport Purposes.										
									Transport Purposes.						Non-Transport Purposes.			Rateable Value of the hereditament (*i.e.* total of sums in Cols. 10c, 11b and 12b).	
									That part of the hereditament of which the rateable value as calculated in accordance with the Rating and Valuation Act, 1925, or any scheme made thereunder, or any local Act, differs from the Net Annual Value.			Any other part of the hereditament so far as used for Transport purposes.			Any part of the hereditament, so far as used for purposes not being Transport purposes.			
									Net Annual Value.	Rateable Value as calculated in accordance with the Rating and Valuation Act, 1925, or any Scheme made thereunder, or any local Act.	Rateable Value.	Net Annual Value.	Rateable Value.		Net Annual Value.	Rateable Value.			
1.	2.	3.	4.	5.	6.	7.	8.	9.	10a.	10b.	10c.	11a.	11b.		12a.	12b.		13.	14.

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FORM B.

FORM OF DECLARATION AND CERTIFICATE.

We do hereby declare and certify that the above Valuation List was approved by the Assessment Committee for the Assessment Area at a meeting held this day, and that the provisions of the Rating and Valuation Acts, 1925 to 1932, have been duly complied with in respect to such List.

Dated this day of 19 .

{Three members of the Committee present at the said meeting.

Given under the Official Seal of the Minister of Health this twenty-fourth day of May nineteen hundred and thirty-two.

(L.S.)

R. B. CROSS,
Assistant Secretary,
Ministry of Health.

S. R. & O., 1933, No. 292.

THE LOCAL GOVERNMENT (ADJUSTMENT OF LOSSES IN COUNTY BOROUGHS) REGULATIONS, 1933, DATED APRIL 3RD, 1933, MADE BY THE MINISTER OF HEALTH UNDER SECTION 97 (1) (*c*) OF THE LOCAL GOVERNMENT ACT, 1929, PRESCRIBING REGULATIONS FOR SECURING THE ADJUSTMENT OF LOSSES AS RESPECTS LOSING AREAS IN COUNTY BOROUGHS.

Whereas by paragraph (*c*) of subsection (1) of section 97 of the Local Government Act, 1929 (*a*), it is provided that the Minister of Health shall make regulations for securing that the grants under Part VI of the Act paid to the Council of a County Borough shall be applied towards making good to areas with respect to which a loss is disclosed the amount of such loss or of part thereof in such manner as to effect the objects of the said section:

Now, therefore, the Minister of Health in exercise of the powers conferred upon him by the said paragraph (*c*) of subsection (1) of section 97 of the Local Government Act, 1929, and of all other powers enabling him in that behalf hereby makes the following Regulations:

1. These regulations may be cited as the Local Government (Adjustment of Losses in County Boroughs) Regulations, 1933, and shall have effect in relation to the years of the first and subsequent fixed grant periods.

2.—(1) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(2) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them—

"the Act" means the Local Government Act, 1929;

"minor rated area" means an area being a part only of a county borough, which was in the calculations made in accordance with paragraph (*a*) of subsection (1) of section 97 of the Act treated as a separately rated area, or which has been added to the county borough since the 1st day of April, 1930.

"losing area" and "gaining area" mean respectively a minor rated area in respect of which the calculations made in accordance with paragraph (*a*) of subsection (1) of section 97 of the Act and the Fifth Schedule to the Act disclose a loss and a gain respectively, and the expression "loss" shall be construed accordingly;

"product of a penny rate" means, in relation to any county borough or any minor rated area, the amount produced by a rate of a penny in the pound in

(*a*) See Vol. V, *post.*

that county borough or area as the case may be, calculated in accordance with the Rating and Valuation Act (Product of Rates and Precepts) Rules, 1929 (*a*);

"area proportion of the General Exchequer Grant" means in relation to any minor rated area for any year a sum bearing the same proportion to the General Exchequer Grant of the county borough for that year as the product of a penny rate in that area bears to the product of a penny rate in the county borough for that year.

3.—(1) In the case of a county borough which contains minor rated areas, wher any one or more of those areas is a losing area the Minister shall certify t he amount o the loss of each losing area in the county borough.

(2) In the case of any such county borough as aforesaid where an Additiona Exchequer Grant exceeding in amount the aggregate amount of the losses of the losing areas in the county borough is payable in respect of the county borough the council of the county borough shall, out of the total of the General Exchequer Grant and Additional Exchequer Grant of the council for each year, apply in aid of so much of the general rate as is leviable in any losing area a sum equivalent to the amount of the loss of that area certified as aforesaid by the Minister and shall apply the remainder of the General Exchequer Grant and Additional Exchequer Grant in aid of the general rate over the whole borough.

(3) In the case of any such county borough as aforesaid where no Additional Exchequer Grant is payable in respect of the county borough the council of the county borough shall for each year—

(*a*) ascertain the area proportion of the General Exchequer Grant of the council in respect of each minor rated area;

(*b*) apply in aid of so much of the general rate as is leviable in each losing area so much of the Supplementary Exchequer Grant payable to the council as is in respect of the loss of the area certified as aforesaid together with a sum equivalent to that area's area proportion of the General Exchequer Grant increased by a sum not less than one-half of the amount of that loss; and

(*c*) apply in aid of so much of the general rate as is leviable in each of the other minor rated areas a sum equivalent to that area's area proportion of the General Exchequer Grant reduced by a sum equal to the amount, if any, contributed by that area towards the aggregate of the sums by which the losing areas' area proportions of the General Exchequer Grant are, under the provisions of the foregoing sub-paragraph (*b*), increased.

4.—(1) If the council of any county borough to which the provisions of paragraph (2) of Regulation 3 of these regulations apply is satisfied that, if full effect were given to the provisions of that paragraph, the poundage of the rate to be levied in each minor rated area within the borough would not vary by more than one penny from the poundage which would be required to be levied in each such area if the whole of the General Exchequer Grant, together with the whole of the Additional Exchequer Grant, were applied in aid of the general rate over the whole borough, then they may by resolution decide that the whole of the said grants of the council shall be so applied and thereupon they shall be applied accordingly.

(2) If the council of any county borough to which the provisions of paragraph (3) of Regulation 3 of these regulations apply is satisfied that, if there were applied in aid of so much of the general rate as is leviable in each losing area comprised in the borough so much of the Supplementary Exchequer Grant as is in respect of the loss of that area together with a sum equivalent to that area's area proportion of the General Exchequer Grant increased by a sum equivalent to one-half of the amount of that loss, the poundage of the rate to be levied in each minor rated area within the borough would not vary by more than one penny from the poundage of the rate which would be required to be levied in each such area if the whole of the General Exchequer Grant, together with the whole of the Supplementary Exchequer Grant,

(*a*) S. R. & O., 1929, No. 12, printed at p. 3723 of the tenth edition. Revoked and replaced by the Rating and Valuation Act (Product of Rates and Precepts) Rules, 1938, *post*, p. 3685.

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were applied in aid of the general rate over the whole borough, then they may by resolution decide that the whole of the said grants of the council shall be so applied and thereupon they shall be applied accordingly.

Given under the official seal of the Minister of Health this third day of April, nineteen hundred and thirty-three.

(L.S.)

W. A. Ross,
Assistant Secretary,
Ministry of Health.

S. R. & O., 1933, No. 451.

THE RATING AND VALUATION ACTS (RAILWAY VALUATION ROLL) RULES, 1933, DATED MAY 19TH, 1933, MADE BY THE MINISTER OF HEALTH UNDER SECTION 58 OF THE RATING AND VALUATION ACT, 1925, FOR PRESCRIBING THE FORM OF RAILWAY VALUATION ROLL TO BE USED FOR THE PURPOSES OF THE RAILWAYS (VALUATION FOR RATING) ACT, 1930 (20 & 21 GEO. 5, C. 24), AND OTHER MATTERS IN CONNECTION THEREWITH.

Whereas by the Railways (Valuation for Rating) Act, 1930 (*a*) (in this order referred to as "the Act of 1930") provision is made with respect to the preparation, completion and revision of railway valuation rolls;

And whereas it is provided in section 8 (2) of the said Act that every railway valuation roll shall show in the prescribed manner with respect to any company—

(i) in the case of an undertaking which is carried on in England, but not in Scotland, the average net receipts of that undertaking:

(ii) in the case of an undertaking which is carried on in England and in Scotland, the average net receipts of the undertaking entered in such manner as to distinguish receipts ascertained by the Joint Authority and apportioned between England and Scotland, and receipts ascertained by the Railway Assessment Authority:

(iii) the net annual value of the company's undertaking as a whole, or, as the case may be, the net annual value of the undertaking as a whole in so far as it is carried on in England:

(iv) the net annual value and the rateable value of every railway hereditament occupied by the company:

(v) such other matters as may be prescribed;

And whereas it is further provided in paragraph 5 of the third schedule to and in section 8 (4) of the said Act that, on the settlement of the draft of any part of the railway valuation roll and on the completion of any part of the railway valuation roll, the Railway Assessment Authority shall send to the railway company to which that part relates and to the county valuation committee of every county, and the rating authority of every rating area in England and, on the completion of any part of the roll, to the assessment committee of every assessment area in England (being a county, assessment area or rating area within which the undertaking of that company is carried on), such information as to the contents of that part of the roll as may be prescribed to be sent to railway companies, county valuation committees, assessment committees and rating authorities respectively; and that every rating authority shall forthwith give such notice as to the receipt of, and afford such facilities for the inspection of, that information as may be prescribed;

And whereas section 12 (1) of the Act of 1930 requires that so soon as an assessment committee have received from the Railway Assessment Authority notice that any part of a railway valuation roll has been completed and information as to the contents of that part, they shall cause the values entered in that part of the roll, and such of the other particulars entered therein as may be prescribed, to be entered in the valuation list in substitution for values or particulars appearing in that list;

(*a*) *Ante*, p. 2302.

And whereas by section 23 (1) of the Act of 1930 the expression "prescribed" when used in that Act means "prescribed by rules made under the Rating and Valuation Acts" and by section 58 (1) of the Rating and Valuation Act, 1925, the Minister of Health, after consultation with any local authority or association of local authorities with whom consultation appears to him to be desirable, may by rules prescribe anything which by that Act is to be prescribed and the form of any rate, demand note, valuation list, statement, return or other document whatsoever which is required or authorised to be used under or for the purposes of that Act:

Now therefore the Minister of Health after such consultation as aforesaid and by virtue of the powers conferred upon him by the recited enactments and of all other powers enabling him in that behalf hereby makes the following rules:

1.—(1) These rules may be cited as the Rating and Valuation Acts (Railway Valuation Roll) Rules, 1933.

(2) In these rules unless the context otherwise requires—

"parish" includes any part of a parish being either a contributory place or an area otherwise subject to separate or differential rating;

"valuation list" includes a draft valuation list;

"roll" means any railway valuation roll to be prepared under the Act of 1930;

"part" in relation to a roll means a part into which a roll is to be divided in pursuance of section 3 (1) of the Act of 1930;

other expressions have the same meaning as in the Rating and Valuation Acts, 1925–1932, *or* in the Rating and Valuation (Metropolis) Acts, 1869–1930, as the case may be;

any reference to a county valuation committee shall in relation to London be construed as a reference to the London County Council.

2. Each part of a roll shall be in the form in Schedule A hereto or in a form substantially to the like effect.

3. Each part of a roll shall be divided into two sections, namely section A, in which shall be entered particulars with respect to the company's undertaking as a whole, and section B, in which shall be entered particulars with respect to every railway hereditament occupied by the Company such hereditaments being entered in separate divisions, namely (I) hereditaments other than industrial and freight transport hereditaments, (II) industrial hereditaments and (III) freight transport hereditaments.

4. The hereditaments falling to be entered in any division of section B of any part of a roll shall be entered in such order as the Railway Assessment Authority may think convenient, provided that all the entries in any division relating to hereditaments within the same metropolitan borough, county borough, administrative county, rating area, or parish shall be grouped together.

5. If the freight-transport hereditaments in any parish include one or more hereditaments occupied wholly or partly for more than one transport purpose, the entries in respect thereto shall be arranged so as to distinguish between—

(*a*) hereditaments occupied for railway transport purposes;
(*b*) hereditaments occupied for canal transport purposes;
(*c*) hereditaments occupied for dock purposes; and
(*d*) composite hereditaments being hereditaments occupied for more than one of the foregoing purposes (*a*), (*b*) and (*c*).

6. The Railway Assessment Authority shall cause entries to be made in the columns of each part of a roll in accordance with the headings thereto and in such manner as will facilitate the making of the necessary entries in the valuation lists in accordance with the statutory provisions applicable thereto.

7. Each part of a roll shall be certified on completion or revision by a declaration in the form shown in Schedule B hereto.

8. Every correction, insertion, alteration or amendment made in a roll after it has been revised by the Railway Assessment Authority shall be authenticated by the

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clerk of the Authority or such other officer of the Authority as may be duly authorised in that behalf and the clerk or officer shall for that purpose enter the date and his initials accordingly in the columns provided for that purpose.

9. Immediately before the certification of any part of a roll, the Railway Assessment Authority shall cause summaries to be prepared so as to show (*a*) in respect of each rating area and (*b*) in respect of each company as a whole the total net annual value and the total rateable value of all the hereditaments entered in that part as being within that area or occupied by the company, and whenever any correction, insertion, alteration or amendment is made in any part of a roll after that part has been revised they shall cause the necessary corrections to be made in the totals.

10. When the Railway Assessment Authority have (i) settled a draft of any part of a roll, or (ii) have completed any part of a roll they shall send—

(*a*) to the railway company to whose undertaking that part relates, a copy of the draft of that part, or a copy of the completed part as the case may be;

(*b*) to the county valuation committee of every county and to the council of every county borough within which the undertaking is carried on, a copy of so much of the draft of that part or of the completed part, as the case may be, as comprises section A of that part and so much of section B of that part as relates to hereditaments within the county or county borough;

(*c*) to the rating authority of every rating area (other than a county borough) within which the undertaking is carried on, a copy of so much of section B of the draft of that part or of the completed part, as the case may be, as relates to hereditaments within that area; and

(*d*) on the completion of that part of the roll, to every assessment committee within whose area the undertaking is carried on, a copy of so much of section B of the completed part as relates to hereditaments within the area of the Assessment Committee.

11. Every rating authority, including the council of a county borough, on receiving any document sent to them under rule 10 hereof shall deposit it at their offices and shall forthwith publish a notice in the manner provided by section 46 of the Rating and Valuation Act, 1925, indicating where and at what times the document may be inspected. The document so deposited shall be open to inspection for twenty-one days from the date on which notice of the deposit thereof is published.

12.—(1) Subject as hereinafter provided, every assessment committee on receiving under rule 10 hereof a copy of so much of any completed part of a roll as relates to hereditaments within their area shall cause the values and such other of the particulars of the hereditaments shown in that copy as may be necessary for the purpose of completing the entries in the valuation list to be entered in the valuation list substituting those values and particulars for the values and particulars relating to any of those hereditaments which already appear in the valuation list and shall distinguish each of the hereditaments shown in that copy and so entered in the valuation list by inserting, in addition to the number of the assessment in the valuation list, the letter R and the number of the hereditament in the roll.

Provided—

(*a*) that in the case of any part of the first roll (i) this Rule shall not operate until the Assessment Committee have received a notification that the part has been revised; and (ii) the entries which are then to be made in the valuation list shall accord with the particulars shown in that part as so revised; and

(*b*) that, in the case of any hereditament falling to be entered in Part I of the valuation list or, in the case of any hereditament situated in the county of London and falling to be entered in Part II or Part III of the valuation list, it shall not be necessary to make any separate entry of net annual value except where this differs from the corresponding rateable value.

(2) Any particulars of values entered in a valuation list in pursuance of this rule by an assessment committee within the county of London shall be entered in the columns of the valuation list appropriated for values as determined by the assessment committee.

SCHEDULE A.

FORM OF RAILWAY VALUATION ROLL.

PART .

Railway hereditaments occupied by the Railway Company.

SECTION A.—PARTICULARS WITH RESPECT TO THE COMPANY'S UNDERTAKING AS A WHOLE.

1. Average net receipts of the Company's undertaking..... .. ..
(or, in the case of an Anglo-Scottish Railway Company)—

1. Average net receipts of the Company's undertaking made up as follows :
(*a*) Amount of average net receipts of the undertaking as ascertained and certified by the Anglo-Scottish Railways Assessment Authority . . ..
(*b*) Amount of average net receipts, ascertained and certified as aforesaid, as apportioned to England and certified by the Anglo-Scottish Railways Assessment Authority..... ....
(*c*) Amount of average net receipts as ascertained by the Railway Assessment Authority .. ..

2. Net annual value of the Company's undertaking as a whole *or, as the case may be,* net annual value of the Company's undertaking as a whole in so far as it is carried on in England.....

SECTION B.—NET ANNUAL VALUE AND RATEABLE VALUE OF EVERY RAILWAY HEREDITAMENT OCCUPIED BY THE COMPANY.

County or County Borough——————————————Rating Area——————————————

Assessment Area ——————————————

Division I.—Hereditaments other than Industrial or Freight-Transport Hereditaments.

No. in Roll.	Parish if not coextensive with Rating Area.	Description and situation of Hereditament.	Net Annual Value of the Hereditament.	Rateable Value.		Date of Amendment after revision and initials of Responsible Officer.	Remarks.
				Hereditaments not specified in Col. 6.	Tithes, &c., and land used as a railway or canal, &c., or covered with water.		
1.	2.	3.	4.	5.	6.	7.	8.

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Division II.—Industrial Hereditaments.

No. in Roll.	Parish if not coextensive with Rating Area.	Description and situation of Hereditament.	Net Annual Value of the Hereditament (Distinguishing by the letter "W" any hereditament assessed as land covered with water).	Net Annual Value as in Col. 4 and Rateable Value apportioned between industrial purposes and non-industrial purposes.				Rateable Value of the hereditament.	Date of Amendment after revision and initials of Responsible Officer.	Remarks.
				Industrial Purposes.		Non-Industrial Purposes.				
				Net Annual Value.	Rateable Value.	Net Annual Value.	Rateable Value.			
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.

Division III.—Freight Transport Hereditaments.

No. in Roll.	Parish if not co-extensive with Rating Area.	Description of Hereditament.	Net Annual Value of the Hereditament.	Net Annual Value (as in Col. 4) and Rateable Value apportioned between Transport Purposes and Non-Transport Purposes.							Rateable value of the Hereditament.	Date of Amendment after revision and initials of Responsible Officer.	Remarks.
				Transport Purposes.					Non-Transport Purposes.				
				That part of the Hereditament of which the Rateable Value as calculated in accordance with the Rating and Valuation Act, 1925, or any Scheme made thereunder or any Local Act differs from the net annual value.			Any other part of the Hereditament so far as used for Transport Purposes.		Any part of the Hereditament so far as used for purposes not being Transport Purposes.				
				Net Annual Value.	Rateable Value as calculated in accordance with the Rating and Valuation Act, 1925, or any Scheme made thereunder or any Local Act.	Rateable Value.	Net Annual Value.	Rateable Value.	Net Annual Value.	Rateable Value.			
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.

RATING AND VALUATION

SCHEDULE B.

The foregoing Part of the Railway Valuation Roll was completed [*or* revised] by the Railway Assessment Authority at a meeting held on the day of 19 .

Given under the official seal of the Railway Assessment Authority this day of 19 .

. . .. Chairman.

. . . . Clerk.

Given under the Official Seal of the Minister of Health this nineteenth day of May nineteen hundred and thirty-three.

(L.S.)

R. H. H. KEENLYSIDE,
Assistant Secretary,
Ministry of Health.

S. R. & O., 1934, No. 90.

THE ASSESSMENT COMMITTEES (FORM OF ANNUAL REPORT) RULES, 1934, DATED FEBRUARY 8TH, 1934, MADE BY THE MINISTER OF HEALTH UNDER SECTION 58 OF THE RATING AND VALUATION ACT, 1925, FOR PRESCRIBING THE FORM OF ANNUAL REPORT TO BE MADE BY ASSESSMENT COMMITTEES IN PURSUANCE OF THE FIRST SCHEDULE TO THE SAID ACT.

Whereas by paragraph 7 of the first schedule to the Rating and Valuation Act, 1925, it is provided that every assessment committee shall in the month of April in every year send a report in the prescribed form of their proceedings during the last preceding year to every local authority represented on the committee to the Minister of Health and to the Central Valuation Committee and by section 58 of the said Act it is provided that the Minister of Health may by rules prescribe anything which by the Act is to be prescribed and the form of any document which is required or authorised to be used under or for the purposes of the Act:

Now therefore the Minister of Health in the exercise of the powers conferred upon him by the said section 58 and of all other powers enabling him in that behalf hereby makes the following rules:

1. These rules may be cited as the Assessment Committees (Form of Annual Report) Rules, 1934, and shall come into operation on the date hereof.

2. The report which an assessment committee is required by paragraph 7 of the first schedule to the Rating and Valuation Act, 1925, to make with respect to their proceedings in each year ending on the 31st day of March shall until the Minister by order otherwise prescribes include information as to the matters specified in the form of report set out in the schedule hereto and shall so far as it relates to those matters follow the said form.

SCHEDULE.

FORM OF REPORT.

Rating and Valuation Acts, 1925 to 1932.

Report of the proceedings of the..... ..... assessment committee for the year to April 1st, 19.... (as required by paragraph 7 of the first schedule to the Rating and Valuation Act, 1925).

1. Names of the rating areas comprised in the assessment area, with the number of representatives of each rating area.

.....

2. Name of chairman of the committee.

.....

3. If the committee are represented on the county valuation committee, the name of their representative.

.....

4. Name and address of the clerk of the committee.

.....

.....

5. Number of members of the committee .....

6. Names of places at which the committee met and number of meetings held at each place .....

.....

7. Report of the proceedings of the committee during the year 19 .–19...., including *inter alia* (*a*) references to any conferences which their representatives attended, (*b*) any available particulars with regard to the volume of proposals, objections and appeals, with which the committee were concerned, and (*c*) notes upon any important points of principle or practice involved in such proposals, objections or appeals.

8. Summary (subject to audit) of the committee's receipts and expenditure for the year ending March 31st, 19 , as shown in the form of financial statement prescribed under the District Auditors Act, 1879.

9. Values in force on April 1st, 19 ...,

A summary showing according to the valuation lists in force on April 1st, 19.. ,

(1) for each rating area as a whole, and for each parish within it, the net annual value and rateable value of industrial and freight-transport hereditaments; the net annual value where it differs from rateable value, and the rateable value of other rateable hereditaments therein, distinguishing the rateable value of tithes, &c., land used as a railway or canal, &c., or covered with water (not forming part of an industrial or freight-transport hereditament); with separate particulars of the value of property occupied by or on behalf of the Crown for public purposes in respect of which contributions in lieu of rates are paid; and

(2) for each rating area, the number of separately rated hereditaments.

Signature .....
Clerk of the assessment committee.

Date..... 19....

Given under the official seal of the Minister of Health this eighth day of February nineteen hundred and thirty-four.

(L.S.)

W. A. ROSS,
Assistant Secretary,
Ministry of Health.

CIRCULAR 1552.

County Councils,
County Borough Councils,
Town Councils,
Urban District Councils,
Rural District Councils,
Metropolitan Borough Councils,
Corporation of the City of London.

MINISTRY OF HEALTH,
WHITEHALL,
LONDON, S.W.1.
4th June, 1936.

LOCAL GOVERNMENT ACT, 1929. PART VI.

CALCULATION OF GRANTS FOR THIRD FIXED GRANT PERIOD BEGINNING ON APRIL 1ST, 1937.

SIR,—1. I am directed by the Minister of Health to refer to Section 86 (2) of the Local Government Act, 1929, relating to the determination of the amount of the General Exchequer Contribution for each Fixed Grant Period.

RATING AND VALUATION

2. In accordance with the subsection referred to the Third Fixed Grant Period will commence on April 1st, 1937, and in this connection particulars will be required of the income and expenditure of Local Authorities in England and Wales in the financial year 1935–36. Forms on which the necessary particulars can conveniently be set out have been prescribed by the Minister in the Local Government (Statements of Income and Expenditure, &c.) Regulations, 1936.

A copy of the Regulations and three copies of the Form (*a*) are enclosed herewith. I am to request that you will be good enough to take steps to ensure that one copy of the form is completed and returned to this Department as soon as possible and in any event not later than the date prescribed in the Regulations, namely, *June 30th*, 1936.

3. It is appreciated that in order to furnish the completed returns by that date many Local Authorities will be obliged to take special steps to expedite the closing and balancing of their accounts for the year 1935–36. The work which will be entailed in the Department, however, after the receipt of the completed returns, will take a considerable time and the Minister trusts that Local Authorities will co-operate with the Department by furnishing these returns by the due date.

4. It will be observed that the Table on pages 2 and 3 of the Form corresponds with the relevant parts of the Aggregate Rate Fund Account in the Statutory Annual Return of Receipts and Expenditure, except that the entries against Item 1 are to be gross figures and not net expenditure. Thus, the entries in the Form, following the practice adopted in the case of the Statutory Annual Return, will be based upon the accounts of the Authority as normally kept. In this connection, attention is drawn to the Instruction at the head of column 6 of the Form regarding any item of Expenditure or Income relating to a period greater or less than twelve months.

5. In order to enable the "weighted population" of each County and County Borough to be determined (in accordance with the rules contained in Part III of the Fourth Schedule to the Act) for the purpose of the calculation of the grants payable in the Third Fixed Grant Period, provision is made in Statement II of the Form for the insertion, where the Form is completed by a Rating Authority, of particulars of the rateable value of all the hereditaments in the rating area according to the Valuation List in force on April 1st, 1936 (or April 6th, 1936, for Rating Authorities in the County of London). There will be areas in which at the date of completion of the form proceedings affecting the rateable values on April 1st, 1936, or April 6th, 1936, as the case may be, will still be unsettled, and any grant adjustment that may be found necessary as a result of the settlement of those proceedings will be made at a later date.

6. An additional copy of this circular letter, and an additional copy of the Local Government (Statements of Income and Expenditure, &c.) Regulations, 1936, are sent herewith for transmission by you to the Chief Financial Officer of the Council.

I am, Sir,
Your obedient Servant,
S. H. G. HUGHES.

The Clerk of the County Council,
or
The Town Clerk,
or
The Clerk to the Urban District Council,
or
The Clerk to the Rural District Council.

(*a*) The forms were—
Form G. III. 1 for County Councils.
Form G. III. 2 for County Borough Councils.
Form G. III. 3 for Town Councils and Urban District Councils.
Form G. III. 4 for Rural District Councils.
Form G. III. 5 for Metropolitan Borough Councils and the Corporation of the City of London.

These are not reproduced here, but the circular itself is important for reference.

CIRCULAR 1564.

RATING AND VALUATION

All Rating Authorities.

MINISTRY OF HEALTH,
WHITEHALL,
LONDON, S.W.1.
11th August, 1936.

TITHE ACT, 1936.

Rating and Valuation (*a*).

SIR,—1. I am directed by the Minister of Health to draw your attention to certain provisions of the Tithe Act, 1936 (*b*), which received the Royal Assent on July 31st.

Grants as from October 1st, 1936.

2. Consequent upon the extinguishment of tithe rentcharge and the fact that as from October 1st, 1936, tithe rentcharge will no longer be a rateable hereditament, grants will be paid to Rating Authorities in respect of the loss of rate income from tithe rentcharge in accordance with the provisions of Section 25 and the Fifth Schedule. The Act provides that the distribution of these grants shall be made in accordance with directions to be given by the Minister after consultation with the Associations of Local Authorities. A further communication will therefore be addressed to you in due course, but the Minister desires to bring to the notice of Rating Authorities certain matters on which action should in the meantime be taken.

3. The grants to be paid to Rating Authorities in respect of the period beginning October 1st, 1936, will be based on the rate income from tithe rentcharge in respect of the financial year 1935–36. It will clearly be advantageous if any outstanding appeals and proceedings which may affect the rate income from tithe rentcharge in respect of that year are determined as soon as possible, and the Minister will be glad if steps are taken accordingly. A form will be sent to each Rating Authority at a later date for the purpose of the necessary return of rate income from tithe rentcharge in 1935–36.

Grant for half-year ending September 30th, 1936.

4. Section 19 of the Act provides that any tithe rentcharge issuing out of land which was on April 1st, 1936, agricultural land as defined by the Act,* shall be payable at the rate of £91 11*s.* 2*d.* in respect of every £100 par value, instead of at the rate of £105.

5. Section 23 provides that no proceedings for the alteration of the rateable value of such tithe rentcharge on the ground of this reduction shall be entertained but that the amount payable in rates in respect of any such rentcharge for the half-year ending on September 30th, 1936, shall be reduced to seven-eighths of the sum which would otherwise have been payable, and any ratepayer who has paid the rate demanded in respect of such tithe rentcharge in full is entitled to a refund of the overpayment. Grants will be paid in respect of this loss of rate income in accordance with the provisions of paragraph 1 (*d*) of the Fifth Schedule.

6. To facilitate a return which will be required in connection with the grants payable in respect of this half-year, any amounts written off or refunded solely in pursuance of these provisions should be entered in a separate column in the rate book or rate-account book.

* For the purposes of the Act "agricultural land" means agricultural land as defined in Section 2 of the Rating and Valuation (Apportionment) Act, 1928, and buildings (including dwelling-houses) occupied together with such land and used primarily in connection with agricultural operations thereon. The relief extends to a tithe rentcharge any part of which issues out of agricultural land so defined.

(*a*) This circular was in part transitional, but is retained as introductory to Circular 1619 of April 23rd, 1937, *post*, p. 3678.

(*b*) 29 Halsbury's Statutes 923.

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7. Attention is also drawn to the provisions of Section 32 as to information to be supplied on request to the Commission.* Such information will also be required by [illegible] and their agents in connection with the operation of Sections 19 and 23.

authority to credit in aid of the general rate a greater part than is fixed in the foregoing direction, the part so authorised shall be so credited in respect of that period by that rating authority in lieu of the part fixed in the foregoing direction.

(*d*) The balance of the tithe grants after deducting the amounts to be credited in aid of the general rate shall, as regards any period after September 30th, 1936, be credited in aid of special rates in accordance with the provisions of paragraph 7 of the Fifth Schedule to the Tithe Act, 1936.

3. The Minister has had under consideration certain points arising out of paragraph 7 of the Fifth Schedule to the Act, and desires to make the following observations. The Minister has no power to give directions in regard to the method in which the part of the tithe grants which is to be credited to the general rate is to be applied to the general rates in the several parts of a Rural District. He is advised, however, that this part of the tithe grant should be applied generally and evenly in aid of the general rate as a whole, *i.e.*, the amount applicable in aid of the general rate in each parish or separately rated area should be at a uniform rate in the pound. The amounts for each part of the District can conveniently be ascertained by apportioning between the several parts of the District the tithe grants applicable to the general rate of the District in proportion to the products of a penny rate for those parts as ascertained in accordance with the Rating and Valuation Act (Product of Rates and Precepts) Rules and before taking into consideration the provisions of paragraph 9 of the Fifth Schedule to the Act.

4. Under paragraph 9 of the Fifth Schedule the sum to be credited under the Schedule in aid of any rate is to be taken into account for the purpose of ascertaining the proceeds of that rate, for whatever purpose such ascertainment is required. To enable this process to be carried out in regard to the general rate in respect of each part of the District for which a separate ascertainment is required, the amount of the tithe grant applicable to the general rate of that part of the District, ascertained as indicated in the preceding paragraph, should be added to the net rate income from general rate in that part (*i.e.*, the gross rate income less the cost of collection and the loss on collection) and the result divided by the number of pence in the general rate levied in that part of the District will give the product of a penny rate for precept purposes after taking into consideration the provisions of paragraph 9 of the Fifth Schedule. A similar procedure should be followed as regards special rates.

5. The equivalent rates in the pound shown in the rate demand notes will be based on the estimated products of a penny rate after taking into consideration the tithe grants. Accordingly no deduction in respect of the tithe grants is required or should be shown in the rate demand notes.

6. The provisions in paragraph 9 of the Fifth Schedule will entail the crediting of the tithe grants to the Rate Income Account. The Minister considers it desirable that an estimate of the full amount due in respect of the tithe grants for 1936–37 should be made, and this amount brought into account for that year, an account being opened for this purpose with the Minister. It will not be necessary to keep the accounts for 1936–37 open until the amount of the grants is finally ascertained. It will be sufficient if an estimate of the amount due is made on the assumption that the amount recoverable from the Minister in respect of the first half of 1936–37 is the amount which has been allowed or refunded under Section 23 of the Tithe Act, 1936, and that the amount due in respect of the second half of 1936–37 is one-half of the amount collected in respect of rates on tithe rentcharge in 1935–36 as shown in Form H. 279. If the final ascertainment of the amount of grant due in respect of 1936–37 subsequently discloses a figure different from that included in the estimate, the necessary correction will fall to be made in the accounts of the year in which the amount of the grant is finally ascertained.

7. The question has been raised in regard to the effect of paragraph 9 of the Fifth Schedule to the Tithe Act, 1936, on the limitations imposed by Section 193 of the Local Government Act, 1933, in connection with the sums to be raised to meet the expenses of parish councils. The Minister is advised that the amounts calculated on rateable value in the manner set out in that Section are not the proceeds of a rate for purposes of paragraph 9 of the Fifth Schedule to the Tithe Act, 1936, and accordingly the tithe grants will not be taken into account in determining the maximum sums which can be raised to meet the expenses of parish councils under that Section.

RATING AND VALUATION

8. An additional copy of this circular is forwarded for the use of the Chief Financial Officer.

I am, Sir,
Your obedient Servant,
R. B. CROSS.
Assistant Secretary.

The Clerk to the Rural District Council.

S. R. & O., 1937, No. 750.

THE LOCAL GOVERNMENT (ADJUSTMENT OF GAINS AND LOSSES IN COUNTY DISTRICTS) REGULATIONS, 1937,* DATED JULY 28TH, 1937, MADE BY THE MINISTER OF HEALTH UNDER SECTION 94 (1) (*d*) OF THE LOCAL GOVERNMENT ACT, 1929.

The Minister of Health, in exercise of the powers conferred upon him by paragraph (*d*) of subsection (1) of section 94 of the Local Government Act, 1929, and of all other powers enabling him in that behalf, hereby makes the following regulations:

1. These regulations may be cited as the Local Government (Adjustment of Gains and Losses in County Districts) Regulations, 1937, and shall have effect in relation to the years of the third and subsequent fixed grant periods.

2.—(1) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(2) In these regulations unless the context otherwise requires the following expressions have the meanings hereby assigned to them—

"the Act of 1929" means the Local Government Act, 1929;

"the Act of 1937" means the Local Government (Financial Provisions) Act, 1937 (*a*);

"rating area" has the same meaning as in the Rating and Valuation Act, 1925 (*b*);

"minor separately rated area" means an area, being a part only of a rating area, which was in the calculations made under section 94 of the Act of 1929 treated as a separately rated area or under regulations made by the Minister under paragraph (*b*) of subsection (1) of section 108 of the Act of 1929 is to be deemed to be a separately rated area;

"alteration" means any alteration or combination of authorities or alteration of boundaries (including the formation of a new county district and the conversion of a rural district into or so as to form part of an urban district or of an urban district into or so as to form part of a rural district) taking effect on or after the first day of April, 1930;

"altered district" means a county district affected by an alteration, as constituted immediately after the date on which the alteration takes effect and includes a newly constituted county district;

"capitation sum" means, in relation to any county district, the sum which, under section 91 of the Act of 1929, is to be calculated on the basis of the estimated population of the district;

"added amount" and "deducted amount" mean, respectively, in relation to any minor separately rated area for the purpose of the application of these regulations in respect of any year, the amount (as varied by any order made or direction given by the Minister in the exercise of the powers conferred upon him by section 6 of the Act of 1937) which is for that year, in accordance with the provisions of subsection (1) of section 94 of the Act of 1929 to be added to, and the amount which, under the provisions aforesaid, would, but for the proviso to

* These regulations supersede provisional regulations dated the fifth day of May, 1937.

a) See Vol. V, *post.*

b) *Ante*, p. 2229.

sub-paragraph (ii) of paragraph (*c*) of that subsection, be deducted from, the capitation sum of a county district in respect of that area ;

" product of a penny rate " means, in relation to any district or minor separately rated area, the amount produced by a rate of one penny in the pound in that district or area as the case may be, calculated in accordance with the Rating and Valuation Act (Product of Rates and Precepts) Rules, 1929 (*a*) ;

" area proportion of the capitation sum " means, in relation to a minor separately rated area in a county district, a sum calculated for each year by the council of the district, bearing the same proportion to the capitation sum of the district for the year as the product of a penny rate in that minor separately rated area bears to the product of a penny rate in the district for that year.

3. In the case of a county district in which there are no minor separately rated areas, the General Exchequer Grant of the council of the district (other than such portion thereof as is applicable in respect of losses on account of special or parish rates) shall, in each year, be applied in aid of the general rate over the whole district.

4. Subject to the provisions hereinafter in these regulations contained, in the case of a county district in which there are minor separately rated areas the council of the district shall for each year apply in aid of so much of the general rate as is levied in each such area—

(*a*) in the case of a district in which there are no minor separately rated areas in respect of which a deducted amount has been determined by the Minister, a sum equivalent to the added amount of the area determined by the Minister, and

(*b*) in any other case, a sum equivalent to the area proportion of the capitation sum for the year, increased or decreased, as the case may require, by the added amount or the deducted amount of the area determined by the Minister,

and apply the balance (if any) of the General Exchequer Grant of the council (other than such portion thereof as is applicable in respect of losses on account of special or parish rates) in aid of the general rate over the whole district :

Provided that, where an alteration takes effect in any year on a date other than the first day of April, the sums to be applied for that year under the foregoing provisions of this regulation shall be subject to such adjustments as the Minister may think appropriate, having regard to the date on which the alteration takes effect.

5. If in a county district there is a minor separately rated area in respect of which the deducted amount exceeds the area proportion of the capitation sum, or if in the case of any altered district the Minister, being of opinion that for the better securing of the objects of section 94 of the Act of 1929 it is expedient that this regulation should apply in relation to the district, shall so direct, the provisions of regulation 4 of these regulations shall not apply, but the council of such district shall, in each year, out of the General Exchequer Grant of the council, apply in aid of so much of the general rate as is levied in any minor separately rated area in the district such sum (calculated in such manner appropriate to the case as the Minister may think desirable in order that the objects of section 94 of the Act of 1929 may be effected) as the Minister may direct in relation to that year and that area, and shall apply the balance (if any) of the General Exchequer Grant of the council (other than such portion thereof as is applicable in respect of losses on account of special or parish rates) in aid of the general rate over the whole district.

6. If the council of a county district are satisfied that, if full effect were given to the foregoing provisions of these regulations, the poundage of the rate to be levied in each minor separately rated area within the district would not vary by more than one penny from the poundage of the rate which would be required to be levied in each such area if the whole of the General Exchequer Grant of the council (other than such portion thereof as is applicable in respect of losses on account of special or parish rates) were applied in aid of the general rate over the whole district, they may by

(*a*) S. R. & O., 1929, No. 12, printed at p. 3723 of the tenth edition. Revoked and replaced by the Rating and Valuation Act (Product of Rates and Precepts) Rules, 1938, *post*, p. 3685.

RATING AND VALUATION

resolution decide that the whole of the General Exchequer Grant of the council (other than the portion aforesaid) shall be so applied, and thereupon it shall be applied accordingly.

7.—(1) If in any year no part of a county district (not being a district containing one or more minor separately rated areas which were separately charged in the standard year with expenses on a transferred service) would but for the foregoing provisions of these regulations be separately rated save in respect of expenses falling to be borne by special rates or parish rates, the General Exchequer Grant of the council of the district (other than such portion thereof as is applicable in respect of losses on account of special or parish rates) may, if the council think fit, be applied in aid of the general rate over the whole district.

(2) If in any year in a county district some but not all of the expenses (other than expenses falling to be borne by special rates or parish rates) or, in the case of a district containing one or more minor separately rated areas which were separately charged in the standard year with expenses on a transferred service, all the expenses (other than expenses falling to be borne by special rates or parish rates) which were in the standard year charged on a part or parts only of the district cease to be so charged, the council of the district may prepare and submit to the Minister proposals for applying in that year and in subsequent years the General Exchequer Grant of the council of the district in such a manner as will take account of such cessation of separate charges (other than charges in respect of expenses on a transferred service) and the Minister may approve such proposals either with or without modification and the council shall give effect to any proposals so approved.

(3) Nothing done under or in pursuance of this regulation shall be taken into account for the purpose of making any calculation or adjustment to be made by the Minister under section 94 of the Act of 1929.

Given under the official seal of the Minister of Health this twenty-eighth day of July, nineteen hundred and thirty-seven.

(L.S.)

H. H. GEORGE,
Assistant Secretary,
Ministry of Health.

S. R. & O., 1937, No. 751.

THE LOCAL GOVERNMENT (SPECIAL AND PARISH RATES) (THIRD FIXED GRANT PERIOD) REGULATIONS, 1937,* DATED JULY 28TH, 1937, MADE BY THE MINISTER OF HEALTH UNDER SECTION 92 (2) OF THE LOCAL GOVERNMENT ACT, 1929.

The Minister of Health, in exercise of the powers conferred upon him by subsection (2) of section 92 of the Local Government Act, 1929, and of all other powers enabling him in that behalf, hereby makes the following regulations :

1. These regulations may be cited as the Local Government (Special and Parish Rates) (Third Fixed Grant Period) Regulations, 1937, and shall have effect in relation to the years of the third fixed grant period only (*a*).

2.—(1) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(2) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them—

" the Act of 1929 " means the Local Government Act, 1929 (*b*) ;

" the Act of 1933 " means the Local Government Act, 1933 (*c*) ;

" the Act of 1937 " means the Local Government (Financial Provisions) Act, 1937 (*b*) ;

* These regulations supersede provisional regulations dated the twentieth day of May, 1937.

(*a*) That is, up to March 31st, 1942 : see Circular 1552, dated June 4th, 1936, *ante*, p. 3675.

(*b*) See Vol. V, *post*.

(*c*) *Ante*, p. 735.

" minor separately rated area " means a separately rated area which is a part only of a rural district ;

" loss on account of special rates " and " loss on account of parish rates " mean, in relation to any minor separately rated area, such losses as ascertained in accordance with the rules set out in Part I of the Fourth Schedule to the Act of 1929 ;

" special rate compensation " and " parish rate compensation " mean, in relation to any district, the total of the sums receivable under section 92 of the Act of 1929 as amended by section 5 of the Act of 1937 in respect of losses on account of special rates and losses on account of parish rates respectively and include sums carried forward under regulation 6 of the Local Government (Special and Parish Rates) (First Fixed Grant Period) Regulations, 1932 (*a*), as applied to the year ending on the thirty-first day of March, 1937, by the Local Government (Special and Parish Rates) (Second Fixed Grant Period) Regulations, 1933 (*b*).

3. The special rate compensation for any year for any district or such part of that compensation as the council of the district may deem in the circumstances to be appropriate shall, subject as hereinafter in these regulations provided, be applied by the council by crediting to any minor separately rated area or areas in the district, in aid of so much of any special rate as is leviable therein, such amounts as the council, having regard to local conditions and expenditure, deem to be equitable :

Provided always that any balance by which the special rate compensation in any year exceeds the total amount of the credits so given in that year shall be carried forward and shall be added to and deemed to form part of the special rate compensation in the next year.

4. The parish rate compensation for any year for any district or such part of that compensation as the council of the district may deem in the circumstances to be appropriate shall be applied by the council by crediting to any minor separately rated area or areas in the district, in aid of so much of the general rate (including any addition to a general rate) as is leviable therein, such amounts as the council, having regard to local conditions and expenditure, deem to be equitable :

Provided always that any balance by which the parish rate compensation in any year exceeds the total amount of the credits so given in that year shall be carried forward and shall be added to and deemed to form part of the parish rate compensation in the next year.

5. Where in any rural district—

(*a*) any expenses which were in the standard year expenses chargeable on a special rate had before the appointed day become, or thereafter become, wholly or in part expenses chargeable on or defrayable out of the general rate ; or

(*b*) the council of the rural district determine in accordance with the provisions of subsection (4) of section 190 of the Act of 1933 to contribute as part of their expenditure for general purposes sums in or towards defraying special expenses,

the council of the rural district may apply in aid of the general rate such part of the credits under these regulations to be applied in aid of special rates as they may deem in the circumstances to be equitable, provided that the part of the credits so applied in any year shall not exceed the sum of the special expenses which in that year are chargeable on or defrayable out of the general rate as aforesaid and the contributions made in that year under subsection (4) of section 190 of the Act of 1933.

Given under the official seal of the Minister of Health this twenty-eighth day of July, nineteen hundred and thirty-seven.

(L.S.)

J. N. BECKETT,
Assistant Secretary,
Ministry of Health.

(*a*) S. R. & O., 1932, No. 162.

(*b*) S. R. & O., 1933, No. 211.

RATING AND VALUATION

CIRCULAR 1645.

County Valuation Committees.
Assessment Committees.
County Borough Councils.
Metropolitan Borough Councils.
Non-County Borough Councils.
Urban District Councils.
Rural District Councils.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
25th August, 1937.

RATING AND VALUATION ACT, 1925.

RATING OF MACHINERY (*a*).

PANEL OF REFEREES.

SIR,—I am directed by the Minister of Health to refer to section 24 of the Rating and Valuation Act, 1925, which provides for the appointment by the Lord Chief Justice of England of a Panel of Referees in connection with the valuation of hereditaments containing machinery and plant. The Lord Chief Justice has recently made further appointments to the Panel, and appended to this circular is a list of the Panel of Referees as now constituted.

Further copies of this circular may be obtained from His Majesty's Stationery Office at any of the addresses mentioned on page 3 of this circular.

I am, Sir,
Your obedient Servant,
F. SLATOR,
Assistant Secretary.

The Clerk to the County Valuation Committee.
The Clerk to the Assessment Committee.
The Town Clerk.
The Clerk of the Urban or Rural District Council.

RATING AND VALUATION ACT, 1925.

RATING OF MACHINERY.

Panel of Referees appointed by the Lord Chief Justice of England under Section 24.

Rustat Blake, Esq., M.A., M.Inst.C.E., M.I.Mech.E., M.I.E.Aust., Queen Anne's Lodge, Westminster, London, S.W.1.

Robert Brodie, Esq., M.Inst.C.E., 60, Queen Square, Bristol.

W. Forster Brown, Esq., M.Inst.C.E., F.S.I., 16, Victoria Street, London, S.W.1.

T. B. Cooper, Esq., B.Sc., A.M.Inst.C.E., Refuge Assurance Buildings, Baldwin Street, Bristol 1.

Professor W. T. David, M.A., Sc.D., D.Sc., M.Inst.C.E., Engineering Department, The University, Leeds.

S. B. Donkin, Esq., M.Inst.C.E., Broadway Court, 8, Broadway, London, S.W.1.

C. Gerald Eve, Esq., P.P.S.I., 33, Chancery Lane, London, W.C.2.

W. Harold Eve, Esq., F.S.I., 10, Union Court, London, E.C.2.

F. G. Fleury, Esq., F.S.I., 22, Lockyer Street, Plymouth.

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(*a*) See sub-s. (8) of s. 24 of the R. & V. Act, 1925, *ante*, p. 2177, and the L. C. J.'s Order, S. R. & O., 1927, No. 479/L. 21, *ante*, p. 3611.

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S. R. & O., 1938, No. 265.

THE RATING AND VALUATION ACT (PRODUCT OF RATES AND PRECEPTS) RULES, 1938,* DATED MARCH 31ST, 1938, MADE BY THE MINISTER OF HEALTH UNDER SECTIONS 9 AND 58 OF THE RATING AND VALUATION ACT, 1925, FOR PRESCRIBING THE MANNER IN WHICH THE PRODUCT OF A RATE OF A PENNY IN THE POUND IS TO BE ESTIMATED AND CALCULATED FOR THE PURPOSES OF THAT ACT AND THE AMOUNT DUE UNDER A PRECEPT ISSUED BY A PRECEPTING AUTHORITY TO A RATING AUTHORITY IS TO BE ASCERTAINED.

Whereas by subsection (2) of section 9 of the Rating and Valuation Act, 1925, every council of a county is required in any precept issued in respect of any period beginning on or after the 1st day of April, 1929, to state the amount in the pound which they require the rating authority to levy for their purposes, and by subsection (3) of the said section the provisions of the said subsection (2) may be applied to precepts issued by any other authority;

And whereas by the said subsections every rating authority is required to transmit to every authority having power to issue to that rating authority precepts to which subsection (2) for the time being applies an estimate of the amount, calculated in the prescribed manner, which would be produced in the next financial year by a rate of a penny in the pound levied in the rating area of that authority, and it is further provided that the amount due under any precept so issued shall be ascertained in the prescribed manner;

And whereas it is desirable, except as hereinafter mentioned, to rescind the Rating and Valuation Act (Product of Rates and Precepts) Rules, 1929 (*a*), as amended by the Rating and Valuation Act (Product of Rates and Precepts) Amendment Rules, 1933 (*b*) in view of the repeal of the proviso to paragraph (*c*) of subsection (2) of section 9 of the Rating and Valuation Act, 1925 (*c*);

* These rules supersede provisional rules dated the thirty-first day of December, 1937.
(*a*) S. R. & O., 1929, No. 12.
(*b*) S. R. & O., 1933, No. 786.
(*c*) As to this, see note (*e*), *ante*, p. 2137.

RATING AND VALUATION

And whereas it is provided by subsection (4) of the said section that rules made for the purposes of that section shall make provision with respect to certain specified matters and to any other matters for which it may appear necessary to make provision in order to carry the said section into effect;

And whereas by section 58 of the said Act it is provided that the Minister of Health, after consultation with any local authority or association of local authorities, with whom consultation appears to him to be desirable, may by rules prescribe anything which by the Act is to be prescribed:

Now, therefore, the Minister of Health, after such consultation as is mentioned above, by virtue of the powers conferred upon him by the said sections 9 and 58, and of all powers enabling him in that behalf, hereby makes the following rules—

1.—(1) These rules may be cited as the Rating and Valuation Act (Product of Rates and Precepts) Rules, 1938, and shall come into operation on the date hereof and shall have effect for the purposes of any precept issued by a precepting authority in respect of a period beginning on or after the 1st day of April, 1937.

(2) In these rules, unless the context otherwise requires—

"the Act" means the Rating and Valuation Act, 1925;

"rate" means a general rate;

"precepting authority" means the council of a county, and any other authority issuing precepts to which the provisions of subsection (2) of section 9 of the Act for the time being apply;

"product of a penny rate" means the amount produced by a rate of one penny in the pound;

"poundage" means in relation to any rate the amount assessed by that rate (including any additional item thereof) in respect of each pound of rateable value;

"gross rate income" means in relation to a rating area, or part of a rating area, and in relation to a financial year, the total of the gross amounts appearing in the rate book as assessed in respect of hereditaments in that area, or part of an area, by the rate or rates (including additional items) made in respect of that year, or any portion thereof, increased by—

(*a*) the amounts of any payments receivable in respect of that year under section 2 (7) of the Act, or under section 133 of the Lands Clauses Consolidation Act, 1845 (*a*), as the case may be, and of any contributions made by the Crown; and

(*b*) any amounts found during that year to be recoverable under section 36 (2) of the Act, whether by virtue of section 37 (10) of the Act or otherwise, or under or by virtue of section 12 (6) of the Railways (Valuation for Rating) Act, 1930 (*b*), or in respect of rates previously written off as irrecoverable;

"cost of collection" means—

(i) in relation to a rating area as a whole, the net cost of making, collecting and recovering rates during a financial year, including a proper proportion of such expenses as are attributable in part to the matters aforesaid and in part to the making, collection or recovery of special rates, or to other matters, but not including any proportion of any allowances made to owners or occupiers, or any expenses incurred in connection with the preparation of valuation lists; and

(ii) in relation to a part of a rating area, the sum which bears to the cost of collection in the rating area the same proportion as the total rateable value of that part of the area bears to the total rateable value of the whole area at the commencement of the financial year;

"loss on collection" means, in relation to a rating area or part of a rating area, and in relation to a financial year, the total amount written off during that year in the rate book as irrecoverable in respect of hereditaments in that area

(*a*) 2 Halsbury's Statutes 1160. (*b*) *Ante*, p. 2323.

or part, whether in respect of a current rate or in respect of arreas of any previous rate, exclusive of any allowances made to owners or occupiers under section 8 of the Act, but including all other allowances, commissions, and abatements;

" precept " means a precept which requires a rating authority to levy a rate of a specified poundage;

" financial officer " means the chief officer charged with the duty of keeping the accounts of a rating authority.

2. The financial officer of every rating authority shall as soon as may be after the close of a financial year calculate in accordance with the directions hereinafter contained the product of a penny rate during that year in the rating area and, where a precept is issuable by a precepting authority in respect of a portion only of the rating area, the product of a penny rate during that year in such portion.

3. Subject as hereinafter provided, the product of a penny rate in any rating area or in any portion thereof, as the case may be, shall be calculated by deducting from the gross rate income of the financial year the cost of collection and the loss on collection, and by dividing the remainder (which sum is hereinafter referred to as " the total rate product ") by the number of pence representing the total poundage of the rate or rates:

Provided that if the poundage of the rate or rates of the financial year is not the same throughout the area or portion, as the case may be, the financial officer shall in the first instance calculate the product of a penny rate separately for each part in which a different poundage has been levied, and the product of a penny rate in the area or portion shall be taken to be the sum of the products of penny rates in the several parts comprised therein.

4. The amount due under a precept shall be taken to be the product of a penny rate in the rating area or in that portion thereof which is included in the area of the precepting authority, as the case may be, multiplied by the number of pence specified in the precept.

5. The financial officer of every rating authority shall as soon as may be after the close of a financial year ascertain, in accordance with the provisions of the last preceding rule, the total amount due in respect of that financial year under the precepts issued by a precepting authority to the rating authority; and, if the total amount so ascertained to be due exceeds the aggregate of the instalments required by such precepts to be paid on account thereof, the rating authority shall, save as hereinafter provided, forthwith pay the balance to the precepting authority:

Provided that the rating authority, subject to their obligation to pay in full the aggregate of the instalments required by the precepts, may defer payment of any sum not exceeding that which bears to the total amount due under the precepts the same proportion as the amount of arrears carried forward at the close of the financial year to which the precepts relate and for the time being still outstanding bears to the total rate product for that financial year.

6.—(1) The estimate of the product of a penny rate in the next ensuing financial year which a rating authority is required to transmit to a precepting authority before the first day of February in each calendar year shall be made in accordance with the principles of these rules as to the method of ascertaining the product of a penny rate.

(2) The financial officer in so framing the estimate shall take the latest ascertained figures available for the rating area or portion thereof, as the case may be, and shall modify those figures to such extend as appears to him to be necessary having regard to any alteration in total rateable value which may reasonably be anticipated and to any other material circumstances.

7. There shall be included in the accounts to be submitted by a rating authority to the district auditor the calculations required by these rules for the determination of the product of a penny rate in the rating area, or in any part thereof during the financial year and of the amount due under any precept issued to the authority in respect of that year, or any part thereof; and the auditor's certificate allowing the accounts shall be construed as a certificate that, subject to any amendments made by him, such calculations have been properly and correctly made, and any necessary consequential adjustments shall be made in the accounts between the rating authority and the precepting authority.

RATING AND VALUATION

8. The Rating and Valuation Act (Product of Rates and Precepts) Rules, 1929, as amended by the Rating and Valuation Act (Product of Rates and Precepts) Amendment Rules, 1933 shall continue to apply to any precept issued in respect of any period ending on or before the 31st day of March, 1937, but subject to such continued application those Rules are hereby rescinded.

Given under the official seal of the Minister of Health, this thirty-first day of March in the year One thousand nine hundred and thirty-eight.

(L.S.)

F. SLATOR,
Assistant Secretary,
Ministry of Health.

CIRCULAR 1691.

County Valuation Committees.
Assessment Committees (outside London).
Rating Authorities (outside London).

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
28th March, 1938.

SIR,—I am directed by the Minister of Health to refer to the decision of the Government, announced by him in the House of Commons on February 17th last, to postpone for two years the operation of the third new valuation lists which under the Rating and Valuation Act, 1925, would have taken effect on April 1st, 1939. The necessary legislation has been laid before Parliament (*a*).

The Minister has received a number of enquiries from local authorities and others as to the action which they should, in view of this decision, immediately take, and having received the views of the Central Valuation Committee in the matter, the Minister thinks it desirable even at the present stage to make the following observations for the consideration of the local authority.

As was stated, the decision to postpone the operation of the lists was based upon the fact that complaints were being made on an extensive scale that the application of the existing law in the matter would lead to hardship, and upon the desirability of affording adequate time for the investigation of the validity of those complaints and the formulation of a suitable remedy if one should be found to be necessary.

It will be clear to the local authorities that any such investigation will be considerably hampered unless there can be produced definite statements of fact as to the effect of the existing law not only in relation to the alteration of the assessment of individual properties or classes of property, but also in relation to such changes in rate poundages as would be effected, as a result of the revaluation, apart from any increase or decrease of the expenditure of the local authorities.

It will, however, be possible to form a reasonably clear and definite view of the matter in the light of provisional revised lists of assessments made on a uniform basis under the existing law.

These provisional lists can best be prepared by proceeding with the preparations for revaluation which have already been commenced by many local authorities. The work involved will not require to be duplicated to any appreciable extent for the purposes of revaluation as from the new date, and the Minister trusts that local authorities will generally in this way test the soundness as regards the facts of their own area of the allegations of hardship that have been made and assist in securing that the proposed investigation is carried out on a sound basis.

The Minister would also observe that if the two years of postponement (*a*) are used to the fullest extent the result should be not only the clearing up of the question of

(*a*) The Rating and Valuation (Postponement of Valuations) Act, 1938; 31 Halsbury's Statutes 613, is not printed *in extenso* in this work, but see references indexed at p. cxvii of Vol. II. The "two years of postponement" mentioned in this circular was extended, after the outbreak of war, by the Rating and Valuation (Postponement of Valuations) Act, 1940.

hardship but the establishment of such a degree of uniformity as might otherwise not have been obtained for a number of years, and a considerable saving of the cost and labour of future revaluations.

A copy of the letter of the Central Valuation Committee conveying to the Minister the suggestion upon which the Government's decision was based is appended for the information of the local authority.

Further copies of this Circular may be purchased through any bookseller or directly from His Majesty's Stationery Office at the addresses mentioned on the back of the Circular.

I am, Sir,
Your obedient Servant,
H. W. S. FRANCIS,
Director, Local Government Division.

The Clerk of the Authority.

APPENDIX.

CENTRAL VALUATION COMMITTEE.

NEW PUBLIC OFFICES,
WHITEHALL, S.W.1.
12th February, 1938.

RATING AND VALUATION ACTS, 1925–37.

THIRD NEW VALUATION LISTS.

SIR,—1. I am directed by the Central Valuation Committee to state that, as the Minister of Health is aware they have had under consideration the position which has arisen by reason of the pressure now being put upon local authorities in some parts of the country with the object of dissuading them from carrying out the duty laid upon them by Parliament in the Rating and Valuation Acts, 1925–37, of making a third new valuation list which shall be in accord with the provisions of those Acts. The Committee are of opinion that while some local authorities will resist the pressure others may succumb to it. There may thus be created, as between different localities, a greater lack of uniformity in valuation than exists at the present time, and consequently the intention of Parliament that uniformity in valuation shall be promoted throughout each rating area, throughout each administrative county, and throughout the whole of England and Wales may be frustrated.

2. Among other contentions brought to our notice it is urged that in many areas the supply of houses (especially of houses available for letting) is still insufficient to meet the demand; that the rents now obtained for such houses as are available for letting are higher than would be the case if there were a normal relationship between supply and demand; and that consequently an application of the statutory definition of "gross value" in present circumstances would result in such increases in existing assessments as would give rise to hardship among certain classes of ratepayers.

3. Uniformity of valuation is essential within each rating area in order that rates may be properly and fairly charged upon the several ratepayers in such manner that there shall be demanded from each of them the sum he ought to pay—neither more nor less; it is essential within each administrative county in order that the several rating areas shall be called upon to pay the sum that each ought to contribute towards county expenditure—neither more nor less; and it is essential throughout England and Wales in order that a foundation may be laid for such a reform of the Government Grant system as shall ensure that that system shall operate fairly as between the several counties and county boroughs. These are severely practical objects and the Committee remain convinced that their attainment at the earliest practicable moment is a vital necessity.

4. Whilst not expressing any views upon the allegation of hardship, the Committee feel, having regard to the number of representations which have been made, that it is very desirable that the allegation should be investigated and that if it is found to be justified the appropriate remedy should be found. Consequently, of the suggestions made to them for their consideration, they would prefer that, in order to give time for such an investigation, legislation should be introduced to provide for the post-

RATING AND VALUATION

ponement of the coming into operation of the third new valuation lists under the Act of 1925 until April 1st, 1941. If so desired by the Minister, the Committee would, of course, be willing to give any assistance within their power in the matter.

5. The Minister will appreciate that it is very desirable that a public notification of any decision at which the Government may arrive on this question should be made

and, on the completion of a roll, to the assessment committee of every assessment area (being a county, assessment area or rating area within which the transport undertaking is carried on), such information as to the contents of the roll as may be prescribed to be sent to the Board, county valuation committees, assessment committees and rating authorities respectively; and that every rating authority shall forthwith give such notice as to the receipt of, and afford such facilities for the inspection of, that information as may be prescribed;

And whereas section 12 (1) of the adapted Act requires that, so soon as an assessment committee have received from the Authority notice that a roll has been completed and information as to the contents thereof, they shall cause the values entered in the roll, and such of the other particulars entered therein as may be prescribed, to be entered in the valuation list in substitution for values or particulars appearing in that list;

And whereas by section 23 (1) of the adapted Act the expression "prescribed" when used in that Act means "prescribed by rules made under the Rating and Valuation Acts" and by section 58 (1) of the Rating and Valuation Act, 1925, the Minister of Health, after consultation with any local authority or association of local authorities with whom consultation appears to him to be desirable, may by rules prescribe anything which by that Act is to be prescribed and the form of any rate, demand note, valuation list, statement, return or other document whatsoever which is required or authorised to be used under or for the purposes of that Act:

Now therefore the Minister of Health after such consultation as aforesaid and by virtue of the powers conferred upon him by the recited enactments and of all other powers enabling him in that behalf hereby makes the following rules:

1.—(1) These rules may be cited as the Rating and Valuation Acts (London Passenger Transport Valuation Roll) Rules, 1938.

(2) In these rules unless the context otherwise requires—

"parish" includes any part of a parish being either a contributory place or an area otherwise subject to separate or differential rating;

"valuation list" includes a draft valuation list;

"the Authority" means the Railway Assessment Authority;

other expressions have the same meanings as in the Rating and Valuation Acts, 1925 to 1932, or in the Rating and Valuation (Metropolis) Acts, 1869 to 1930, as the case may be;

any reference to a county valuation committee shall in relation to London be construed as a reference to the London County Council.

2. A roll shall be in the form in Schedule A hereto or in a form substantially to the like effect.

3. A roll shall be divided into two sections, namely section A, in which shall be entered particulars with respect to the transport undertaking as a whole, and section B, in which shall be entered particulars with respect to every transport hereditament occupied by the Board such hereditaments being entered in separate divisions, namely (I) hereditaments other than industrial and freight-transport hereditaments, (II) industrial hereditaments and (III) freight-transport hereditaments.

4. The hereditaments falling to be entered in any division of section B of a roll shall be entered in such order as the Authority may think convenient, provided that all the entries in any division relating to hereditaments within the same metropolitan borough, county borough, administrative county, rating area, or parish shall be grouped together.

5. The Authority shall cause entries to be made in the columns of a roll in accordance with the headings thereto contained in Schedule A hereto and in such manner as will facilitate the making of the necessary entries in the valuation lists in accordance with the statutory provisions applicable thereto.

6. A roll shall be certified on completion or revision by a declaration in the form shown in Schedule B hereto.

7. Every correction, insertion, alteration or amendment made in a roll after it has been revised by the Authority shall be authenticated by the clerk of the Authority

RATING AND VALUATION

or such other officer of the Authority as may be duly authorised in that behalf and the clerk or officer shall for that purpose enter the date and his initials accordingly in the columns provided for that purpose.

8. Immediately before the certification of a roll, the Authority shall cause summaries to be prepared so as to show (*a*) in respect of each rating area and (*b*) in respect of the Board as a whole the total net annual value and the total rateable value of all the transport hereditaments entered therein as being within that area or occupied by the Board, and whenever any correction, insertion, alteration or amendment is made in a roll after it has been revised they shall cause the necessary corrections to be made in the totals.

9. When the Authority have (i) settled a draft of a roll, or (ii) completed a roll, they shall send—

(*a*) to the Board, a copy of the draft of the roll, or a copy of the roll as completed, as the case may be ;

(*b*) to the county valuation committee of every county and to the council of every county borough within which the undertaking is carried on, a copy of so much of the draft of the roll, or of the roll as completed, as the case may be, as comprises section A of the roll and so much of section B of the roll as relates to hereditaments within the county or county borough ;

(*c*) to the rating authority of every rating area (other than a county borough) within which the undertaking is carried on, a copy of so much of section B of the draft of the roll, or of the roll as completed, as the case may be, as relates to hereditaments within that area ; and

(*d*) to every assessment committee within whose area the undertaking is carried on, a copy of so much of section B of the roll as completed as relates to hereditaments within the area of the assessment committee.

10. Every rating authority (including the council of a county borough) on receiving any document or documents sent to them under rule 9 hereof shall deposit the document or documents (or, in the case of the council of a county borough, so much of the documents as relates to section B of the roll) at their offices and shall forthwith publish a notice in the manner provided by section 46 of the Rating and Valuation Act, 1925, indicating where and at what times the document or documents (or, as the case may be, so much thereof as aforesaid) may be inspected. The document or documents (or, as the case may be, so much thereof as aforesaid) shall be open to inspection for twenty-one days from the date on which notice of the deposit thereof is published.

11.—(1) Subject as hereinafter provided, every assessment committee on receiving under rule 9 hereof a copy of so much of any completed roll as relates to hereditaments within their area shall cause the values and such other of the particulars of the hereditaments shown in that copy as may be necessary for the purposes of completing the entries in the valuation list to be entered in the valuation list substituting those values and particulars for the values and particulars relating to any of those hereditaments which already appear in the valuation list and shall distinguish each of the hereditaments shown in that copy and so entered in the valuation list by inserting, in addition to the number of the assessment in the valuation list, the letter R and the number of the hereditament in the roll :

Provided that—

(*a*) in the case of the first roll (i) this Rule shall not operate until the assessment committee have received a notification that the roll has been revised ; and (ii) the entries which are then to be made in the valuation list shall accord with the particulars shown in the roll as so revised ; and

(*b*) in the case of any hereditament falling to be entered in Part I of the valuation list or, in the case of any hereditament situated in the county of London and falling to be entered in Part II or Part III of the valuation list, it shall not be necessary to make any separate entry of net annual value except where this differs from the corresponding rateable value.

(2) Any particulars of values entered in a valuation list in pursuance of this rule by an assessment committee within the county of London shall be entered in the columns of the valuation list appropriated for values as determined by the assessment committee.

SCHEDULE A.

RAILWAYS (VALUATION FOR RATING) ACT, 1930,

as adapted and modified in its application to the London Passenger Transport Board.

FORM OF LONDON PASSENGER TRANSPORT VALUATION ROLL.

TRANSPORT HEREDITAMENTS OCCUPIED BY THE BOARD.

Section A.—Particulars with respect to the Transport Undertaking as a whole.

1. Average net receipts of the Board for the purposes of the adapted Act ... ...

2. Net annual value of the transport undertaking as a whole ... ...

Section B.—Net Annual Value and Rateable Value of every Transport Hereditament occupied by the Board.

DIVISION I.—Hereditaments other than Industrial or Freight-Transport Hereditaments.

COUNTY OR COUNTY BOROUGH.....RATING AREA. ....

ASSESSMENT AREA..... ....

No. in roll.	Parish if not co-extensive with Rating Area.	Description and situation of Hereditament.	Net Annual Value of Hereditament.	Rateable Value.		Date of Amendment after revision and initials of Responsible Officer.	Remarks.
				Hereditaments not specified in Col. 6.	Titles, &c., and land used as a railway and canal, &c., or covered with water.		
1.	2.	3.	4.	5.	6.	7.	8.

DIVISION II.—INDUSTRIAL HEREDITAMENTS.

COUNTY OR COUNTY BOROUGH ..... RATING AREA .. . .

ASSESSMENT AREA ....

No. in roll.	Parish if not co-extensive with Rating Area.	Description and situation of Hereditament.	Net Annual Value of Hereditament (Distinguishing by the letter W " any Hereditament assessed as land covered with water).	Net Annual Value as in Col. 4 and Rateable Value apportioned between industrial purposes and non-industrial purposes.				Rateable Value of Heredita-ment.	Date of Amendment after revision and initials of Responsible Officer.	Remarks.
				Industrial Purposes.		Non-Industrial Purposes.				
				Net Annual Value.	Rate-able Value.	Net Annual Value.	Rate-able Value.			
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.

DIVISION III.—FREIGHT-TRANSPORT HEREDITAMENTS.

COUNTY OR COUNTY BOROUGH.....RATING AREA.....

ASSESSMENT AREA.....

No. in roll.	Parish if not co-extensive with Rating Area.	Description of Hereditament.	Net Annual Value of Hereditament.	Net Annual Value (as in Col. 4) and Rateable Value apportioned between Transport Purposes and Non-Transport Purposes.							Rateable Value of Hereditament.	Date of Amendment after Revision and initials of Responsible Officer.	Remarks.
				Transport Purposes.					Non-Transport Purposes.				
				That part of the Hereditament of which the Rateable Value as calculated in accordance with the Rating and Valuation Act, 1925, or any Scheme made thereunder or any Local Act differs from the net annual value.			Any other part of the Hereditament so far as used for transport purposes.		Any part of the Hereditament so far as used for purposes not being transport purposes.				
				Net Annual Value.	Rateable Value as calculated in accordance with the Rating and Valuation Act, 1925, or any Scheme made thereunder or any Local Act.	Rateable Value.	Net Annual Value.	Rateable Value.	Net Annual Value.	Rateable Value.			
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.

RATING AND VALUATION

SCHEDULE B.

The foregoing London Passenger Transport Valuation Roll was completed [or revised] by the Railway Assessment Authority at a meeting held on the ..... day of ..... 19 ...

GIVEN under the official seal of the Railway Assessment Authority this ... day of ... 19 .

Chairman.

... *Clerk.*

Given under the official seal of the Minister of Health this tenth day of May, nineteen hundred and thirty-eight.

(L.S.)

F. SLATOR,
Assistant Secretary,
Ministry of Health.

CIRCULAR 1743.

Non-County Borough Councils.
Urban and Rural District Councils
(England and Wales).

MINISTRY OF HEALTH,
GREAT WESTMINSTER HOUSE,
HORSEFERRY ROAD,
LONDON, S.W.1.
31*st October*, 1938.

LOCAL GOVERNMENT ACTS, 1929 AND 1937.

MODIFICATION OF PROVISIONS RELATING TO THE SUPPLEMENTARY EXCHEQUER GRANTS OF COUNTY DISTRICTS.

SIR,—1. I am directed by the Minister of Health to forward for your information and guidance a copy of the Local Government (Losing Areas in County Districts) (Third Fixed Grant Period) (*a*) Provisional Regulations, 1938, which he has made in exercise of the powers conferred on him by subsection (3) of section 6 of the Local Government (Financial Provisions) Act, 1937, after consultation with the County Councils Association, the Association of Municipal Corporations, the Urban District Councils Association and the Rural District Councils Association.

2. It will be seen that the regulations relate to two matters, namely:

(*a*) the substitution in certain cases (under section 6 (1) of the 1937 Act) of an annual rate of reduction of 1/30th for the annual rate of reduction of 1/15th provided for in section 94 (1) (*b*) of the 1929 Act, and

(*b*) the making good in certain cases (under section 6 (2)) of the loss suffered by the annual reductions of the remaining 1/30th.

3. The Minister wishes to direct special attention to the following points:

(*a*) As regards the first matter referred to in the preceding paragraph the Regulations are, by the provisions of Regulation 1, limited in their application to the third fixed grant period, *i.e.*, to the five years which began on April 1st, 1937, and as regards the second matter, to the "remaining years" of that grant period, *i.e.*, to the three years beginning on April 1st, 1939.

(*b*) The "adjusting sum" of an area is, in terms of rate poundage, the primary factor in determining whether or not there is in respect of any separately rated area a *prima facie* case for consideration by the Minister and is defined in Regulation 2. Under that definition the Minister, in considering an application, will have regard to the area to which the sum was applied in 1937–38, and not to the area on which it was originally calculated on the basis of "standard year" conditions.

(*a*) Although this circular is largely spent (see paragraph 4) it is retained since the third fixed grant period does not expire until March 31st, 1942.

(*c*) The references in paragraph 2 (*c*) of Part I of the Schedule and in paragraph 2 of Part II to the "total poundages of all rates" will enable the poundage of any special rates in rural districts as well as the general rate to be taken into account. The poundages will be calculated by adding to the uniform general rate the general rate which would produce an amount equivalent to the sums levied by additional items of the general rate and by any special rates.

(*d*) In the same paragraphs there are references to the average poundages of rates levied in the County. The figure that will be taken for this purpose is the average for the County of the rate poundages shown in the Annual Returns of Rates and Rateable Values for the years 1934–35, 1935–36 and 1936–37 which have been compiled by the Ministry and published by the Stationery Office. For the convenience of local authorities a statement giving the average for each County on the basis referred to is appended to this Circular.

4. In order to facilitate consideration by the Minister of applications under the Regulations a form of application has been prepared which makes provision for the supply of the particulars which are required in order that he may satisfy himself that the prescribed conditions are complied with. Application should therefore be made for one of these forms by any County District Council which considers that within its District there is comprised an area to which either Part I or Part II of the Schedule of Conditions applies and which desires to make an application under the terms of the Regulations. *Any such application should be submitted not later than November 30th*, 1938.

An additional copy of this letter and an additional copy of the Regulations are enclosed for the use of the Chief Financial Officer of the Council. Further copies of the Regulations may be purchased through any bookseller or directly from His Majesty's Stationery Office at any of the addresses shown at the end of the Regulations.

I am, Sir,
Your obedient Servant,
S. H. G. HUGHES.

The Town Clerk,
or,
The Clerk to the Urban District Council,
or,
The Clerk to the Rural District Council.

Statement showing for Administrative Counties in England and Wales, the estimated average of all local rates levied within each County in the three years 1934–35, 1935–36 and 1936–37.

Name of Administrative County.	Estimated average rate in the £ of all local rates levied in the Administrative County.	Name of Administrative County.	Estimated average rate in the £ of all local rates levied in the Administrative County.
ENGLAND.	*s. d.*	ENGLAND—*contd.*	*s. d.*
Bedford	10 6	Durham	17 6
Berks	9 11	Ely, Isle of	11 11
Buckingham	10 0	Essex	12 9
Cambridge	10 4	Gloucester	11 2
Chester	10 8	Hereford	9 11
Cornwall	11 11	Hertford	10 7
Cumberland	12 9	Huntingdon	10 4
Derby	11 11	Kent	10 5
Devon	9 10	Lancaster	11 10
Dorset	10 9	Leicester	12 2

RATING AND VALUATION

Statement showing for Administrative Counties in England and Wales, the estimated average of all local rates levied within each County in the three years 1934–35, 1935–36 and 1936–37—*contd.*

Name of Administrative County.	Estimated average rate in the £ of all local rates levied in the Administrative County.	Name of Administrative County.	Estimated average rate in the £ of all local rates levied in the Administrative County.
ENGLAND—*contd.*	*s. d.*	ENGLAND—*contd.*	*s. d.*
Lincoln, Parts of Holland	12 6	Warwick	11 0
Lincoln, Parts of Kesteven	12 5	Westmorland	9 0
Lincoln, Parts of Lindsey	11 2	Wight, Isle of	8 10
Middlesex	10 4	Wilts	11 9
Norfolk	14 3	Worcester	12 11
Northampton	11 7	York:	
Northumberland	10 11	East Riding	11 3
Nottingham	11 6	North Riding	11 10
Oxford	10 6	West Riding	13 10
Peterborough, Soke of	11 10	WALES.	
Rutland	8 11	Anglesey	14 0
Salop	11 4	Brecknock	14 6
Somerset	10 5	Caernarvon	14 1
Southampton	9 9	Cardigan	16 9
Stafford	13 1	Carmarthen	19 1
Suffolk, East	11 9	Denbigh	14 3
Suffolk, West	13 4	Flint	11 2
Surrey	9 1	Glamorgan	20 9
Sussex, East	9 0	Merioneth	14 2
Sussex, West	9 9	Monmouth	20 9
		Montgomery	11 6
		Pembroke	15 9
		Radnor	8 1

PROVISIONAL RULES AND ORDERS, 1938.

PROVISIONAL REGULATIONS, DATED OCTOBER 13TH, 1938, MADE BY THE MINISTER OF HEALTH UNDER SECTION 6 (3) OF THE LOCAL GOVERNMENT (FINANCIAL PROVISIONS) ACT, 1937.

The Minister of Health hereby certifies under section 2 of the Rules Publication Act, 1893, that on account of urgency the following regulations should come into immediate operation and, in exercise of the powers conferred upon him by subsection (3) of section 6 of the Local Government (Financial Provisions) Act, 1937 and of all other powers enabling him in that behalf, after consultation with such associations of local authorities as appear to him to be concerned and with any local authority with whom consultation appears to be desirable, hereby makes the following regulations to come into operation forthwith as provisional regulations:

1. These regulations may be cited as the Local Government (Losing Areas in County Districts) (Third Fixed Grant Period) Regulations, 1938, and in so far as they relate to adjustments under subsection (1) of section 6 of the Local Government (Financial Provisions) Act, 1937 shall have effect in relation to the years of the third fixed grant period only, and in so far as they relate to adjustments under subsection (2) of that section shall have effect in relation only to years of that period remaining at the date on which a direction under that subsection is given.

2.—(1) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(2) In these regulations unless the context otherwise requires the following expressions have the meanings hereby assigned to them—

" the Act of 1929 " means the Local Government Act, 1929 ; (*a*)

" the Act of 1937 " means the Local Government (Financial Provisions) Act, 1937 ; (*a*)

" adjusting sum " means in relation to any area the added amount which (but for any variation resulting from an order made or direction given under section 6 of the Act of 1937) would in the year ended on the thirty-first day of March, 1938, be applied in accordance with regulations made by the Minister under paragraph (*d*) of subsection (1) of section 94 of the Act of 1929 in aid of the general rate levied by the council of the district in that area.

3. The council of any county district applying for an order under subsection (1) of section 6 of the Act of 1937 shall satisfy the Minister that the conditions set forth either in paragraph 1 or in paragraph 2 of Part I of the Schedule to these regulations apply to the area in respect of which the application is made.

4. The council of any county district applying for a direction under subsection (2) of section 6 of the Act of 1937 shall satisfy the Minister that the conditions set forth in Part II of the Schedule to these regulations apply to the area in respect of which the application is made.

SCHEDULE.

PART I.

Conditions referred to in regulation 3 of the foregoing regulations.

1. The adjusting sum applicable to the area is equivalent to a rate poundage of at least two shillings and sixpence, or

2.—(*a*) The adjusting sum applicable to the area is equivalent to a rate poundage of at least sixpence ; and,

(*b*) the rate of increase in the product of a penny rate of the area is not such that the adjusting sum will, in all probability, be equivalent to a rate poundage of less than sixpence in the last year of the third fixed grant period ; and

(*c*) the average of the total poundages of all rates levied in the area in the three years immediately preceding the third fixed grant period was (i) in the case of an area which is, or is comprised in, a non-county borough or urban district, not less than thirteen shillings and in the case of an area which is, or is comprised in, a rural district, not less than twelve shillings and threepence, and (ii) in either case was not substantially less than the average of the poundages of the rates levied in the same three years in the county in which the area is situate.

PART II.

Conditions referred to in regulation 4 of the foregoing regulations.

1. The adjusting sum applicable to the area is equivalent to a rate poundage of at least one shilling and threepence.

2. The average of the total poundages of all rates levied in the area in the three years immediately preceding the third fixed grant period was (i) in the case of an area which is, or is comprised in, a non-county borough or urban district, not less than seventeen shillings and sixpence, and in the case of an area which is, or is comprised in, a rural district, not less than sixteen shillings and sixpence, and (ii) in either case was substantially greater than the average of the poundages of the rates levied in the same three years in the county in which the area is situate.

Given under the official seal of the Minister of Health this thirteenth day of October nineteen hundred and thirty-eight.

(L.S.)

H. H. GEORGE,
Assistant Secretary,
Ministry of Health.

(*a*) See Vol. V, *post.*

ROADS.

See also "LAND: ACQUISITION OF," "LOCAL GOVERNMENT," and "OFFICERS," *ante*.

S. R. & O., 1920, No. 200.

THE MINISTRY OF TRANSPORT (PRELIMINARY PROCEDURE) RULES, 1920, DATED FEBRUARY 5TH, 1920, MADE BY THE MINISTER OF TRANSPORT UNDER SECTION 29 OF THE MINISTRY OF TRANSPORT ACT, 1919.

The following rules are made by virtue of the power in that behalf conferred by section 29 of the Ministry of Transport Act, 1919 (*a*), and shall be complied with in respect of any Order or Order in Council which proposes to authorise the compulsory acquisition or use of lands or easements, or the breaking up of roads, or the construction of works (in these rules referred to as the "proposed Order").

Notices by Advertisement and to Parties Interested.

1. Public notice shall be given of the proposed Order, stating its objects and, in cases where the proposed Order will authorise the compulsory acquisition of lands or the construction of works, describing the lands to be taken and the works to be made, and stating all the counties, and in England and Wales and Ireland the boroughs, urban and rural districts, and in Scotland the burghs and, if the county is divided into districts the district of the county in which such lands or any part thereof are situate, or in which the works or any part thereof may be made, and such notice shall also specify the manner in which and the date by which objections may be made to the proposed Order.

2. Where the work proposed is a tramway or light railway and involves the laying of rails on streets or roads so that for a distance of thirty feet or upwards there shall be a less space than 9 feet and 6 inches, or, if vehicles adapted for use on railways are to be run thereon, 10 feet and 6 inches between the outside of the footpath and the nearest rail of the tramway or light railway, the notice shall describe such places. The notice shall also specify the gauge to be adopted and the motive power to be employed.

3. The notice shall be published once in the London, Edinburgh, or Dublin Gazette as the case may require and also as follows, namely:—

In the case of a proposed Order relating specially to any particular borough or urban district, once in some newspaper published or circulating in that borough or district.

In the case of any other Order, once in some newspaper published or circulating in each of the counties in which any lands may be taken or used compulsorily or any works may be constructed and, where the proposed Order relates to an existing undertaking, once in some newspaper published or circulating in the county in which the principal office of that undertaking is situate.

Every publication in a newspaper under this rule shall be made within 7 days of the publication in the Gazette of the notice for the proposed Order.

4. Within 7 days after the date of the first publication of the notice of the proposed Order a notice in writing shall be sent by registered post to the owner, lessee and occupier (which expression where used in these rules shall mean a ratepayer and any person who, not being a ratepayer, has an interest in the property not less than that of a quarterly tenant) of all lands which may be taken or used compulsorily under the proposed Order specifying the lands to be taken and the purposes for which they are intended to be used.

5. Where the works to be constructed comprise any tramway, or light railway in a street or road, notice in writing shall in like manner be sent to the owner, lessee and occupier of every house, shop or trade premises abutting upon any part of the street or road where for a distance of 30 feet or upwards a less space than 9

(*a*) 3 Halsbury's Statutes 440.

feet and 6 inches will intervene between the outside of the footpath and the nearest rail of the tramway, or light railway, or, if it is intended to run thereon vehicles adapted for use on railways, a less space than 10 feet and 6 inches will so intervene.

6. In any case where under the proposed Order water may be abstracted from any stream for the purpose of any canal or navigation, notice in writing shall in like manner be given to the owners, lessees and occupiers of all mills and manufactories or other works using the waters of such stream and situate within 20 miles (measured along the course of the stream) below the point of proposed abstraction, or between that point and the point where such stream becomes navigable, whichever is the less distance.

7. Every notice published in the Gazette and newspapers, and every notice sent to any owner, lessee or occupier under these rules, shall state the place or places where plans, sections and books of reference have been deposited for public inspection; and the place or places where copies of the proposed Order will be obtainable; and the manner in which, and the time within which objections to the grant of the powers of the proposed Order may be made in accordance with the provisions of these rules.

Deposit of Plans, etc.

8. Where the proposed Order is intended to authorise the compulsory acquisition or use of lands a plan with a book of reference thereto and where the proposed Order seeks to authorise the construction of works also a section of such works (such plan, section and book of reference being prepared as hereinafter mentioned), shall be deposited for public inspection at the following places :—

At the office of the Clerk of the Peace in England and Wales, of the principal Sheriff Clerk in Scotland, or of the Clerk of the Crown and Peace in Ireland, as the case may be, of every county riding and division in which works may be made or lands taken or used compulsorily.

At the office of every municipal corporation, urban or rural district council in England and Wales and Ireland and of every town council in Scotland in whose district works may be made or lands taken or used compulsorily.

At the office of the parish council (if any), and, if none, with the chairman of the parish meeting, of every rural parish in England and Wales in which works may be made or lands taken and used compulsorily.

9. Where any tidal lands within the ordinary spring tides are affected a copy of such plans, section, and book of reference, together with an ordnance map on a scale of not less than 1 inch to the mile, on which the work affecting tidal lands shall be accurately laid down, shall be deposited at the marine department of the Board of Trade, and on such copy of the plans all tidal waters shall be coloured blue, and if any bridge across tidal waters is proposed to be authorised the dimensions as regards span and headway of the nearest bridges (if any) across such tidal waters above and below the proposed bridge shall be marked thereon.

10. Where the works intended to be authorised under any proposed Order are to be situate on the banks, bed or foreshore of any river, a copy of so much of the plans and sections as relates to such river shall be deposited with the Minister of Agriculture and Fisheries, with the secretary for Scotland, or with the Irish Office and Department of Agriculture and Technical Instruction for Ireland, as the case may require, and if there be a Board of Conservators for the river, at the office of that Board.

11. Where power is sought under any proposed Order to take a churchyard, burial ground, or cemetery, or any part thereof, or to disturb the bodies interred therein, or where power is sought to take any common or commonable land, a copy of so much of the plans, sections, and book of reference as relates to such churchyard, burial ground or cemetery, or common or commonable land, shall be deposited at the Home Office, or if, in Scotland at the office of the Secretary for Scotland, and a copy of so much of the plans, sections, and book of reference as relates to such common or commonable land, shall be deposited with the Minister of Agriculture and Fisheries, or if in Scotland at the office of the Board of Agriculture for Scotland.

12. Wherever any plans, sections, maps, and books of reference are required by these rules to be deposited, a copy of the notice for the proposed Order as published or proposed to be published in the Gazette shall be deposited therewith.

13. Every deposit of plans, sections, maps, or books of reference required by these rules shall be made on or before the date of the first publication of the notice for the proposed Order.

Mode of Application.

14. The application for the proposed Order must be made by memorial signed or sealed by the applicants and addressed to the Minister of Transport, stating the parties upon whom the powers of the proposed Order will be conferred and the date or dates on which and the newspapers in which the notices for the proposed Order have been or are intended to be published.

The memorial must be lodged on or before the date of the first publication of the notice for the proposed Order, and must be accompanied by—

(*a*) Six printed copies of the proposed Order. The Order must be printed on one side only of the paper, and each schedule annexed must begin a new page, and the names and addresses of the solicitors and agents (if any) must appear on the outside of the proposed Order.

(*b*) Six copies of the plans, sections, and book of reference, of the notice as published or proposed to be published, of the estimate of expense, and of an ordnance map on a scale of 6 inches to the mile in the case of a tramway or light railway in a street or road or trolley vehicle system and of 1 inch to the mile in the case of other works, with the line of tramway, light railway or trolley vehicle system or works laid down thereon, or (if lands only are to be acquired) on a scale of 6 inches to the mile with the situation and extent of the lands marked thereon.

(*c*) A fee of £50 by cheque payable to the secretary of the Ministry of Transport to cover the ordinary expenses of settling the Order. (This fee will not necessarily cover the cost of inquiries or other matters arising out of the application.)

Deposit of Copies of the Proposed Order.

15. Not later than the seventh day after the first publication of the notice for the proposed Order a printed copy of the proposed Order shall be deposited for public inspection at the offices at which the plans, sections, and book of reference were deposited for public inspection in conformity with these rules, and printed copies of the proposed Order shall be placed on sale at the place or places mentioned in the notices for the proposed Order at a reasonable price not exceeding (without permission of the Minister of Transport) one shilling per copy.

16. Within the same period two printed copies of the proposed Order shall be deposited as follows :—

At the Private Bill Office of the House of Commons and at
The Parliament Office of the House of Lords and

With His Majesty's Treasury and
The General Post Office.

If the same relates to England and Wales with
The Home Office and
The Ministry of Health.

If the same relates to Scotland with
The Secretary for Scotland.

If the same relates to Ireland with
The Irish Office.

If the same relates to tidal lands within the ordinary spring tides or to tidal waters with
The Marine Department, Board of Trade.

If the same authorises abstraction of water from a stream for the purpose of a canal or navigation with
The Minister of Agriculture and Fisheries and
The Conservators (if any) of the river affected.
If the same authorises the acquisition of common or commonable lands with the Minister of Agriculture and Fisheries or (if in Scotland) with the Board of Agriculture for Scotland.
If the same affects Crown Property with
The Commissioners of [Crown Lands] (a) and
The Commissioners of Works or (if in Ireland) the Commissioners of Public Works in Ireland.
If the same affects the Duchies of Cornwall or Lancaster with
The Office of the Duchy affected.
If the same proposes the construction of any work in the county of London with
The London County Council
If the same involves interference with roads (otherwise than for works shown on the plans and sections) with
Every road authority affected.

Estimate of Expense.

17. An estimate of the expense of any works to be authorised by the proposed Order shall be made and signed by the person making the same, and if the works include any railway, tramway, light railway, tramroad, trolley vehicle system, canal, dock or harbour, the estimate of the expense thereof shall be in the appropriate form set out in the appendix to these rules or as near thereto as circumstances permit.

Form and Contents of Plans, Sections, and Book of Reference.

18. The plans and sections and the book of reference to the plans shall be in the same form and contain the same information as would be required by the Standing Orders of the House of Commons relative to Private Bills, had the powers sought by the proposed Order been contained in a Private Bill presented to Parliament.

Objections and Procedure thereon.

19. Any person desirous of objecting to a proposed Order must do so by a memorial addressed to the Minister and printed or type-written on one side only of foolscap paper.

20. Any memorial objecting to a proposed Order must be sent by registered post addressed to the Secretary, Ministry of Transport, 6, Whitehall Gardens, London, S.W.1, and posted not later than the 28th day after the date on which the last publication of the notice for the Order shall have appeared in the newspapers.

21. Every such memorial shall be sealed or signed by the party objecting or by some responsible and duly authorised person on his behalf. It shall state the interest of the party objecting in the subject matter of the proposed Order, and shall state concisely the objections to the proposed Order.

22. Should the Minister decide to hold an inquiry into the merits of any proposed Order, not less than ten clear days' previous notice in writing addressed to the parties applying for the proposed Order or their agents, and to the parties objecting to the proposed Order or their agents, shall be given of the time and place of any such inquiry.

Miscellaneous.

23. The proposed Order when deposited at the Ministry of Transport must be accompanied by a copy of every private or local Act, charter, deed or other document of like nature referred to in the Order, or which may be directly affected by any of

(a) Words in square brackets substituted for "Woods" in pursuance of the Forestry (Title of Commissioners of Woods) Order, 1924.

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the provisions thereof, and in the case of a limited company by a printed copy of the memorandum and articles of association and of any registered special resolution and in the case of any other company, by the deed, instrument or Act incorporating the company.

24. Proof of compliance with these rules will require to be given within such time after the deposit of the proposed Order as the Minister of Transport may fix, but not less than six days' notice will be given of the time and place at which such proof must be produced. Proof will also be required that the provisions of Standing Order 39 of the Standing Orders of both Houses of Parliament have been complied with.

All such proofs of compliance must be given by statutory declaration.

25. Where a proposed Order is submitted by a local authority, proof will by required that such proposed Order has been submitted in pursuance of a resolution passed at a special meeting of the local authority held after 10 days' previous notice of the same and of the purpose thereof has been given in the manner in which notices of meetings of such local authority are usually given.

26. When a proposed Order has been approved by the Minister, a notice of the approval of the same shall be published as an advertisement once in the London, Edinburgh, or Dublin Gazette, as the case may be, and once in each newspaper in which the original advertisement of the proposed Order was published. The notice shall give the name of the office where printed copies of the proposed Order are on sale at a reasonable price not exceeding (without permission of the Minister of Transport) one shilling per copy.

27. When a proposed Order has been approved and before it is made, a copy of the Gazette and of each local newspaper containing the notices of the approval of the Order shall be deposited at the Ministry of Transport.

APPENDIX.

* * * * * *

S. R. & O., 1924, No. 1462.

THE ROAD VEHICLES (REGISTRATION AND LICENSING) REGULATIONS, 1924, DATED DECEMBER 23, 1924, MADE BY THE MINISTER OF TRANSPORT (*a*).

To the County Councils of the several Administrative Counties in Great Britain.

To the Councils of the several County Boroughs in England and Wales and of the Royal Parliamentary and Police Burghs concerned in Scotland.

And to all others whom it may concern.

The Minister of Transport under the powers conferred on him under or by virtue of the Motor Car Acts, 1896 and 1903, section 13 of the Finance Act, 1920, the Roads Act, 1920, and the Order in Council made thereunder, and section 22 of the Finance Act, 1921, sections 14 and 15 of the Finance Act, 1922, section 10 of the Finance Act, 1923, and section 18 of the Finance Act, 1924, and any and every other power him hereunto enabling, hereby without prejudice to any further exercise of the said powers, makes and prescribes the following Regulations with respect to the licensing and registration of mechanically propelled vehicles, the licensing of carriages and matters incidental to such licensing and registration, that is to say :—

1.—(1) These Regulations may be cited as "The Road Vehicles (Registration and Licensing) Regulations, 1924."

(*a*) The only part of these Regulations it has been thought necessary to set out, is that dealing with the closing of highways to specified forms of traffic. The remainder of the Regulations, here omitted as outside the scope of district councils, have been amended by S. R. & O., 1930, No. 227; S. R. & O., 1933, No. 1196; and Provisional Regulations dated July 15th, 1935.

(2) In these Regulations the expression "Council" means County Council as defined in the Roads Act, 1920.

The expression "approved" means approved by the Minister of Transport.

* * * * * *

(3) The Interpretation Act, 1889, shall apply to the interpretation of these regulations in like manner as it applies to the interpretation of an Act of Parliament.

* * * * * *

38.—(1) Applications by a Council under section 7 (4) of the Roads Act, 1920 (*a*), that the driving of vehicles on any highway may be prohibited or restricted shall be in the approved form and shall be signed by the Clerk to the Council, and shall show that the application is made in pursuance of a resolution passed by the Council or by a Committee of the Council charged with the supervision and control of highways and the traffic thereon.

(2) The notice to be given under section 7 (4) of the Roads Act, 1920, that an Order has been made under that section shall be given by the authority concerned by a notice in the approved form published in the London or Edinburgh Gazette as the case requires and once at least in each of two consecutive weeks in some local newspaper circulating in the district in which the highway to which the Order relates is situate, and by such notice or warning boards or signs erected in such positions on or near the said highway and in such other manner as may be directed by the Order.

(3) No person shall drive or cause to be driven any mechanically propelled vehicle upon any highway with respect to which an Order has been made under section 7 (4) of the Roads Act, 1920, in contravention of such Order.

39. The Clerk of the Council and any other officer authorised by the Council are respectively empowered to perform any duty or exercise any power of the Council for the purpose of carrying these Regulations into effect.

40. These Regulations shall not apply to Northern Ireland.

41. These Regulations shall come into force on the 1st day of January, 1925.

S. R. & O., 1927, No. 21.

THE PRESCRIPTION OF BUILDING LINES ORDER, 1927, DATED 11TH JANUARY, 1927, MADE BY THE MINISTER OF TRANSPORT UNDER S. 5 (1) (*a*) OF THE ROADS IMPROVEMENT ACT, 1925 (*a*).

Whereas by sub-section (1) of section 5 of the Roads Improvement Act, 1925 (hereinafter referred to as "the empowering enactment") it is enacted as follows:—

> "Subject to the provisions of this section a county council or other highway authority may by resolution prescribe in relation to either side of any part of a highway maintainable by them a frontage line for building (in this section referred to as "a building line"):
>
> Provided that—
>
> (*a*) the Minister may by order direct that a building line shall not be prescribed under this section in relation to any class of road classified by him under sub-section (2) of section 17 of the Ministry of Transport Act, 1919, until notification of the building line proposed has been sent to him and his observations with respect thereto have been considered":

And whereas in the empowering enactment and in this Order the expression "the Minister" means the Minister of Transport.

Now therefore the Minister in exercise of the power given to him by the empowering enactment, and without prejudice to any further exercise of such power, hereby orders as follows:—

1. The Minister directs that a building line shall not be prescribed under the empowering enactment in relation to any road which, at the time when the building

(*a*) Printed in a later volume of this work.

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line is proposed, is classified by him either as a Class I. road, or as a Class II. road, until notification of the building line proposed has been sent to him and his observations with respect thereto have been considered.

2. This Order shall come into force on the 1st day of February, 1927, and, subject to any variations or amendments which may be made by any further Order, shall remain in force until revoked by the Minister.

* * * * * *

CIRCULAR 388 (ROADS).

MINISTRY OF TRANSPORT,
ROADS DEPARTMENT,
7, WHITEHALL GARDENS, S.W.1.
13th November, 1933.

SECTION 17 (2) MINISTRY OF TRANSPORT ACT, 1919.

GRANTS FROM THE ROAD FUND IN RESPECT OF SURVEYORS' TRAVELLING EXPENSES.

SIR,—I am directed by the Minister of Transport to inform you that grants from the Road Fund towards the travelling expenses of Highway Surveyors whose salaries and travelling expenses have been approved for a contribution under Section 17 (2) of the Ministry of Transport Act, 1919, will be subject to the following revised conditions as from April 1st, 1934 (May 16th, 1934, Scotland):

(*a*) Where the Surveyor performs duties additional to those of Road Surveyor, a proportion only of any travelling allowance paid to the Surveyor in connection with the duties will be accepted for grant, the proportion being such as the Minister can approve as being a reasonable allowance for highway duties.

(*b*) Where the Council provide and maintain a motor car or cycle for the Surveyor's use, the grant will be based on such proportion of the Council's actual expenditure in maintaining and running the vehicle as may be approved by the Minister as applicable to duties as Road Surveyor. The wages paid to a chauffeur will not be admissible for grant, nor the capital cost of any vehicle, but a reasonable charge for depreciation will be accepted as part of the maintenance costs.

(*c*) In normal circumstances, grants from the Road Fund made under paragraphs (*a*) and (*b*) above will not exceed 50 per cent., of an amount calculated on the appropriate mileage rate in the following scale:

Scale.	*Rate per mile.*
Motor cycles with or without sidecar	2¼d.
Tricars and four-wheeled motor cars up to and including 8 h.p.	2¾d.
Four-wheeled motor cars over 8 h.p. and up to and including 10 h.p.	3½d.
Four-wheeled motor cars over 10 h.p. and up to and including 12 h.p.	4d.
Four-wheeled motor cars over 12 h.p., 4½d. for first 8,000 miles travelled in the year; 4d. for mileage travelled in excess of 8,000 miles.	

(*Notes.*—The rate of allowance for motor cycles is not applicable to motor-assisted bicycles, pedal-assisted motor cycles or vehicles of a similar type, for which a higher rate than 1½d. will not be allowed.

Horse-power.—The basis of calculation will be the horse-power as reckoned for taxation purposes.

The rates quoted are fixed to cover running costs, repairs, insurance, licensing and depreciation, and may be subject to revision from time to time.

As the grant is subject to a maximum rate per mile, it is necessary that a daily log be kept. It is appreciated that the allocation of mileage between highways and other duties may in some cases present difficulty. In such cases the Minister will be prepared to accept an allocation of mileage in the proportion which the salary accepted for grant for highway duties bears to the total salary of the Surveyor.)

(*d*) Where the Council hire a motor car for the Surveyor's use, the grant will be based on the proportion of the hiring charges applicable to the Surveyor's duties in connection with highways, subject to the Minister's prior approval of the terms upon which the motor car is hired.

(*e*) Railway or other fares incurred in connection with duties as Road Surveyor will be accepted for grant, but no contribution can be made in respect of subsistence expenses.

I am, Sir,
Your obedient Servant,
CYRIL HURCOMB,
Secretary.

To the Clerk to the Council,
To the Town Clerk.

THE LONDON TRAFFIC (MISCELLANEOUS PROVISIONS) CONSOLIDATION PROVISIONAL REGULATIONS, 1934, DATED APRIL 13TH, 1934, MADE BY THE MINISTER OF TRANSPORT UNDER THE LONDON TRAFFIC ACT, 1924.

The Minister of Transport, in pursuance of the powers conferred by Section 10 of the London Traffic Act, 1924, and of every other power enabling him in this behalf, hereby, without prejudice to any further exercise of the said powers, makes the following Regulations, and further certifies under Section 2 of the Rules Publication Act, 1893, that on account of urgency such Regulations should come into force forthwith as Provisional Regulations and continue in force until Statutory Rules have been made in accordance with the last mentioned Act.

PART I.

General.

1. These Regulations may be cited as "The London Traffic (Miscellaneous Provisions) Consolidation Provisional Regulations, 1934".

2. For the purpose of these Regulations, unless the context otherwise requires, the expression "owner or driver of a vehicle" means owner, driver or other person in control or in charge of the vehicle and the word "street" includes part of a street.

3. The Regulations specified in the Sixth Schedule to these Regulations are hereby revoked.

4. The Interpretation Act, 1889, shall apply for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament.

PART II.

Broken Down Vehicles.

5. The expression "Broken Down Vehicle" means any vehicle, whether mechanically propelled or drawn by any draught animal, which from any cause whatsoever has become incapable of movement by its motive power or by the draught animal as the case may be.

6. No owner or driver (including any person whose duty it is to maintain in proper condition or to load the vehicle) of a vehicle shall cause or permit such vehicle to be

ROADS

in any street within the London Traffic Area in such a condition or with such a load that it breaks down in any such street; provided however:

(i) That no person shall be convicted under this Regulation if he satisfies the Court (*a*) that he has taken all reasonable steps to put and maintain the vehicle in a proper condition or to prevent its being overloaded as the case may be, or (*b*) that the offence was committed on the express instructions of some person with whose orders he was bound to comply in the course of his employment.

(ii) That no proceedings under this Regulation shall be commenced until three days after notice has been given to the defendant that such proceedings will be taken. It shall not be necessary, however, to give such notice in writing.

7. It shall be the duty of the owner and of the driver or of any other person in control or in charge of a broken down vehicle in a street within the London Traffic Area to remove or to take all reasonable steps to secure the removal of such vehicle as soon as practicable from any such street.

8. A police constable in uniform, if he is of opinion that the owner or driver of a broken down vehicle in any such street has failed to take all necessary steps to remove such vehicle or to cause the same to be removed in accordance with Regulation 7 hereof, or if he is of opinion that the vehicle constitutes a danger to traffic, may forthwith remove the vehicle, or use the services of any other person or persons to remove the same, in such manner and to such place as he may think fit, and for this purpose may provide and use any plant and apparatus and take all other steps which he may consider necessary.

9. When any police constable removes any broken down vehicle or uses the services of any other person or persons to remove the same in accordance with Regulation 8 hereof—

(1) the expenses of and incidental to such removal shall be recoverable summarily as a civil debt by or on behalf of the police authority from the owner of the vehicle;

(2) except upon proof of failure to exercise reasonable care, neither the constable, nor any person whose services are used by him as aforesaid, shall be liable to any action or demand whatsoever for the recovery of any alleged damage to such vehicle or otherwise in respect of the removal thereof.

10. If any person acts in contravention of, or fails to carry out his duty under, any of the provisions of this Part of these Regulations, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £5.

11. The provisions of any Act, whether public, local or private, or of any bye-law or other regulation dealing with the same subject matter as these Regulations, or the provisions of any Act conferring the power of making bye-laws or any other Regulations dealing with the same subject matter as these Regulations shall, in so far as such provisions apply to any street to which these Regulations apply, be suspended so long as these Regulations remain in force, except in so far as they relate to the removal of broken down vehicles from any tram line or light railway.

PART III.

Lighting and Guarding of Street Works.

12. For the purpose of this part of these Regulations the term "night" shall be taken to mean the period between half-an-hour after sunset and half-an-hour before sunrise and any period of fog or abnormal darkness and the term "day" shall be taken to mean any time other than night as so defined.

13. When any materials, rubbish or other thing (hereinafter referred to as an obstruction) are placed upon or any opening or excavation (hereinafter referred to as an excavation) is made in the carriageway of any street within the London Traffic Area so as to obstruct or endanger the passage of traffic over any part of such carriageway it shall be the duty of the person by whose order or under whose direction such obstruction or excavation exists to—

(*a*) keep any such obstruction which is not readily visible, and any such excavation

marked by day by one or more posts carrying red flags or boards with a red ground; and

(*b*) keep such obstruction or excavation continuously lighted at night by one or more lamps showing a red light;

nd all such posts or lamps shall be placed in such a manner and in such positions as ɔ indicate sufficiently to foot passengers and drivers of vehicles approaching from ny direction the position and full extent of the obstruction or excavation.

Provided that, without limitation or restriction of the foregoing provisions, if ny such obstruction or excavation exceeds 4 feet in width measured at right angles ɔ any line of traffic or 12 feet in length measured parallel thereto, lamps showing its ıll width shall be placed at intervals of not more than 4 feet measured at right ngles to the line of traffic and lamps showing its full length shall be placed at ıtervals of not more than 12 feet measured parallel thereto.

14. Nothing in this part of these Regulations shall be deemed to prevent the tem- ›orary removal of any lamp or post hereby required where removal is necessary to ıermit of any traffic or particular class of traffic being worked through the part of the arriageway of any street or highway which is obstructed, provided that in any such ase any lamps or posts which are so removed shall be replaced immediately after he passage of such traffic, and a person shall be kept in attendance at the point or ›oints of entry of any such traffic and, if necessary, at the point of exit to remove .nd replace the lamps or posts and to warn approaching traffic.

15. In addition to the foregoing provisions, any person by whose order or under vhose direction any such excavation exists of such a nature or in such a position that ›oot passengers or vehicles are in danger of falling into it, shall provide adequate and ›ffective protection around such excavation, unless such protection would obstruct .he passage of vehicles using a tramway or light railway, and in that event it shall ıot be necessary so to protect the excavation, but instead of so doing there shall be lisplayed conspicuously not less than four feet above the ground close to the excava- .ion a warning notice, or, if the excavation is extensive, warning notices sufficient in ıumber to give adequate warning of the danger.

16. Where any excavation, whether made in connection with a tramway or light ·ailway or otherwise, is not clearly visible for a distance of 25 yards to traffic ıpproaching from any direction on any part of the carriageway of the road in which :he excavation exists or of any road entering or intersecting such road, there shall be placed on the kerb, or on the edge of any such road from which the excavation is not so visible on the nearside of traffic approaching the excavation a warning notice or warning notices of the existence of such excavation, and any such notice or notices shall be placed at a distance of 25 yards, or as near thereto as may be practicable, from the excavation; provided that notwithstanding anything hereinbefore contained in the case of an entering or intersecting road such notice or notices shall be placed at a distance not less than 10 yards from the junction of such road with the road in which the excavation exists.

17. All warning notices required under Regulations 15 and 16 hereof shall have a red ground and shall be clearly visible and legible by day and night and for that purpose shall be adequately lighted by night.

18. No lamp exhibiting a light other than a red light shall be used for any purpose mentioned in this part of these Regulations other than for rendering the warning notices referred to in Regulations 15 and 16 hereof clearly visible by night, provided that nothing in this part of these Regulations shall be deemed to prevent the use, in addition to the lamps provided in pursuance of this part of these Regulations of lamps showing a white light so far as may be necessary to enable work to be carried on at night.

19. If any person acts in contravention of or fails to carry out his duty under any of the provisions of this part of these Regulations, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £5.

20. Any person who has charge of a lamp or lamps provided in pursuance of this part of these Regulations and who fails to keep such lamp or lamps properly lighted at any time during the required period shall be guilty of an offence and liable on summary conviction to a fine not exceeding £5.

ROADS

21. The provisions of any Act (whether public, general or local or private) byelaws or regulations dealing with the same subject matter as this part of these Regulations, and the provisions of any Act conferring power of making byelaws or regulations dealing with the same subject matter as this part of these Regulations, shall, so far as such provisions apply to any carriageway in any street to which this part of these Regulations apply, be suspended so long as this part of these Regulations remains in force. Provided that nothing contained in this part of these Regulations shall exempt any person from any liability for causing any obstruction or making any excavation nor free him from any obligation imposed upon him to obtain any consents which may be necessary before making any obstruction or excavation nor from any obligation to fence or otherwise render safe any obstruction or excavation.

PART IV.

Traffic Notices.

22. The expression "traffic notice" in this Part of these Regulations means any sign or notice erected or exhibited in or near any street within the London Traffic Area which gives or purports to give any directions or warnings to traffic in any street and includes any colourable imitation of a traffic notice as herein defined which is used by way of advertisement, or otherwise, but does not include any notices solely concerning traffic upon any private premises or the methods of ingress to or egress from such premises.

23. The Minister, if satisfied upon the Report of the Chief Officer of Police, that any traffic notice erected or exhibited within the London Traffic Area is undesirable, may cause notice in writing to be served upon the person responsible for the erection or exhibition of such traffic notice or upon the owner, occupier or lessee of the land or premises upon which such traffic notice is erected or exhibited requiring the traffic notice to be removed within the time specified in such notice and thereupon the person named in the notice shall remove or cause to be removed such traffic notice.

24. If any person fails to remove any traffic notice as required by any notice served upon such person under Regulation 23 hereof, he shall be guilty of an offence under this Part of these Regulations and shall be liable on summary conviction to a fine of £5, and if such person has been served with a notice of the offence in the form prescribed in the First Schedule hereto signed by the Chief Officer of Police of the Police area within which such traffic notice is situated, he shall be liable to a further fine of £2 for each day the offence has continued after the receipt of such notice. Provided that no person shall be convicted under this Regulation if it is proved to the satisfaction of the Court that he is not legally entitled to remove the traffic notice required by such notice as aforesaid to be removed.

25. Every notice which may be served under this Part of these Regulations may be served either by delivering it or leaving it at the usual or last known place of abode or office of the person on whom it is to be served, or by sending it by post addressed to him at his usual or last known place of abode or office, or if that cannot be found by fixing it on some conspicuous part of the land or premises upon which the traffic notice in question is erected or exhibited, and any such notice or document may be addressed as the case may require to the "owner" "occupier" or "lessee" of the land or premises (describing it or them) without further name or description.

PART V.

Reversing in Streets, Advertising in Streets and Exceptional Loads.

26. In this Part of these Regulations unless the contrary appears the expression "any scheduled street" means any street which is a thoroughfare within the area described in Part I, or is named in Part II of the Second Schedule to these Regulations (*a*).

(*a*) The scheduled streets are all or almost all within the County of London, and therefore outside the scope of this work, but Part V of the regulations themselves is retained as a whole by reason of Regulation 30.

27. No person shall in any scheduled street while turning or attempting to turn any vehicle so as to face in the opposite direction to that in which it was proceeding, cause that vehicle to move backwards, so as to obstruct or to be likely to obstruct the flow of traffic in that street.

28. No person shall in any scheduled street either wholly or mainly for the purpose of advertisement—

(i) wear of cause to be worn any fancy dress or other costume, or

(ii) ride, drive, conduct, use or employ or cause to be ridden, driven, conducted, used or employed any animal or vehicle of any kind.

29. Between the hours of 10 a.m. and 7 p.m. on any week-day—

(*a*) No person shall, in any scheduled street—

(i) use any vehicle loaded with any article which exceeds 36 feet in length or which projects more than 8 feet 6 inches beyond the rear-most part of the vehicle (excluding the tail board, if any) or which in the case of a mechanically-propelled vehicle exceeds one and three-quarter times the length of the vehicle (excluding the tail board, if any) ; or

(ii) carry in any way any article which exceeds 36 feet in length ; or

(iii) use any vehicle drawn by more than four horses ; or

(iv) use any vehicle with a load which exceeds 8 feet 6 inches in width overall.

Provided that, notwithstanding anything in this Regulation contained, it shall be lawful for the Commissioner of Police of the City of London or the Commissioner of Police of the Metropolis, as the case may be, to give permission in writing to any person applying for the same, for such cause as may seem to him proper, for such deviation from the provisions of this Regulation, or any of them, and on such occasion as shall be specified in the written permission aforesaid.

(*b*) Nothing in this Regulation shall be taken to apply at any time to any vehicle or article constructed for and used by a Fire Brigade for the purposes of or in connection with the extinguishing of fires.

30. It shall be lawful for the Minister of Transport, from time to time as occasion may require, by notice in the *London Gazette*, to apply any or all of the Regulations of this Part of these Regulations to any or all of the streets named in Part III of the Second Schedule, either generally or for such time as may be specified in the notice aforesaid.

31.—(1) For so long as this Part of these Regulations remains in force subsections (1) and (2) of section 16 of the Metropolitan Streets Act, 1867 (*a*) shall be modified so as to have effect as though the words " thirty-six feet " were substituted for the words " thirty-five feet " in each of those subsections.

(2) Save as aforesaid, the provisions of this Part of these Regulations are in addition to, and not in derogation of, the provisions of any Act of Parliament (whether public, general, local or private) or of any byelaws or regulations made thereunder dealing with the same subject matter as this Part of these Regulations.

32. If any person acts in contravention of any of the provisions of this Part of these Regulations he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £5.

PART VI.

Unhired Cabs (*b*).

PART VII.

Collection of Refuse.

35. No person shall use any vehicle for collecting refuse—

(*a*) between the hours of nine in the morning and seven in the evening in any of the streets set out in Part I of the Fourth Schedule to these Regulations; or

(*a*) 19 Halsbury's Statutes 158.

(*b*) Parts VI does not apply outside the County of London.

(*b*) between the hours of ten in the morning and seven in the evening in any of the streets set out in Part II of the said Schedule.

This Regulation shall not apply to any vehicle used solely for collecting street refuse arising from the cleansing of any such street.

36. If any person acts in contravention of the provisions of Regulation 35 hereof he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2.

PART VIII.

Waiting, loading and unloading of vehicles in the Piccadilly Circus and Oxford Street areas (*a*).

Given under the Seal of the Minister of Transport this thirteenth day of April, one thousand nine hundred and thirty-four.

(L.S.) 7213
A.D.E.

J. S. POOL GODSELL,
An Assistant Secretary.

FIRST SCHEDULE.

The London Traffic Act, 1924.

The London Traffic (Miscellaneous Provisions) Consolidation Provisional Regulations, 1934.

To . . . . . .

. . . . . .

. . . . . .

Take notice that you, having failed to remove a traffic notice as required by a notice of the Minister of Transport under the above Regulations dated the , are liable, upon summary conviction of an offence under such Regulations, to a fine not exceeding five pounds and to a further fine not exceeding two pounds for each day the offence continues after the delivery of this notice.

Dated this day of , .

Chief Officer of Police of

SECOND SCHEDULE (*b*).

PART III (*c*).

Wembley Area.

Harrow Road (including Deadman's Hill and High Road), from Stonebridge tramway depot to Crawford Avenue.
Harrowdene Road.
East Lane, from Forty Lane to N. Wembley Station.
Forty Lane.
Bridge Road, N. Wembley.
Oakington Avenue.
Wembley Park Drive.
Park Lane.
Wembley Hill Road.
Raglan Gardens.
Dagmar Avenue.
Linden Avenue.
Ealing Road, from Harrow Road to Brent Bridge.
Ranelagh Road.

(*a*) Part VIII does not apply outside the County of London.
(*b*) See note on regulation 26, *ante*, p. 3710.
(*c*) See regulation 30, *ante*, p. 3711.

Swinderby Road.
Eagle Road.
London Road.
Cecil Avenue.
Berkhampstead Avenue.
Jesmond Avenue.
Clifton Avenue.
Waverley Avenue.
Chatsworth Avenue.
North Circular Road (formerly known as North Way), from Harrow Road to Brentfield Road.
Crawford Avenue, from Harrowdene Road to High Road.

Hendon Area.

Bunns Lane.
Watford Bye-Pass, from Bunns Lane to Finchley Road.
Colin Deep Lane.
Hall Lane, from Church End to Watford Bye-Pass.
Colindale Avenue.
Booth Road.
Brent Street.
Parson Street.
Barnet Bye-Pass, from Regents Park Road to Hall Lane.
The Burroughs.
Church End.
Church Road.
Station Road.
Annesley Avenue.
Montrose Avenue.
Woodcroft Avenue.
Watling Avenue, from Eversfield Gardens to Montrose Avenue.
Edgware Road, from Cricklewood Broadway to Montrose Avenue.

Twickenham Area.

Bridge Street, Richmond.
Richmond Bridge.
Richmond Road.
York Street.
London Road, from York Street to Whitton Road.
Whitton Road.
Railway Approach.
Station Yard.
Kneller Road.
Hounslow Road, from Kneller Road to Whitton Road, Hounslow.
Hanworth Road, from Whitton Road to High Street, Hounslow.
High Street, Hounslow.
Nelson Road, Whitton, from Kneller Road to Nelson Public House.
Percy Road.
King Street.
Heath Road, Twickenham.
The Green, Twickenham.
Staines Road, Twickenham.
Hospital Bridge Road, from Staines Road, Twickenham, to Percy Road.
Sixth Cross Road.
Rugby Road.
Mogdon Lane.

Richmond Area.

Kew Road, Richmond, from Church Road to Selwyn Avenue.
Church Road, from Kew Road to Sheen Road.
Clarence Street.
St. John's Grove.
Shaftesbury Road.
Evelyn Road.
Jocelyn Road.
Selwyn Avenue, from New Road to Beaumont Avenue.

ROADS

Wimbledon Area.

Merton Road, from Replingham Road to Durnsford Road.
Replingham Road.
Durnsford Road, from Merton Road to Arthur Road.
Gap Road, from Durnsford Road to Alexandra Road.
Alexandra Road.
Wimbledon Hill Road.
High Street, from Wimbledon Hill to Parkside.
Parkside and Wimbledon Parkside, from High Street, Wimbledon, to Putney Heath.
Putney Heath, from Wimbledon Parkside to Putney Heath Lane.

Putney–Mortlake Area.

Putney High Street.
Lower Richmond Road, from Putney Bridge Road to Queen's Ride.
Upper Richmond Road, from Putney High Street to Clifford Avenue.
Putney Bridge and Approach.
Mortlake High Street.
Sheen Lane, N., from Upper Richmond Road to Lower Richmond Road.
White Hart Lane.
The Terrace, Barnes.
High Street, Barnes.
Lonsdale Road, Barnes.
Lower Richmond Road, from Sheen Lane to Clifford Avenue.
Clifford Avenue.

THIRD SCHEDULE.

* * * * * *

FOURTH SCHEDULE.

PART I (*a*).

* * * * * *

Municipal Borough of Acton.

High Street, from London Midland and Scottish Railway Bridge, The Vale to Birch Grove.

Municipal Borough of Ealing.

The Mall.
The Broadway.
Spring Bridge Road.
High Street.

Municipal Borough of Willesden.

High Street, Harlesden, from Manor Park to Tavistock Road.

Mitcham Urban District.

High Street, Colliers Wood.

PART II (*a*).

* * * * * *

County Borough of East Ham.

Romford Road, from Woodgrange Park Station to Ilford Borough Council Boundary.

(*a*) See regulation 35, *ante*, p. 3711. Most of the streets in this part are within the County of London.

ROADS

County Borough of West Ham.

Woodgrange Road, from Romford Road to Woodford Road.
High Street, Stratford, from London County Council Boundary to The Broadway, Stratford.
The Broadway, Stratford.
Angel Lane.
Leytonstone Road.
Queen's Road, Plaistow.
Barking Road.
Rathbone Street.
Hallsville Road.
Freemasons Road.

Municipal Borough of Barking.

North Street, from London Road to East Street.
East Street.
The Broadway.

Municipal Borough of Bromley.

High Street, from Beckenham Lane to Elmfield Road.

Municipal Borough of Ilford.

Ilford Broadway.
High Road, from River Roding to Sunnyside Road (Green Lane).
Cranbrook Road, from Balfour Road to Park Avenue.
Station Approach.
Romford Road, from East Ham County Borough Council Boundary to River Roding Bridge.

Municipal Borough of Kingston-upon-Thames.

High Street.
Eden Street.
Clarence Street.
Thames Street.

Municipal Borough of Leyton.

High Road, Leytonstone, from Victoria Road to Crownfield Road and from Harvey Road to the "Green Man."
High Road, Leyton, from Ruckholt Road to Church Road.
Lea Bridge Road, from Knott's Green Road to Westerham Road (South Side).

Municipal Borough of Richmond.

King Street.
George Street.
Hill Street.
The Quadrant.

Municipal Borough of Willesden.

High Street, from Tavistock Road to Nightingale Road.
High Road, Kilburn, from Kilburn Priory to Maygrove Road.
High Road, Willesden Green, from Walm Lane to the Willesden Green Library.

Municipal Borough of Wimbledon.

The Broadway.
Wimbledon Hill Road, from Woodside to the Broadway.

FIFTH SCHEDULE.

* * * * * *

ROADS

SIXTH SCHEDULE.

The London Traffic (Lighting and Guarding of Street Works) Regulations, 1927.
The London Traffic (Traffic Notices) Regulations, 1927.
The London Traffic (Unhired Cabs) Regulations, 1927.
The London Traffic (Reversing in Streets, Advertising in Streets and Exceptional Loads Regulations, 1928.
The London Traffic (Waiting, Loading and Unloading of Vehicles) Regulations, 1930.
The London Traffic (Broken Down Vehicles) Regulations, 1930.
The London Traffic (Oxford Street) Regulations, 1931.
The London Traffic (Collection of Refuse) Regulations, 1931.

CIRCULAR 459 (ROADS).

County Councils (except London),
Town Councils,
Urban District Councils,
in England and Wales.
County Councils,
Town Councils,
in Scotland.

MINISTRY OF TRANSPORT,
WHITEHALL GARDENS,
LONDON, S.W.1.
19*th August*, 1936.

RESTRICTION OF RIBBON DEVELOPMENT ACT: GRANTS.

SIR,—I am directed by the Minister of Transport to request you to inform the Council that he is now prepared to consider applications for grants out of the Road Fund towards certain classes of expenditure incurred by highway authorities in the exercise of the powers conferred upon them by the Restriction of Ribbon Development Act, 1935 (*a*).

(2) *Section* 1.—Where compensation becomes payable by reason of the coming into force of restrictions under Section 1 of the Act the Minister will consider applications for grant based on the amount of compensation as agreed by the District Valuer or, failing agreement, determined by arbitration.

The rates of grant, varying from 33⅓ per cent. to 85 per cent., will be determined by the classification of the road, the nature of the layout for which provision is made by the standard width adopted, and the grouping of the authority for the purpose of grants to works of improvement as set out in Circular Letter No. 466 (Roads) dated May 9th, 1936. The several rates are set out in the Table I appended to this letter.

(3) *Section* 2.—The Minister has no power to make grants towards expenditure resulting from the coming into force of restrictions under Section 2 of the Act.

(4) *Purchase of land under Section* 9 (1) (*b*) *as an alternative to the payment of compensation for restrictions.*—If a Highway Authority, with the approval of the District Valuer, decide to exercise their powers under Section 9 (1) (*b*) to purchase land required for road widening or new construction as an alternative to the payment of compensation, the Minister will consider an application for grant to be made at the time of purchase notwithstanding that it may not be proposed to throw the land into the highway forthwith.

(5) *Administration expenses incurred in the operation of Section* 1.—Where the Minister has agreed to make a grant under Section 17 (2) of the Ministry of Transport Act, 1919, to the salary of the engineer or surveyor to a highway authority, grants of 50 per cent. will also be made towards approved expenditure incurred as set out in Table II appended to this circular.

I am, Sir,
Your obedient Servant,
A. MATHESON,
Assistant Secretary.

The Clerk of the Council.
The Town Clerk.

(*a*) *Ante*, p. 2001.

TABLE I.

RATES OF GRANT TOWARDS COMPENSATION PAYABLE BY REASON OF THE COMING INTO FORCE OF RESTRICTIONS UNDER SECTION 1.

	In built-up Areas. Per cent.	*In areas not built-up. Per cent.*
(i) *Trunk roads in County Areas.*		
Group A	80	85
Group B	75	80
Group C	66⅔	75
(ii) *Class I roads (other than trunk roads in County Areas).*		
(*a*) in cases where it has been decided that the ultimate layout of the road shall include dual carriageways and cycle tracks and a standard width to accommodate this layout has been adopted—		
Group A	66⅔	75
Group B	60	66⅔
Group C	50	60
(*b*) in other cases	50	60
(iii) *Class II and unclassified roads*	33⅓	50

For this purpose the classification of a proposed road will be determined at the time the standard width is adopted. Similarly should it be agreed that an existing unclassified or Class II road will have superior classification value when the layout for which provision is made by the standard width is completed, grants will be made under paragraphs (2) and (4) of this circular at the rate appropriate to the superior classification.

Applications for grants should quote the date and reference number of the letter in which the Minister approved the resolution of the Council to adopt the standard width for the road and should be accompanied by (*a*) a report from the District Valuer on each claim for compensation and (*b*) a sketch plan of the road showing the position and extent of the land which is the subject of the District Valuer's report.

TABLE II.

GRANTS TOWARD ADMINISTRATIVE EXPENSES INCURRED IN THE OPERATION OF SECTION 1.

Grants will be made to highway authorities referred to in paragraph (5) of this letter:

(i) in respect of staff added to the establishment of the Engineer or Surveyor of the Highway Authority for the purpose of work arising from the operation of Section 1 of the Act (including, for instance, surveys, the preparation of plans and the collection of other data necessary for and preliminary to the adoption of standard widths);

(ii) on travelling by such staff on such work, and

(iii) on the provision of instruments and maps required by such staff for such work,

provided that an estimate of expenditure has been submitted for the Minister's prior approval.

Grants in respect of travelling expenses will be subject to the same conditions as those which apply to grants in respect of the travelling expenses of Engineers or Surveyors to Councils, as set out in Circular No. 388 (Roads) dated 13th November, 1933.

A preliminary statement of the additional staff which the Council propose to engage, an estimate of the annual expenditure on travelling expenses, and an estimate

ADS of the cost of the necessary instruments and maps should be submitted for the Minister's approval on the enclosed Form No. 331A (Roads).

Applications for payment of the grant should be made at the same time as application is made for payment of the grant towards the salary of the engineer or surveyor, *i.e.* as soon as possible after the financial year ending March 31st (May 15th in Scotland) in which the expenditure was incurred. Copies of the appropriate forms of application will be forwarded in due course. (Form 179A/359A and (for County Councils) Form 359 or (for other authorities) Form 179.)

In the case of County Councils, grants towards the salaries of all engineers and surveyors and other approved technical officers on the staffs of County Surveyors will continue to be made under the arrangements already in force, claims for payments of grant being made as before on Form 359.

SEA DEFENCE.

CIRCULAR 652.

To Councils of Coastal Towns.

MINISTRY OF HEALTH,
14*th December*, 1925.

SEA DEFENCE WORKS (*a*).

SIR,—I am directed by the Minister of Health to state that he has had occasion to deal recently with a number of important schemes of sea defence, and he has asked one of his engineering inspectors, Mr. Crosthwaite, who has had large experience of this class of case, for a report on the general subject. This report will be of interest to those local authorities who are concerned with works of sea defence, and a copy is enclosed for the information of the council.

As pointed out by Mr. Crosthwaite, works of sea defence involve peculiar difficulties of their own, and it is not possible to decide what works, if any, can be carried out with advantage in any particular case except after full investigation of the local conditions.

There are, however, some general considerations which need to be emphasised.

(1) Before any scheme is undertaken, its financial aspect should be carefully studied. The council should consider whether the advantages anticipated from the scheme will produce such a return in public benefit as to warrant the public expenditure, often large, which is involved. The Minister has found that in some cases this broad financial aspect has not been sufficiently examined and taken into account by the local authority.

(2) Public money can be rightly spent only on works of *public* advantage. Many schemes of sea defence works largely benefit private interests, and it is proper in such cases that those private interests should make a reasonable contribution towards the cost.

(3) There are two further considerations of a technical nature which the experience of the Ministry of Health and of the Local Government Board show cannot be too strongly emphasised both for devising satisfactory schemes and for economy. There are instances where much money could have been saved if these conditions had been observed.

  (i) Before sea defence works are undertaken, the council should obtain the advice of competent engineers with special experience in such works.

  (ii) It is equally important, though this consideration has hitherto been seldom observed, except where a competent engineer is permanently employed by the local authority, that the works should be inspected from time to time, say every six or twelve months, by a competent expert, in order to see whether any repair

(*a*) See note to s. 149, Public Health Act, 1875, Vol. IV, *post*.

or additional work should be undertaken to preserve the works already done. This policy of a "stitch in time" is essential for economy, and there are cases where heavy expenditure would have been avoided had this inspection been systematically made, and the necessary works carried out in good time.

I am, etc.

ENCLOSURE TO CIRCULAR 652.

SEA DEFENCE WORKS.

Necessity for Sea Defence Works.

The prime cause necessitating sea defence works is the wasting of the foreshore through the transport of material, generally in the direction of flood tide currents complicated in many cases by the direction of prevailing winds. If any artificial barriers are projected from the foreshore, such as piers and solid jetties, so as to prevent the travel of material, the length of beach lying beyond the obstruction is almost certain to suffer, and rapid encroachment by the sea will result. Also, where extensive series of groynes have been constructed in order to protect the foreshore, the travelling material is trapped, and the erosion of the coast beyond is aggravated and there is a continuous loss of land.

A good example of this is a case where the construction of the harbour piers prevented sand and shingle from reaching the beach to the south, which was almost denuded down to the clay, and great damage resulted to the then existing sea defence works, destroying groynes and undermining walls. In consequence the beach had to be re-groyned. The new groynes collected in time a fair amount of beach and it is now fairly safe, but the shore still further south has suffered severely.

Another cause that accentuates beach erosion is the construction of sea walls fronting seaside towns. These walls are obviously necessary to protect roads and promenades, but unfortunately the rebound of waves breaking against their face almost invariably leads to scour and to the cutting out and denuding of the foreshore. This attack is generally countered by groyning, which is not always successful, with the result that the walls may become undermined and in some cases, unless underpinned or protected in some way, destroyed. The difficulty is that it is almost impossible to say prior to construction what the exact effect of a wall in any one place will be.

Again, on sandy foreshores there are frequently shifting channels and gut-ways parallel to the coast line that are a very great difficulty because in some conditions of wind and tide, which it is almost impossible to foresee, these may move landwards from positions in which they have remained stationary for years and cause havoc to groynes and foundations. This is said to have recently occurred off Silloth, on the Solway Firth, where vessels that could formerly lie only at a considerable distance from the shore were able, owing to an alteration of the channel, to come to within a few yards from the ends of the groynes, which were undermined. It has also been suggested that the destruction of a comparatively new sea wall at Lowestoft may be due to a general deepening of the sea bed beyond low water mark. This is, however, more or less a matter of conjecture, as there are not sufficient data upon which to form a reliable opinion.

Design of Sea Defence Works.

From the brief description given above of the causes that necessitate sea defence works, it will be readily understood that an engineer who has to design them is faced by a complicated problem, and he is usually called in only when some failure has actually occurred, and works must be done at once to prevent the damage spreading. To design such works successfully, a fairly complete knowledge of the local conditions is essential. That is to say, reliable information is needed of prevailing winds and tidal currents, the direction of littoral drift and the effect of

SEA DEFENCES

wind coming from any direction on the latter. To obtain such information, observations must extend over a considerable period, for if they are made in the fine summer months the results may prove quite different from what would prevail in rough winter weather, or during the extreme high and low waters of the equinoxes. When called in to advise, the engineer is almost always met with a lack of reliable information on all these points, and especially can obtain no information of any kind relating to shifting channels off the shore. All he is likely to be told is that the directions of prevailing winds and littoral drift are so and so, and that the damage is caused when rough weather synchronises with exceptionally high tides, all of which he knows already. On such data and on what information he can pick up in a few days, he has to design his works, for when sea defences are breached they must be repaired at once, and it is small wonder if at times the works should turn out a failure.

This lack of local knowledge applies especially to small authorities who cannot usually be expected to have a surveyor capable of taking reliable tidal observations or making marine surveys and designing sea defence work, and in consequence an outside engineer has to be called in.

Even among the larger authorities, however, the local conditions with regard to tidal currents, etc., have seldom been systematically and properly recorded, and there is no record at the Ministry of any place, large or small, where a marine survey has been made extending, say, half a mile to sea and along the whole sea front sufficient to enable shifting channels to be studied. This would entail a proper survey with soundings taken on definite lines and repeated at intervals so as to ascertain what is happening out of sight, below low water. The soundings would, of course, be referred in all cases to a definite datum so that the successive surveys could be compared.

Tidal current observations should also be made at different states of tide and wind. These would not require the repetition necessary in the case of soundings, but might be added to from time to time, when exceptional conditions occur, or when the soundings showed that there had been material change in the shifting channels, likely to affect tidal currents. Such a survey to be of value should be made by an engineer who has had experience of marine surveying. It would of necessity be somewhat expensive, but, if once made, the repetition soundings, if taken on definite lines and permanently marked, could be taken by a competent surveyor or an assistant working under instructions.

At most large harbours, these periodic surveys are regularly made and, though they take considerable time, are of the greatest value. At most seaside places, the original survey would take one engineer and an assistant not more than three or four months, given favourable weather, while the periodic soundings could probably be done in a month or six weeks.

FAILURE OF SEA DEFENCE.

The failure of sea defence works may usually be attributed to :—

(1) Faulty design.
(2) Neglected maintenance.
(3) Unusual local circumstances that could not have been foreseen.

Few cases have come under the notice of the Ministry where works have actually failed which could not have been saved, at any rate to some extent, if remedial measures had been taken in time.

In a number of cases, walls have been designed of insufficient strength and with shallow foundations. Frequently these have been made safe by underpinning, piling in front, or by the provision of breast walls or buttresses carried down to a solid foundation. Though in these cases the original walls cannot be said to have actually failed, the cost of such remedial measures has been far more than the expense which would have been incurred had a more substantial design been carried out in the first instance.

Where actual failure has resulted, it has almost always been where the local authority has put off doing anything until too late. Thus, in one case, a wall was constructed about forty years ago, with the foundations reaching to only about half-tide level. When constructed, the shingle foreshore almost reached the coping level, but during recent years the level fell, as the result of erosion, and a few years

ago the wall was undermined. Part fell and great damage was done. The authority consulted a well-known firm of engineers who prepared a scheme for repairing the damaged part and strengthening the whole length of wall. When tenders were obtained after the war, prices were at their highest and the cost was greater than could be faced. The engineers advised the authority to go on with the repairs and the protective works for the part of the wall that was actually in danger at the moment, in fact to spend as much as they could afford at the time, postponing such works as could be omitted with safety, but warning the authority that the remainder of the old wall would not be safe until the whole had been strengthened. The abridged scheme was consequently carried out.

Since the work was finished, there has been a continued denudation of the foreshore, and further lengths of the foundations of the old wall were exposed. Nothing was, however, done to extend the protective works as recommended by the engineers, and afterwards, during rough weather, the sea washed the gravel from under the old wall and part of it was undermined, bridging a breach under the foundations through which the wall backing was sucked out and a large cavity formed. The engineers were again called in, but all they could do was to repeat the advice previously given.

Another town where sea defences have constantly been a source of trouble may be referred to. Here, about twenty years ago, a sea wall and a series of groynes were erected for the protection of the beach. The wall was of quite satisfactory design, the foundations being taken down to about low water level and founded on gravel as it was not practicable to get any other foundation. The landward end of the groynes was carried up above high water level, and for about fifteen years the work seemed safe, there being a very good accumulation of gravel against the face of the wall. Later, however, the beach lowered considerably. Some of the groynes were partly washed out and, owing to the difficulty (this was during the war) of obtaining satisfactory labour and timber, it was not possible to maintain them and some were completely destroyed. The wall then became undermined and several lengths fell. A large sum was spent on rebuilding to make good the damage, but eventually it was found impossible to maintain the beach, and finally it was decided to give up all attempt to maintain the old line of sea wall and an entirely new form of wall was adopted, landwards of the old.

In this case, it is somewhat difficult to attribute the failure to any particular cause. The design of the wall was satisfactory, and it would have stood indefinitely had it been possible to maintain a good beach in front. The groynes were well constructed and were kept in repair, except for some time during the war, when, as explained above, there was difficulty. The only defect in design suggested is that the groynes were perhaps too high and not long enough to maintain a sufficiently flat beach. It is well known that in rough weather high groynes cause a scour by waves breaking over them and cutting out the beach on the lee side. In order to avoid this danger, groynes are sometimes lowered by removing sheeting where owing to scour they become too high, but in this case this could not be done as they were constructed with piles driven close together.

To account for this failure, it has been further suggested that there may have been a general deepening of the sea outside low water mark that caused the loss of beach material, but unfortunately no such survey as already suggested had been made, so there are no data either to confirm or refute this view. It is unfortunate that there was no survey in this particular case, for, if the damage is due to such general deepening of the sea bed, groynes will not stop it and the fate of the defence works now under construction will be the same as the last, and before they are finished they will have cost a large sum.

The above instances have been described somewhat fully, for they are typical of failures that may be expected when works from some cause prove ineffective, and the causes that have led to these failures are also typical.

It is sometimes asked why should there be more failures of sea defence than of other classes of works. There are several answers to this question. Other works have not the sea constantly attacking their foundations. Again, sea works are usually much more expensive than inland works, and the amount of money available is unfortunately limited. Consequently engineers, in order to keep within the available resources of their employers, have to take risks that in other circumstances

SEA DEFENCES

would not be necessary. With unlimited money, no doubt, permanent sea defence works could be put up almost anywhere, but local authorities are not in this fortunate position. Where risks are taken, it may turn out all right, but, whether known risks are taken or not, all sea works should be kept under careful observation so that any defects that may develop may be remedied at once before the damage has time to spread.

These cases which have been instanced were on a large scale, but the need of competent advice may be equally important, relatively, in small cases. In one instance, groynes were put in and taken out without proper advice, as the majority in the council swayed for or against them, with resulting waste.

The maintenance of sea defence works is always the great difficulty, and before incurring a large expenditure there is always the tendency to "wait till something happens." Then it probably is too late, for the something generally happens during the rough winter weather when works of maintenance or reconstruction are impossible.

GENERAL REMARKS.

It is obviously impossible to lay down any rule as to coast protection works owing to the varying conditions at different places.

It would, however, tend towards economy if councils who have not a surveyor fully competent to design such works would employ a competent outside engineer, not only to advise them on works to be carried out, but to inspect the works annually and report what maintenance works, if any, are required. If this practice had been followed in some cases recently before the Ministry, much money would have been saved, whereas the cost of such an annual inspection would not be great.

It is also desirable, where coast works are required for the protection of a flat sandy coast, to have an accurate marine survey extending, say, half a mile to sea, with soundings taken on definite lines. The survey should extend for some distance each side of the place to be protected, and the soundings should be repeated annually or at such intervals as may be recommended by the responsible engineer. The survey should also show current observations during different conditions of tide and wind and, to be of value, should be made by an engineer who has had special experience in marine surveying.

If local authorities would adopt this proposal, any engineer called in later would have proper data upon which to design works, whereas at present, without such a survey, he is usually groping in the dark.

But, as important as the survey is the annual, or six-monthly, inspection of works by the engineer who designed them. He will take more personal interest in their preservation and will probably know what to look for better than another.

In fact, if local authorities would employ a competent engineer, do what he tells them, and not follow amateur advice, there would not be so much trouble with sea defence works, though at certain places, as already instanced, unforeseen difficulties are bound to arise.

(Signed) P. M. CROSTHWAITE.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1,
November, 1925.

SHOPS REGULATION

SHOPS REGULATION.

(S. R. & O., 1912, No. 316.)

REGULATIONS DATED APRIL 1ST, 1912, MADE BY THE SECRETARY OF STATE FOR THE HOME DEPARTMENT, IN PURSUANCE OF THE SHOPS ACT, 1912.

In pursuance of the powers conferred on me by the Shops Act, 1912 (*a*), I hereby make the following regulations :—

I.

Notice to be given by Occupier as to Assistants' Weekly Half-holiday (section 1 (2)).

1. The notice required to be affixed in a shop specifying the day or days on which the shop assistants employed therein are not employed after half-past one o'clock shall be in the form marked I. in the schedule to these regulations.

2. The notice shall be kept constantly affixed in a position where it may be readily seen and read by any person whom it affects, and shall be renewed whenever it becomes defaced or otherwise ceases to be clearly legible.

If the half-holiday is given on different days to the assistants employed in different rooms or departments of a shop, a separate notice shall be affixed in each such room or department.

3. The notice shall be affixed before the assistants to whom it relates cease work on the Saturday preceding the week during which it is to have effect.

Inquiries by Local Authorities as to Orders fixing the Day on which Shops are to be closed for the Weekly Half-holiday (section 4 (2)).

4. Before the local authority make an Order fixing the day of the weekly half-holiday for any class of shops, they shall take the following steps for ascertaining whether the occupiers of a majority of that class of shops approve the order :—

(1) They shall cause a register of the shops of that class to be prepared in the manner hereinafter provided.

(2) They shall give notice of their intention to make the Order and of the times and place at which the register may be inspected by any shopkeeper affected, in the form marked II. in the schedule to these regulations. The notice shall either be advertised in at least two newspapers circulating in the area to which the Order is to apply, or be posted up in streets and public places in the area to which the Order is to apply, in such positions and in such manner that it is likely to be seen and can easily be read by persons interested.

(3) They shall take a vote of the occupiers of the shops of that class in the manner hereinafter provided or, if the local authority have received an application in writing purporting to be signed by the occupiers of a majority of the shops of that class, they may in lieu of taking a vote take such steps as they think fit to verify the signatures to the application, and signatures so verified shall, unless reason appear to the contrary, be taken to mean that the occupiers whose signatures they purport to be approve the order.

Provided that if shops of any class are required under a closing order in force before the 1st May, 1912, to close on a certain day of the week (other than Saturday) at one o'clock in the afternoon, it shall not be necessary to take a vote of the occupiers of those shops in respect of a proposal to make an order fixing that day as the day of the weekly half-holiday, unless representations are made to the local authority by a substantial proportion of the occupiers in favour of another day being fixed.

(*a*) 8 Halsbury's Statutes 613.

SHOPS REGULATION

Conditions for Mixed Shops remaining open on Weekly Half-holiday (section 10 (1)).

5. Where any trade or business exempted from the provisions of the Act as to closing on the weekly half-holiday is carried on in the same shop with any trade or business not so exempted, the shop shall only be kept open for the purpose of the exempted trade or business on the day fixed for the weekly half-holiday in respect of the trade or business not exempted, on the following conditions:—(*a*) After the hour of closing on the day of the weekly half-holiday, whether fixed by the occupier or by an Order made by the local authority under the Act, there shall be exhibited in some conspicuous places on the exterior and in the interior of the shop notices in letters of the size of not less than two inches in accordance with the form marked IV. in the schedule to these regulations; (*b*) so far as reasonably practicable no goods in connection with the trade or business not exempted shall be exhibited either inside or outside the shop.

II

Notice of Intention to make Closing Order.

6. As soon as may be after the local authority are satisfied that a *primâ facie* case is made out for making a Closing Order they shall cause a register to be prepared in the manner hereinafter provided.

7.—(1) Notice of the intention of the local authority to make a Closing Order shall be given in the form marked A in the schedule to these regulations, and unless a copy of the proposed order be annexed to it, it shall specify the area within which and the class or classes of shops to which the order will apply and the proposed days and hours of closing. The notice shall

(i) be advertised at least twice in a newspaper or newspapers circulating in the area to which the Order is to apply;

(ii) be posted up in streets and public places in the area to which the Order is to apply in such positions and in such manner that it is likely to be seen and can easily be read by persons interested; and

(iii) be given to any ratepayer in the area making reasonable application for it.

If the Order applies to an area with a population of not more than 5,000, the local authority may, in lieu of advertising the notice in a newspaper or newspapers, cause a copy to be sent to the occupier of every shop known to be affected by the Order.

(2) If anything in the Order affects post office business, a copy of the notice shall be sent to the Postmaster-General.

8. The prescribed period within which objections may be made to the proposed order shall be four weeks.

Ascertaining Opinion of Occupiers of Shops.

9. If the local authority, after considering any objections or suggestions received by them in pursuance of the notice of their intention to make an Order, desire to proceed with the Order, they shall, for the purpose of ascertaining whether the occupiers of at least two-thirds in number of the shops to be affected by the Order approve the Order, either take a vote in the manner hereinafter provided or, if they have received an application in writing for the making of the Order, purporting to be signed by the occupiers of at least two-thirds in number of the shops to be affected by the Order, they may in lieu of taking a vote take such steps as they think fit to verify the signatures to the application, and signatures so verified shall, unless reason appear to the contrary, be taken to mean that the occupiers whose signatures

11. In submitting the Order to the Secretary of State, the local authority shall inform him as to the method adopted by them for ascertaining the opinion of the occupiers of shops, and as to any matters which they think it desirable to bring to his notice, and shall forward to him copies of any notices given by them under these regulations and other evidence that the regulations have been duly complied with, verified by a certificate signed by their clerk.

Local Inquiries.

12. When the Secretary of State directs a local inquiry to be held with regard to a Closing Order it shall be held at such place as the local authority, with the approval of the Secretary of State, may appoint, and at such time as may be fixed by the person appointed by the Secretary of State to hold the inquiry (hereinafter called "the Commissioner").

13. Not less than three weeks before the time of holding the inquiry notice thereof and of the place where the inquiry will be held shall be given in the manner above prescribed for the notice of intention to make an Order.

14. The inquiry shall be held in public, and any person who, in the opinion of the commissioner, is affected by the Closing Order, may appear and be heard either in person, or by counsel, solicitor, or agent.

15. The Commissioner may give such directions as he thinks fit as to the order in which the objections to the Order shall be considered; and, if any person who has not sent objections in writing to the Secretary of State claims to be heard at the inquiry, may require him to state his objections in writing.

16. The Commissioner may adjourn the inquiry from time to time as he thinks desirable.

17. If the objections to the Order made by more than one person appearing at the inquiry seem to the Commissioner to be the same in substance, he may select any person whom he considers representative of the largest number of the persons affected by the Order, to state such objections, and to call evidence (if required); provided that any other person making the same objections may be heard subsequently with the consent of the Commissioner.

18. Subject to the foregoing rules, all the proceedings shall be conducted in such manner as the Commissioner may direct.

III.—GENERAL.

Preparation of Register.

19.—(1) A register to be prepared in pursuance of these regulations shall show the addresses, trades, and names of the occupiers of all the shops to be affected by the Order.

In the case of a shop in which several trades or businesses are carried on, the local authority may require the occupier to specify, in pursuance of sub-section (3) of section 10 of the Act, which trade or business he considers to be his principal trade or business, and the local authority shall not insert the name of the occupier in the register in respect of any other trade or business carried on in the shop unless the occupier satisfies them that it forms a substantial part of the business carried on in the shop.

(2) Every occupier of a shop to be affected shall be entitled to attend within the times and at the place specified in the notices required to be given by these regulations for the purpose of securing that the entries in the register with regard to his shop are duly made.

(3) Any occupier of a shop to be affected may represent to the local authority any matter, in regard to the register, which seems to him to require to be rectified; and the local authority shall consider all such representations.

The Taking of a Vote.

20. If a local authority decide, or are required, to take a vote for the purpose of ascertaining the opinion of the occupiers of shops to be affected by an Order fixing the day of the weekly half-holiday or by a Closing Order, they shall proceed as follows:—

(1)—(*a*) A notice, together with a voting paper, in the form marked III. or in the form marked B in the schedule to these regulations, as the case may be, shall be sent by post or otherwise delivered to every occupier appearing in the register, at his registered address.

(*b*) Voting papers shall be returned to the local authority either through the post or by a collector appointed in writing by them for the purpose, and carrying with him at the time of collection his written appointment, which he shall show to any occupier who shall require it to be shown.

(*c*) A voting paper shall be deemed to be duly signed if signed by the occupier with his full name or with the ordinary signature used for the purpose of his business: provided that, if any occupier is unable to write, he may, in the presence of some other person, who shall explain the effect of the voting paper, attach his mark thereto, and such mark shall be attested by such other person, who shall append his signature and address.

(*d*) The local authority shall cause the voting papers, as soon as may be after the last day fixed for their return, to be scrutinised and compared with the register, and the numbers respectively of the votes for and against the Order to be ascertained.

Other Provisions as to making of Orders.

21. The making of an Order shall not be frustrated nor the Order invalidated by reason merely of any failure in the delivery of a notice or a voting paper to any person or to the local authority or of any other informality in complying with these regulations.

22. When an Order fixing the day of the weekly half-holiday is made by the local authority, or a Closing Order is confirmed by the Secretary of State, the local authority shall forthwith either cause to be advertised once in a newspaper, and to be posted up in streets and public places, in the area to which the Order applies a notice giving the terms of the Order as made or confirmed, or shall send such notice to the occupier of every shop affected by the Order.

Revocation of Orders.

23. Before revoking an Order fixing the day of the weekly half-holiday or applying to the Secretary of State to revoke a Closing Order, the local authority shall, for the purpose of ascertaining whether the occupiers of a majority of each of the several classes of shops affected by the revocation approve the revocation, follow, with the necessary modifications, the same procedure as is prescribed in the foregoing regulations in regard to the making of such Orders.

24. When an Order is revoked in whole or in part by a local authority or by the Secretary of State, as the case may be, the local authority shall forthwith either cause to be advertised once in a newspaper, and to be posted up in streets and public places, in the area to which the Order applied a notice announcing such revocation or shall send such a notice to the occupier of every shop known to be affected by the revocation.

Certificate of Appointment of Inspector.

25. The certificate of appointment with which an inspector is required to be furnished shall be in the form marked V. in the schedule to these regulations.

R. MCKENNA,
One of His Majesty's Principal Secretaries of State.

HOME OFFICE,
1*st April*, 1912.

I.—PRESCRIBED FORM OF NOTICE AS TO ASSISTANTS' WEEKLY HALF-HOLIDAYS.
Shops Act, 1912, *section* 1.

Prescribed Form of Notice as to Assistants' Weekly Half-Holidays.

I HEREBY GIVE NOTICE that the assistants employed in this {shop / room / department} (*a*) will not be employed about the business of the shop after 1.30 p.m. on the day named below in the week following the date of this notice and until further notice (*b*).

Names (*c*) *or* Class *or* Department of Assistants.	Week-day on which Half-holiday is allowed.

Signature of occupier or manager,

Date.

This notice must be kept constantly affixed in the shop in a position where it may be readily seen and read by any person whom it affects, and must be renewed whenever it becomes defaced or otherwise ceases to be clearly legible.

If the half-holiday is given on different days to the assistants employed in different rooms or departments of a shop, a separate notice must be affixed in each such room or department.

The notice must be affixed before the assistants to whom it relates cease work on the Saturday preceding the week during which it is to have effect.

II.—NOTICE OF INTENTION TO MAKE A HALF-HOLIDAY ORDER AND AS TO INSPECTION OF REGISTER.

Shops Act, 1912, *section* 4 (2).

NOTICE IS HEREBY GIVEN that the council [on application made to them] propose to make an Order fixing the day of the weekly half-holiday for the trades hereinafter mentioned as follows:—

Name of Trade	Day of weekly half-holiday.
	—— (or, at option of shopkeeper, Saturday) *or as the case may be,* Saturday (or, at option of shopkeeper——).

NOTICE IS FURTHER GIVEN that the occupier of any shop to be affected by the Order may, on presenting himself at [the council's offices] between the hours of and on [any] day before the [date] next, verify that his name, address and trade are duly entered in the register of shops, [and may inspect the application for the making of the order received by the council].

Dated this day of 19 .

Clerk to the Council.

III.—NOTICE FOR ASCERTAINING THE OPINION OF OCCUPIERS OF SHOPS ON PROPOSED ORDER BY TAKING A VOTE.

Shops Act, 1912, *section* 4 (2).

NOTICE IS HEREBY GIVEN that the council propose to make the Order shown on the enclosed voting paper, provided they are satisfied that the occupiers of a majority of the shops to be affected by the Order approve the Order.

You are requested (i) to signify your opinion for or against the making of the Order by writing "Yes" or "No" on the enclosed voting paper in the space provided for the purpose; and (ii) to return the paper by post to the council at [the council's offices] before

(*a*) Strike out the words which are not appropriate.

(*b*) Strike out the words "and until further notice" if the notice is intended to apply only to one week.

(*c*) If the same day is fixed for all the assistants, the word "all" only need be inserted in this column.

the day of 19 , [or to hand the paper to a collector appointed by the council for the purpose, who will call for it, and will show, on request, his written appointment] [or to hand the paper to the person delivering it].

Dated this day of 19 .

Clerk to the Council.

FORM OF VOTING PAPER (*to be enclosed with the foregoing notice*).

Shops Act, 1912.

I. (Here insert terms of draft order.)

II. Form for Votes.

[Borough] *or* [Urban District] *or* [Area] of

	Write in the Space below either "Yes" *or* "No."
Are you in favour of the making of the above Order?	

Signature
Address of Shop
Date

IV.—NOTICE TO BE AFFIXED IN SHOPS PARTIALLY EXEMPTED FROM CLOSING FOR THE WEEKLY HALF-HOLIDAY.

Shops Act, 1912, *Section* 10 (1).

This shop is closed for to-day except for the *trade or business of [ ].

V.—FORM OF CERTIFICATE OF APPOINTMENT OF AN INSPECTOR UNDER THE SHOPS ACT, 1912.

Shops Act, 1912.

I HEREBY CERTIFY THAT *A. B.* has been appointed an inspector for the purposes of the above-mentioned Act for [the city of London or county or borough or urban district of]

(Signature)
The Lord Mayor of the City of London
or
Chairman of the County Council of
or
Mayor of the Borough of
or
Chairman of the Urban District Council of

Dated this day of 19 .

A.—NOTICE OF INTENTION TO MAKE A CLOSING ORDER.

Shops Act, 1912.

NOTICE IS HEREBY GIVEN that the council propose to make a Closing Order for [specify class or classes of shops] in [specify the area] fixing the hours at which such shops shall be closed as follows:—

Any person wishing to make objection to the Order or suggestions as to the provisions

* In shops where a wholesale and retail business are carried on together, and the shop is kept open on the half-holiday for the wholesale business, the word "wholesale" should be inserted in the notice before "trade."

of the Order should address a statement in writing to the clerk to the council before the [date] next.

NOTICE IS FURTHER GIVEN that the occupier of any shop to be affected by the Order may, on presenting himself at [the council's offices] between the hours of and on [any] day before the aforesaid date, verify that his name, address and trade, are duly entered in the register of shops.

Dated this day of 19 .

Clerk to the Council.

B.—NOTICE FOR ASCERTAINING THE OPINION OF OCCUPIERS OF SHOPS ON PROPOSED CLOSING ORDER BY TAKING A VOTE.

Shops Act, 1912.

NOTICE IS HEREBY GIVEN that the council propose to make the Order shown on the enclosed voting paper, provided they are satisfied that the occupiers of two-thirds of the shops to be affected by the Order approve the Order.

You are requested (i) to signify your opinion for or against the making of the Order by writing "Yes" or "No" on the enclosed voting paper in the space provided for the purpose: and (ii) to return the paper by post to the council at [the council's offices] before the day of 19 , [or to hand the paper to a collector appointed by the council for the purpose, who will call for it, and will show, on request, his written appointment] [or to hand the paper to the person delivering it].

Dated this day of 19 .

Clerk to the Council.

FORM OF VOTING PAPER (*to be enclosed with the foregoing notice*).

Shops Act, 1912.

I. (Here insert terms of draft Order.)

II. Form for Votes.

City] [Borough] *or* [Urban District] *or* [Area] of

——	*Write in the Space below either* "Yes" *or* "No."
Are you in favour of the making of the above Order?	

Signature
Address of Shop
Date

C.—NOTICE OF MAKING OF ORDER.

Shops Act, 1912.

NOTICE IS HEREBY GIVEN that the council have made a Closing Order, of which a copy is annexed hereto, and have submitted the Order to the Secretary of State for confirmation.

A copy of the order may be obtained by any person whom it may concern on application at [the offices of the council]:

If any person desires to make any objections to the provisions of the order he should address a written statement to the Secretary of State, Home Department, London, within one month from the date thereof, *i.e.* before the day of , 19 .

Dated this day of 19 .

Clerk to the Council.

SHOPS REGULATION

(S. R. & O., 1913, No. 250.)

REGULATION DATED MARCH 8TH, 1913, MADE BY THE SECRETARY OF STATE FOR THE HOME DEPARTMENT IN PURSUANCE OF THE SHOPS ACTS, 1912 AND 1913.

In pursuance of the powers conferred on me by the Shops Acts, 1912 and 1913, I hereby make the following regulation:—

The notice required by section 1 (1) (*d*) of the Shops Act, 1913, to be affixed in premises for the sale of refreshments where the occupier elects that the provisions of the Act shall apply, shall be in the form in the schedule to this regulation.

R. MCKENNA,
One of His Majesty's Principal Secretaries of State.

HOME OFFICE,
8th March, 1913.

SCHEDULE.

This notice must be affixed and constantly maintained in a conspicuous position in the premises.

SHOPS ACT, 1913.

I HEREBY GIVE NOTICE that I elect that instead of the provisions of section 1 of the Shops Act, 1912, in regard to the weekly half-holiday and meal times for shop assistants, the provisions of the Shops Act, 1913 (as set out below), shall apply to all assistants employed wholly or mainly in connection with the business of these premises of the sale of* and that I propose to carry out those provisions in the manner indicated below.

This notice can only be withdrawn at the end of a year from this date or at the end of any succeeding year.

Dated the day of , 19 .

Signature of occupier or manager

1. The following provisions apply to all persons wholly or mainly employed in any capacity on these premises in connection with the business here carried on of the sale of *

2. TOTAL HOURS OF WORK.—An assistant must not be employed for more than 65 hours in any week EXCLUSIVE of meal times.

3 MEAL TIMES.—Two hours must be allowed to each assistant for meals on ordinary days and three-quarters of an hour on half-holidays. No assistant may be employed on any day for more than six hours without being allowed an interval of at least half an hour.

4. WEEK-DAY HOLIDAYS.—Every assistant must be given 32 whole holidays on a week day in the year. Of these six are to be given consecutively on full pay as an annual holiday, and the remaining 26 must be so distributed that there shall be at least two holidays in each month. Except as regards the consecutive holiday, two half-holidays on week days may be allowed instead of any whole holiday. On any such half-holiday the assistant may not be employed for more than six hours including meal time, and he must cease work not later than 3 p.m.

5 SUNDAY HOLIDAYS.—Every assistant must be given 26 whole holidays on Sunday in the year, and at least one in every three consecutive Sundays must be a whole holiday.

Steps taken to comply with the Act.†

WEEK-DAY HOLIDAYS.

SUNDAY HOLIDAYS.†

* Insert "intoxicating liquor" or "refreshments" or both as the case may be.

† Here state as precisely as possible in what manner it is proposed to carry out the Act. *E.g.*, it will be open to an occupier to give a weekly half-holiday commencing at 3 p.m. in lieu of the corresponding number of whole holidays. If he decides to do this, he can state this in the notice, and the day on which, as a general rule, the half-holiday will be given. Or he may decide to give a whole holiday every other week: if so, he can state this and the day on which the holiday will be given: etc., etc.

S. R. & O., 1937, No. 271.

SHOPS REGULATION

THE SHOPS REGULATIONS, 1937, DATED APRIL 6TH, 1937, MADE BY THE SECRETARY OF STATE IN PURSUANCE OF SECTION 17 OF THE SHOPS ACT, 1912, AND THE SHOPS (SUNDAY TRADING RESTRICTION) ACT, 1936.

In pursuance of the powers conferred on me by section 17 of the Shops Act, 1912, and the Shops (Sunday Trading Restriction) Act, 1936, I hereby make the following Regulations:

Conditions for Mixed Shops remaining open on Sunday (section 4 of the Shops (Sunday Trading Restriction) Act, 1936).

1. The conditions subject to which a shop, to which section four of the Shops (Sunday Trading Restriction) Act, 1936 (hereinafter referred to as "the Act"), applies, may be kept open in accordance with the provisions of that section for the whole or any part of Sunday, shall be as follows—

(*a*) during any time on Sunday when the shop is open for the serving of customers there shall be exhibited in some conspicuous places on the exterior and in the interior of the shop notices in the form marked I in the Schedule to these Regulations and in letters of not less than one inch in height; and

(*b*) so far as is reasonably practicable, no goods in connection with any trade or business shall be exhibited either inside or outside the shop at any time on Sunday when the shop cannot lawfully be kept open for the serving of customers with those goods.

Notice of Intention of Local Authority to make an Order and prescribed period within which Objections may be made (section 6 (1) of the Act).

2.—(1) Notice of the intention of the local authority to make a partial exemption order under section two of the Act or an order in respect of the sale of meals or refreshments for consumption off the premises under section three of the Act or an order in respect of a holiday resort under section five of the Act or an order varying or revoking any such order shall be given in the form marked II in the Schedule to these Regulations and shall be—

(i) published in one or more local newspapers circulating in the area to which the order will apply, and

(ii) posted up in streets and public places in the area to which the order will apply in such positions and such manner that it is likely to be seen and can easily be read by persons interested.

(2) The prescribed period within which objections may be made to the making of any such proposed order shall be four weeks from the publication of the notice of intention.

Provisions relating to Registration of Shops by Persons of the Jewish Religion or Members of any Religious Body regularly observing the Jewish Sabbath (section 7 of the Act).

3. Any application for the registration of a shop under section seven of the Act by the occupier, being a person of the Jewish religion or a member of any religious body regularly observing the Jewish Sabbath, shall be in the form marked III in the Schedule to these Regulations and the statutory declaration required by the said section shall be either in the form marked IV (*a*) or in the form marked IV (*b*) in the said Schedule, as the case made require.

4. The tribunal for the purpose of subsection (7) of section seven of the Act shall—

(*a*) in the case of a person professing to be a person of the Jewish religion, consist of such persons as shall be nominated from time to time by the London Committee of Deputies of the British Jews (generally known as the Board of Deputies) and approved by the Secretary of State, and the secretary to the tribunal shall be the secretary of the said Committee or such other person as may be nominated by the said Committee and approved by the Secretary of State;

(*b*) in the case of a person professing to be a member of the Seventh-Day Adventist Church, consist of such persons as shall from time to time be nominated by the British Union Conference of Seventh-Day Adventists and approved by the Secretary of State, and the secretary to the tribunal shall be the secretary of the said Conference or such other person as may be nominated by the said Conference and approved by the Secretary of State.

Submission to Secretary of State of certain Orders relating to London (section 8 of the Act).

5. Where the Common Council of the City of London or the London County Council have made an order under section eight of the Act, a notice in the form marked V in the Schedule to these Regulations shall be—

(i) published in one or more local newspapers circulating in the area to which the order applies, and

(ii) posted up in streets and public places in the area to which the order applies in such positions and such manner that it is likely to be seen and can easily be read by persons interested.

6. In submitting the order to the Secretary of State the Council shall inform him of any matters which they think it desirable to bring to his notice, and shall forward to him a copy of the notices given under the preceding Regulation and other evidence that the provisions of the Act and the Regulations have been duly complied with.

Notice stating terms of Orders applying to a Shop (section 12 (a) of the Act).

7. The notice to be kept posted in a shop in accordance with paragraph (*a*) of section twelve of the Act shall be either a copy of the order or orders in force and applying to the shop or a notice in the form marked VI in the Schedule to these Regulations.

Record of Sunday Employment and Holidays (section 12 (b) of the Act).

8. The record to be kept by the occupier of a shop in accordance with paragraph (*b*) of section twelve of the Act containing the names of, and the hours worked by, all persons employed about the business of the shop on Sunday who are entitled to holidays in respect of their employment on Sunday, and the respective days of the week upon which those persons receive those holidays shall be in the form marked VII in the Schedule to these Regulations.

9. The entries shall be made in the record on the day to which they relate or, if it is not reasonably practicable to do so, on the following day.

10. The records relating to any month shall be preserved at the shop for a period of not less than six months from the end of that month.

Application, Interpretation, Citation and Commencement.

11.—(1) The provisions of these Regulations, other than Regulations 1 and 7, shall extend to any place where any retail trade or business is carried on as if that place were a shop, and as if in relation to any such place the person by whom the retail trade or business is carried on were the occupier of a shop.

(2) The Interpretation Act, 1889, shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

12.—(1) These Regulations may be cited as the Shops Regulations, 1937.

(2) These Regulations shall come into force on the first day of May, 1937, except Regulations 2, 3, 4, 5, 6 and 11 which, being necessary for bringing the Act into operation, shall come into force forthwith.

JOHN SIMON,
One of His Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
April 6th, 1937.

SCHEDULE.

SHOPS REGULATION

I. *Form of Notice to be exhibited at Mixed Shops (Regulation 1).*

SHOPS (SUNDAY TRADING RESTRICTION) ACT, 1936.

This shop is open on Sunday for *

II. *Form of Notice of Intention to make an Order under sections 2, 3 or 5 of the Act or an Order varying or revoking such Order (Regulation 2).*

SHOPS (SUNDAY TRADING RESTRICTION) ACT, 1936.

Notice is hereby given that the Council propose to make an Order (entitled), of which a copy is annexed hereto.

Any objection to the proposed Order should be made in writing to the Clerk of the Council (*insert address*) before the day of , 19 .

Dated this day of , 19 .

(*Signed*)

Clerk of the Council.

(*Here set out proposed Order.*)

III. *Form of Application for Registration of a Shop or Place under section 7 of the Act (Regulation 3).*

SHOPS (SUNDAY TRADING RESTRICTION) ACT, 1936.

APPLICATION FOR REGISTRATION OF A SHOP OR PLACE UNDER SECTION 7 OF THE ACT BY A PERSON OBSERVING THE JEWISH SABBATH.

To the Council of the { County / Borough / Urban District / Rural District } of

1. Name and address of occupier (see notes A and B).

.....

2. Name under which the retail trade or business is carried on.

.....

3. Address of the shop or place (see note B).

.....

4. Nature of the retail trade or business.

.....

5. Has the shop or place, to which this application relates, been previously registered either by the applicant or to his knowledge by any other person ?

.....

6. Does the applicant carry on retail trade or business in any shop or place other than that to which this application relates ? If so, give the addresses of all such shops and places.

.....

7. Has the registration of any other shop or place where the applicant carries on or has carried on any retail trade or business been revoked or cancelled ? If so, give particulars.

.....

8. Has the registration of any shop or place where any partnership or company, of which the applicant was a partner or director, carried on retail trade or business been revoked or cancelled ? If so, give particulars (see note C).

.....

I/We hereby apply for registration of the shop [*or* place] described in the answers to questions 2, 3 and 4 above.

(*Signed*)

* State the purposes for which and the hours during which the shop is open.

SHOPS REGULATION

THIS APPLICATION MUST BE ACCOMPANIED BY A STATUTORY DECLARATION IN THE FORM IV(*a*) PRESCRIBED BY THE SHOPS REGULATIONS, 1937, WHERE THE OCCUPIER IS A PARTNERSHIP OR COMPANY, AND IN THE FORM IV(*b*) PRESCRIBED BY THE SAID REGULATIONS IN OTHER CASES.

IF ANY PERSON KNOWINGLY OR RECKLESSLY MAKES AN UNTRUE STATEMENT OR AN UNTRUE REPRESENTATION FOR THE PURPOSE OF PROCURING REGISTRATION OF A SHOP OR PLACE, HE IS LIABLE TO IMPRISONMENT OR A FINE, OR TO BOTH IMPRISONMENT AND FINE

Note A.—Where the occupier is a partnership or company, the name and address of the partnership or company should be given.

Note B.—Where the application relates to retail trade or business carried on in a place other than a shop (*e.g.* by a street trader), the name and address of the person, partnership or company carrying on the trade or business should be given in answer to question 1, and the address or description of the place where the retail trade or business is carried on should be given in answer to question 3.

Note C.—This question is not applicable where the applicant is a partnership or company.

IV (*a*). *Form of Statutory Declaration by a Partnership or Company under section* 7 (2) (*a*) *of the Act* (*Regulation* 3).

SHOPS (SUNDAY TRADING RESTRICTION) ACT, 1936.

STATUTORY DECLARATION BY A PARTNERSHIP OR COMPANY APPLYING FOR REGISTRATION OF A SHOP OR PLACE UNDER SECTION 7 OF THE ACT.

We,*

being partners in [*or* directors of] †

of‡ , being persons of the Jewish religion [*or*

members of§] do solemnly and sincerely declare that we conscientiously object on religious grounds to carrying on trade or business on the Jewish Sabbath, and we further declare

[that all the partners in the above-named partnership / directors of the above-named company have subscribed to this declaration]

or

[that the names and addresses of all the partners in the above-named partnership / directors of the above-named company who have not subscribed to the declaration are specified in the Schedule hereto]

and we make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declaration Act, 1835.

Dated this day of , 19 .

(*Signed*)

Declaration before me at , this day of , 19 .

(*Signed*)

(A Commissioner for Oaths, Justice of the Peace, or other Officer authorised to receive a Statutory Declaration.)

* Insert names and addresses of declarants.
† Insert name of partnership or company.
‡ Insert address of partnership or company.
§ Insert name of religious body to which the declarant belongs.

SCHEDULE.

IV (*b*). *Form of Statutory Declaration by an applicant (not being a partnership or company) under section 7 (2) (a) of the Act (Regulation 3).*

SHOPS (SUNDAY TRADING RESTRICTION) ACT, 1936.

STATUTORY DECLARATION BY AN APPLICANT (NOT BEING A PARTNERSHIP OR COMPANY) FOR REGISTRATION OF A SHOP OR PLACE UNDER SECTION 7 OF THE ACT.

I, of , being a person of the Jewish religion [*or* a member of*] do solemnly and sincerely declare that I conscientiously object on religious grounds to carrying on trade or business on the Jewish Sabbath, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

Dated this day of , 19 .

(*Signed*)

Declared before me at , this day of , 19 .

(*Signed*)

(A Commissioner for Oaths, Justice of the Peace, or other Officer authorised to receive a Statutory Declaration.)

V. *Form of Notice of making of Order under section 8 of the Act (Regulation 5).*

SHOPS (SUNDAY TRADING RESTRICTION) ACT, 1936.

Notice is hereby given that the Common Council of the City of London [*or* London County Council] have, under section 8 of the above Act, made an Order of which a copy is annexed hereto, and have submitted the Order to the Secretary of State for confirmation.

A copy of the Order may be obtained on application at (*insert address*).

Any objection to the confirmation of the Order should be made in writing to the Under Secretary of State, Home Office, Whitehall, London, S.W.1, within four weeks from the date hereof, *i.e.* before the day of 19 .

Dated this day of , 19 .

(*Signed*)

Clerk of the Council.

(*Here set out Order.*)

VI. *Form of Notice stating terms of Orders applying to Shop (Regulation 7).*

SHOPS (SUNDAY TRADING RESTRICTION) ACT, 1936.

ORDER(S) APPLYING TO THIS SHOP.

(*Here set out the title(s) of the Order(s) and the terms of the Order(s) applying to the shop.*)

VII. *Form of Record of Sunday Employment and Holidays (Regulation 8).*

SHOPS (SUNDAY TRADING RESTRICTION) ACT, 1936.

RECORD OF SUNDAY EMPLOYMENT AND OF HOLIDAYS IN RESPECT OF SUCH EMPLOYMENT.

Name of Occupier Address of Shop [*or* Place]

Record for month of 19 .

* Insert name of religious body to which the declarant belongs.

Name of employed person.	Sunday (*insert date*). Hour of commencing work.	Interval for meals and rest (if any).	Hour of ceasing work.	Date of compensatory holiday.	The four preceding columns to be repeated for each Sunday in the month.

(*Signed*)

(Occupier *or* Manager.)

Notes.

1. Entries relating to employment on a Sunday and to the day of the compensatory holiday must be made respectively on that Sunday and on the day of the holiday, or in either case, if that is not reasonably practicable, on the following day.

2. The entries under the heading "Intervals for meals and rest" may be either (*a*) the actual times at which the intervals began and ended (*e.g.* 1 p.m. 2 p.m. and 5 p.m.-5.30 p.m.) or (*b*) the duration of the intervals (*e.g.* Dinner 1 hour, Tea ½ hour).

3. Where the record relates to persons employed in connection with retail trade or business carried on in a place other than a shop, the name of the person, partnership or company carrying on the trade or business and the address or description of the place where the trade or business is carried on should be stated.

S. R. & O., 1937, No. 1038.

THE SHOPS (PROCEDURE FOR JEWISH TRIBUNALS) REGULATIONS, 1937, DATED NOVEMBER 17TH, 1937, MADE BY THE SECRETARY OF STATE UNDER SECTION 17 OF THE SHOPS ACT, 1912, AND THE SHOPS (SUNDAY TRADING RESTRICTION) ACT, 1936.

In pursuance of the powers conferred on me by Section 17 of the Shops Act, 1912, and the Shops (Sunday Trading Restriction) Act, 1936, I hereby make the following Regulations:—

Rules of Procedure for Jewish Tribunals in considering cases referred to them by local authorities under Section 7 (7) of the Shops (Sunday Trading Restriction) Act, 1936.

1. On receiving particulars of a case from a local authority the Secretary of the Tribunal shall send to the person, partnership or company occupying the shop concerned (hereinafter called "the person affected") a copy of the particulars received from the local authority and shall notify the person affected that any statement it is desired to make on the said particulars should be submitted as soon as possible to the Tribunal. On receipt of any such statement the Secretary of the Tribunal shall forthwith make and send to the said local authority a copy thereof. The particulars above referred to shall contain the name and address of the person affected as given in the application form prescribed by Regulation 3 of, and the Schedule to, the Shops Regulations, 1937 (*a*). If the person affected is a partnership or company the particulars shall contain the names of all the partners or directors as given in the statutory declaration accompanying the said application form specifying which of

(*a*) S. R. & O., 1937, No. 271, *ante*, p. 3731.

the partners or directors of the company are alleged not to hold genuinely a conscientious objection on religious grounds to carrying on business on the Jewish sabbath.

2. Upon the expiration of ten days after the despatch of the particulars to the person affected, the Secretary of the Tribunal shall, by registered letter, notify the person affected and the local authority of the time and place appointed for holding the inquiry.

3. The particulars referred to in Regulation 1 and the notice referred to in Regulation 2 shall be addressed to the person affected at the address specified in the particulars.

4. Notwithstanding anything contained in the Shops Regulations, 1937, the Tribunal may sit in more than one Division at the same time. Each Division shall consist of not less than three members of the Tribunal. Each Division shall exercise all or any part of the jurisdiction vested in the Tribunal.

5. The Tribunal may at any time prior to the date of holding the inquiry, serve on the person affected or the local authority a notice in writing asking if either of them are prepared to admit in writing any material fact in order that the expense of calling a witness or witnesses to prove such facts may be obviated.

6. The whole or any part of the inquiry shall be held in private if the Tribunal think fit.

7. The local authority may be represented at the inquiry by Counsel or Solicitor or by any of their officers.

8. The person affected may be represented at the inquiry by Counsel or Solicitor or, in the case of a company, by a director or officer thereof, or in the case of partnership, by a partner, or with the leave of the Tribunal by any other person.

9. The Tribunal shall be at liberty to proceed with the inquiry on the appointed day in the absence of the person affected whether represented or not or in the absence of a representative of the local authority if they are of opinion that it is just and proper so to do.

10. The Tribunal may adjourn the inquiry from time to time as they think fit and may hold adjourned sittings at such time and place as may appear to them to be suitable or necessary for the purpose of the case.

11. The Tribunal may, if they are of opinion in any particular case that no injustice will result, receive such part of the evidence as they may think fit in writing. Provided that the Tribunal may, if at any time after they have admitted evidence in writing they should in their absolute discretion consider that by reason of all or any part of such evidence being tendered in writing instead of orally any injustice is likely to be done, admit such oral evidence as they think desirable to obviate such injustice.

12. All witnesses called before the Tribunal shall be subject to such examination by the members of the Tribunal or by any other person or persons as the Tribunal consider desirable to assist them in the performance of their duties.

13. The Tribunal may, if they think fit, examine or obtain the evidence of such witnesses as appear to them likely to afford evidence relevant and material to the due investigation of the case although not called or tendered by the person affected or by the local authority.

14. Subject to the provisions of the foregoing Regulations the proceedings at the inquiry shall be conducted in such a way as the Tribunal may direct.

15. At the conclusion of the inquiry the Tribunal shall as soon as may be determine whether they are satisfied

(*a*) that the person affected is not a person of the Jewish religion, or

(*b*) that a conscientious objection on religious grounds to carrying on business on the Jewish sabbath is not genuinely held by the occupier of the shop or, in the case of a shop occupied by a partnership or company, by the majority of the partners or of the directors, as the case may be,

and shall report accordingly to the local authority.

SHOPS REGULATION

16. These Regulations may be cited as the Shops (Procedure for Jewish Tribunals) Regulations, 1937.

SAMUEL HOARE,
One of His Majesty's Principal Secretaries of State.

Home Office.
Whitehall,
17*th November*, 1937.

MEMORANDUM ON THE SHOPS (SUNDAY TRADING RESTRICTION) ACT, 1936, AND THE RETAIL MEAT DEALERS' SHOPS (SUNDAY CLOSING) ACT, 1936.

In the following memorandum a description is given of the main provisions of the Shops (Sunday Trading Restriction) Act, 1936, the Shops Regulations, 1937 (S. R. & O., 1937, No. 271) and the Retail Meat Dealers' Shops (Sunday Closing) Act, 1936.

The general effect of the Shops (Sunday Trading Restriction) Act, 1936, is (1) to require the closing of shops on Sundays subject to a number of exemptions designed to meet the reasonable needs of the public, and (2) to provide for compensatory holidays during the week for persons employed on Sunday about the business of those shops which are permitted to open, subject to exceptions for certain classes of workers.

The provisions as to the closing of shops are in substitution for the provisions of the Sunday Observance Acts, in so far as they relate to retail trading, and no offence under those Acts will be committed by the occupier of a shop who opens on Sunday by virtue of and in accordance with the provisions of the new Act.

The Act also applies to the carrying on of retail trade or business in places not being shops.

Special provision is made to enable persons of the Jewish religion to carry on retail trade business on Sunday up to 2 p.m., provided that they close for the whole of Saturday, and comply with certain other conditions. These provisions apply also to members of any religious body regularly observing the Jewish Sabbath, *e.g.* members of the Seventh-Day Adventist Church.

Provision is also made to meet the special needs of holiday resorts. Local authorities in holiday resorts may by order exempt from the closing provisions of the Act certain classes of transactions in addition to those exempted by the provisions of the Act which are of general application.

The Retail Meat Dealers' Shops (Sunday Closing) Act, 1936, prohibits the sale on Sundays of butchers' meat in butchers' shops or elsewhere, subject to certain exceptions.

These Acts do not apply to Scotland.

SHOPS (SUNDAY TRADING RESTRICTION) ACT, 1936.

SHOPS AND OTHER PLACES TO WHICH THE ACT APPLIES.

1. The Act applies—

(*a*) to retail shops, *i.e.* any premises where any retail trade or business * is carried on (with the exception of butchers' shops †);

(*b*) to any place where any retail trade or business (other than the retail sale of butchers' meat) is carried on elsewhere than in a shop. The Act applies therefore to retail trade or business carried on at or from a factory or workshop (*e.g.* a bakery), a farm or allotment, or any other place.‡ A person who carries on

* As a result of the passing of the Shops Act, 1936, retain trade or business now includes the business of a lending library, subject to the exceptions provided in that Act.

† The Sunday closing provisions applicable to the sale of butchers' meat are contained in the Retail Meat Dealers' Shops (Sunday Closing) Act. (See paragraphs 34 to 39 below.)

‡ [*The note thus indicated in the original memorandum called attention to the decision of the High Court in* Eldorado Ice Cream Co., Ltd. *v.* Keating, [1938] 1 K. B. 715; [1938] 1 All E. R. 330; 102 J. P. 147; Digest Supp., *in which it was held that the provisions of the Act as to employment on Sunday did not apply to persons employed in selling ice cream from box tricycles.*]

retail trade or business at or from such a place is regarded, for the purposes of the Act, as being the occupier of a shop.

In this Memorandum, unless otherwise stated, any reference to a "shop" should be read as including a reference to any place at or from which retail trade or business is carried on; and any reference to an "occupier of a shop" should be read as including a reference to a person carrying on retail trade or business at or from such a place.

The Act does not apply to wholesale trading.

TRANSACTIONS WHOLLY EXEMPTED FROM THE CLOSING PROVISIONS OF THE ACT.

2. The following transactions are wholly exempted from the closing provisions * of the Act:

The sale of—

(1) intoxicating liquors;

Note.—The provisions of the Licensing Act, 1921, relating to the sale of intoxicating liquors on Sunday, including the prohibition of Sunday sales in Wales and Monmouthshire, remain in force unaffected by the present Act.

(2) meals or refreshments whether or not for consumption at the shop at which they are sold, but not including the sale of fried fish and chips at a fried fish and chip shop;

Note.—For certain special provisions as to the sale of refreshments for consumption off the premises, see paragraph 9 below.

(3) newly cooked provisions and cooked or partly cooked tripe;

(4) table waters, sweets, chocolates, sugar confectionery and ice-cream (including wafers and edible containers);

Note.—The specific exemption for wafers and edible containers was inserted in order to prevent any suggestion that these articles could be regarded as "flour confectionery." The fact that edible containers are specifically mentioned does not preclude the sale of ice-cream in the containers ordinarily used, *e.g.* paper or cardboard containers.

(5) flowers, fruit and vegetables (including mushrooms) other than tinned or bottled fruit or vegetables;

(6) milk and cream not including tinned or dried milk or cream, but including clotted cream whether sold in tins or otherwise;

(7) medicines and medical and surgical appliances—

(i) at any premises registered under Section twelve of the Pharmacy and Poisons Act, 1933; or

(ii) by any person who has entered into a contract with an insurance committee under the National Health Insurance Act, 1936, for the supply of drugs and appliances.

Note.—The effect of this is to permit sales of these articles at any chemist's shop; and at those drug stores which have a contract with the local Insurance Committee. It is not necessary that the contract should contain a requirement for Sunday service.

(8) aircraft, motor, or cycle supplies or accessories;

(9) tobacco and smokers' requisites;

(10) newspapers, periodicals and magazines;

(11) books and stationery from the bookstalls of such terminal and main line railway or omnibus stations, or at such aerodromes as may be approved by the Secretary of State;

* For the requirements as to compensatory holidays for persons employed on Sunday, see paragraphs 30 to 33 below.

SHOPS REGULATION

(12) guide books, postcards, photographs, reproductions, photographic films and plates and souvenirs

(i) at any gallery, museum, garden, park or ancient monument under the control of a public authority or university; or

(ii) at any other gallery or museum, or any place of natural beauty or historic interest, or any zoological, botanical or horticultural gardens or aquarium, if and to the extent that the local authority certify that such sale is desirable in the interests of the public; or

(iii) in any passenger vessel within the meaning of Part II of the Finance (1909–10) Act, 1910, while engaged in carrying passengers.

Notes.—As regards (ii) application for a certificate should be made to the local authority. There is no prescribed form of application. It will be open to local authorities either to permit sales of all the articles mentioned for the whole of Sunday, or to limit the classes of commodities which may be sold and/or the hours during which they may be sold.

As regards (iii) the definition of "passenger vessel" for the purposes of Part II of the Finance (1909–10) Act, 1910, is to be found in Section 52 of that Act and runs as follows:

> "The expression 'passenger vessel' means a vessel of any description employed for the carriage and conveyance of passengers which goes from any place in the United Kingdom to any other place in the United Kingdom or goes from and returns to the same place in the United Kingdom on the same day."

The Act does not apply to a "sea-going ship" (*i.e.* a ship which in fact goes to sea), and the special provision for passenger vessels will therefore apply to such vessels only on rivers, lakes, and certain tidal waters:

(13) photographs for passports;

(14) requisites for any game or sport at any premises or place where that game or sport is played or carried on;

(15) fodder for horses, mules, ponies and donkeys at any farm, stables, hotel or inn.

Note.—This exemption does not apply to the sale of fodder at a shop (*e.g.* a corn-merchant's shop).

(16) the transaction of post office business;

(17) the transaction of the business carried on by a funeral undertaker;

(18) the sale by fishermen elsewhere than in a shop of freshly caught fish (including shell-fish);

(19) the sale at a farm, smallholding, allotment or similar place, of produce produced thereon.

Note.—It will have been seen that by virtue of the general exemptions contained in the Act, flowers, fruit, vegetables, milk and cream may be sold at any time on Sunday. The further special exemption enables farmers, allotment holders, market gardeners, &c., to sell on Sundays other commodities (*e.g.* butter, eggs, honey) so long as the commodities are produced on, and sold at, the farm, allotment, &c., and are not obtained from any other source.

(20) the sale of victuals, stores or other necessaries required by any person for a ship or aircraft on her arrival at, or immediately before her departure from, a port or aerodrome;

(21) the sale of goods to a club for the purposes of the club;

(22) the sale of the products of a handicraft, when the local authority are satisfied that a person engaged in handicraft at his home is dependent for his livelihood upon the Sunday sale of the articles he produces to such an extent that the prohibition of these sales would involve substantial hardship.

Note.—In such a case application should be made to the local authority for certificate of exemption. There is no prescribed form of application. The certificate may contain stipulations as to the period during which it is to be in force (*e.g.* the summer months) and as to the hours during which sales may be carried on, and any conditions which it is desired to include.

(23) sales on sea-going ships (see paragraph 2 (12) above).

3. *Cooking of food for customers.*—Notwithstanding anything in the Act, food brought to a shop (*e.g.* a baker's shop) by a customer to be cooked, and required for consumption on Sunday, may be cooked before 1.30 p.m. and may be dispatched or delivered up to an hour not later than 1.30 p.m.

4. *Goods required in case of illness.*—Customers may be served with any goods on Sunday if there are reasonable grounds for believing that the goods are required in the case of illness.

PARTIAL EXEMPTION ORDERS.

5. Certain transactions may, in so far as they are not otherwise exempted from the closing provisions of the Act, be permitted for part of Sunday in any district by a partial exemption order made by the local authority.

These transactions are as follows:

The sale of—

(*a*) bread and flour confectionery, including rolls and fancy bread;
(*b*) fish (including shell-fish);
(*c*) groceries and other provisions commonly sold in grocers' shops.

(*Note.*—Prior to February 1st, 1938, these transactions were exempted altogether from the closing provisions of the Act.)

6. A partial exemption order may—

(*a*) apply to the whole or any part of a local authority's district;
(*b*) apply to any or all of the transactions mentioned in the previous paragraph;
(*c*) permit the transactions specified in the order to be carried on up to the hour fixed by the order, which must not be later than 10 a.m. (subject to any provisions in the order for cases of emergency, &c.).

For the provisions applicable to the making of these orders see paragraph 10 below.

HOLIDAY RESORTS.

7. In places frequented as holiday resorts during certain seasons of the year certain transactions may be exempted from the closing provisions of the Act, on not more than eighteen Sundays in the year by an order made by the local authority, in addition to those transactions which are wholly exempted by the Act throughout the country (see paragraph 2 above).

These additional transactions are as follows:

The sale of—

(*a*) any articles required for the purposes of bathing or fishing;
(*b*) photographic requisites;
(*c*) toys, souvenirs and fancy goods;
(*d*) books, stationery, photographs, reproductions and postcards;
(*e*) any article of food.

Note.—As regards (*e*) it should be noted that, as the Act does not apply to the business of a retail dealer in butchers' meat, a holiday resort order cannot be made for the sale of butchers' meat.

8. An order apply to a holiday resort:

(1) applies only to the Sundays specified in the order, which must not exceed eighteen in any year;

(2) may be made for the whole or part of the local authority's district;

(3) may apply to any or all of the transactions mentioned above;

(4) may permit the transactions specified in the order to be carried on in all shops or in specified classes of shops only in the district or part of the district;

(5) may limit the hours during which, and lay down the conditions under which, the transactions specified may be carried on.

For the provisions applicable to the making of these orders see paragraph 10 below.

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MEALS AND REFRESHMENTS SOLD FOR CONSUMPTION OFF THE PREMISES.

9. An order may be made by a local authority prohibiting the sale on Sunday of meals or refreshments for consumption *off* the premises in shops, or any specified class of shops, in their area or any part of it.

The prohibition of off-sales under such an order will *not* however apply (*a*) to a restaurant or any other shop in which the sale of meals and refreshments for consumption *on* the premises forms a substantial part of the business, or (*b*) to sales of meals and refreshments elsewhere than at a shop (*e.g.* from a stall or by a street vendor) except to such extent and under such conditions as may be specified in the order. Orders may be made for the whole year or for a specified period or periods.

For the provisions applicable to the making of these orders see paragraph 10 below.

The object of these orders is to provide means of preventing misuse of the general exemption for refreshments for off-consumption by persons who do not carry on a genuine refreshment trade.

PROVISIONS APPLICABLE TO THE MAKING OF ORDERS.

10. The orders described in the foregoing paragraphs (*i.e.* partial exemption orders, orders for holiday resorts, and orders relating to off-sales of meals and refreshments) may be made only with the approval of the occupiers of not less than two-thirds of the shops affected by the order. When the order affects more than one class of shop there must be a two-thirds majority in each class in favour of the order. *For the purpose of determining this majority the views of occupiers of shops only (and not those of persons trading elsewhere than in a shop) are to be taken into account.*

An occupier who carries on more than one trade or business in his shop may be required by the local authority to specify his principal trade or business, and in that case he will, for the purpose of determining the majority referred to above, be regarded as carrying on that trade or business only, unless he satisfies the local authority that another trade or business forms a substantial part of his business.

Local authorities are required to give public notice of their intention to make an order, and to specify in the notice a period of at least four weeks within which objections may be made to them. At the end of that period they are required to consider any objections which they have received, and if they are satisfied (*a*) that it is expedient to make the order, and (*b*) that there is the necessary majority of occupiers in favour of it, they may make the order.

11. A local authority may vary or revoke an order by a subsequent order. Before making such an order they are required to carry out the procedure described above with the necessary modifications, and, *inter alia*, to be satisfied that there is a two-thirds majority in favour of the proposed variation or revocation.

SPECIAL PROVISIONS FOR PERSONS OBSERVING THE JEWISH SABBATH.

12. The general effect of these provisions is to permit a person of the Jewish religion, or a member of any religious body regularly observing the Jewish Sabbath (*e.g.* a member of the Seventh-Day Adventist Church), to keep his shop * open until 2 p.m. on Sunday, provided—

(*a*) that he applies for and obtains registration of the shop by the local authority;

(*b*) that he keeps the shop, and any other shop occupied by him, closed for all purposes during the whole of Saturday, and

(*c*) that he complies with certain other conditions designed to secure that the privilege of opening on Sunday under these special provisions is limited to persons who have a genuine conscientious objection to trading on the Jewish Sabbath.

The provisions apply to shops occupied by a partnership or company, if the majority of the partners or directors are persons of the Jewish religion, or members of a religious body regularly observing the Jewish Sabbath.

* The provisions also apply to retail trade or business carried on elsewhere than in a shop (*e.g.* at a stall in a street)—see paragraph 1 above.

It will be appreciated that recourse to these special provisions will not be necessary in the case of (*a*) persons who desire to carry on a trade or business which is wholly exempted from the closing provisions of the Act (see paragraph 2 above), or (*b*) persons permitted to open their shops up to 2 p.m. on Sunday in certain districts of London by an order made by the local authority (see paragraphs 20 to 22 below).

13. *Application.*—Application must be made to the local authority in the form prescribed by the Regulations (Form III), and must be accompanied by the prescribed Statutory Declaration. In the case of a partnership or company, the Declaration must be in the terms of the Form IV (*a*) and if it is not signed by all the partners or directors, must specify the names and addresses of the partners or directors who have not subscribed to it. When the applicant is not a partnership or company, the Declaration must be in terms of the Form IV (*b*).

A person who makes an untrue statement or representation for the purpose of procuring registration is liable on conviction to a fine not exceeding £50 or to a term of imprisonment not exceeding three months, or to both fine and imprisonment.

14. *Registration.*—On the receipt of an application in the prescribed form duly completed and accompanied by the prescribed Statutory Declaration, the local authority will register the shop, subject to the following exceptions:

(1) the local authority may refuse to register a shop if the registration of the shop or any other shop now occupied or formerly occupied by the applicant, or (in the case of an individual occupier) by any partnership or company of which he was a partner or director has been revoked or cancelled (see paragraphs 16 to 18 below);

(2) a shop cannot be registered if the registration of that shop has been revoked, or cancelled at the occupier's request, *while in the occupation of the present applicant.*

When the local authority refuse to register in a case falling under (1) above, they will serve notice of their refusal upon the applicant, and he may then appeal to a Court of Summary Jurisdiction; and in the event of his appeal being unsuccessful, he may make a further appeal to Quarter Sessions against the Court's order.

15. *Conditions to be observed after registration.*—(a) *The shop and any other shop occupied by the same occupier must be kept closed for all purposes connected with trade or business throughout the whole of Saturday.*

It should be noted that the prohibition of Saturday opening extends to *all classes of trade or business*, whether or not they are exempted from the closing provisions of the Act.

(*b*) The shop must be closed (except for exempted transactions) at 2 p.m. on Sunday.

(*c*) A notice must be kept conspicuously posted in the shop stating that it will be closed on Saturday; and if it is kept open on Sunday after 2 p.m. for the purpose of exempted transactions the notice must specify the hours during which, and the purpose for which, it will be open on Sunday. The form of notice is not prescribed. *The notice need not be exhibited by persons carrying on business elsewhere than in a shop.*

(*d*) An individual occupier, or a partner or director, who has subscribed to the Statutory Declaration must not be employed or engaged on the Jewish Sabbath about the business of any shop, nor must he employ any person about the business of any shop on the Jewish Sabbath, or be concerned in the control or management of any partnership or company which so employs any person.

It should be noted that all these requirements must be observed *so long as the shop is registered* (whether or not it is actually kept open on Sunday), and registration can only be revoked or cancelled in the circumstances described in paragraphs 16 to 18 below.

16. *Revocation of registration.*—(*a*) In the event of a conviction for a contravention of, or failure to comply with, any of the requirements set out in the foregoing paragraph, the Court may, in addition to any other penalty, order the revocation of the registration of the shop, of any other shops in the same occupation, and of any shops occupied by a partnership or company in which the convicted person is directly concerned.

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It is, however, provided that the Court shall not order the registration of any shop not occupied, or not occupied solely, by the person convicted to be revoked except after affording an opportunity to the occupier or to the other occupiers, as the case may be, to appear and be heard.

(*b*) If it appears to a local authority, as the result of representations made to them, that the occupier of a shop either (i) is not a person of the Jewish religion or a member of a religious body regularly observing the Jewish Sabbath, or (ii) has no genuine conscientious objection to carrying on business on the Jewish Sabbath (or in the case of a partnership or company that the majority of the partners or directors have no such genuine conscientious objection) the local authority may refer the case to the appropriate tribunal constituted in accordance with the Regulations.

The Act provides that in the case of a person professing to be a person of the Jewish religion, the tribunal shall consist of persons nominated by the London Committee of Deputies of the British Jews (generally known as the Board of Deputies) and approved by the Secretary of State; and that in the case of a person professing to be a member of the Seventh-Day Adventist Church, the tribunal shall consist of persons nominated by the British Union Conference of Seventh-Day Adventists, and approved by the Secretary of State. A Jewish tribunal has been approved by the Secretary of State, and its procedure has been prescribed by the Shops (Procedure for Jewish Tribunals) Regulations, 1937 (S. R. & O., 1937, No. 1038).

If the tribunal, after considering the case, reports to the local authority that the occupier concerned is not a person of the Jewish religion (or a member of the Seventh-Day Adventist Church), or that he does not hold a genuine conscientious objection to trading on the Jewish Sabbath, the local authority will revoke the registration of the shop, and thereupon the registration of all other shops in the same occupation, whether or not they are in that local authority's area, will be deemed to be revoked.

17. *Cancellation of registration at occupier's request.*—An occupier is entitled to have the registration of his shop cancelled at his own request, but not until twelve months from the date on which an application for the registration of the shop was last made.

Once the registration has been cancelled, the shop cannot be re-registered while it remains in the same occupation (see paragraph 14 above).

18. *Change of occupation.*—(*a*) In the event of a change in the occupation of a registered shop, the new occupier must forthwith notify the local authority of the change.

(*b*) In the event of any change being made in the partnership or among the directors of a partnership or company occupying a registered shop, particulars of the change must forthwith be notified to the local authority by the partnership or company.

In either event, whether or not notice of the change has been given to the local authority, the registration of the shop will be deemed to be cancelled after the expiration of fourteen days from the date of the change, unless within that period (or within such further time as may be allowed by the local authority) a fresh application for registration has been made.

Where such a fresh application is made as the result of a change in a partnership or among the directors of a company, the local authority may dispense with a statutory declaration in the case of any partner or director who has already made such a declaration in connection with a previous application to that authority in respect of that or any other shop in the area.

19. *Modification of the provisions of the Shops Act, 1912, relating to the closing of shops on the weekly half-holiday, and the shop assistants' half-holiday.*—The effect of these modifications is that in the case of registered shops:

(*a*) any shop which is required to close on the weekly half-holiday must close on a *week-day* other than Saturday; and shop assistants must be given their half-holiday on one *week-day* other than Saturday;

(*b*) any order fixing the day of the weekly half-holiday which is to apply to registered shops must in future contain a provision permitting Friday to be substituted for the day fixed by the order (or if the order fixes Friday, for a day other than Saturday to be substituted for Friday). Until such an order is made, the occupier of a registered shop which is required to close on the weekly half-holiday will be free to choose any week-day except Saturday as the day of the

weekly half-holiday for his shop. The day chosen must be specified in a notice affixed in the shop.

SPECIAL PROVISIONS FOR LONDON.

20. The general effect of these provisions is that the Common Council of the City of London and the London County Council may make orders permitting shops * to open *up to* 2 *p.m. on Sunday* in—

(*a*) districts in which it was customary, *before January* 1*st*, 1936, to hold street markets on Sunday;

(*b*) districts situated within the City of London or the Metropolitan boroughs of Bethnal Green, Shoreditch or Stepney, in which it was customary *before January* 1*st*, 1936, for the majority of the shops to be kept open, and in respect of which the Council concerned are satisfied that, having regard to the character and habits of the population in the district, the closing provisions of the Act would cause undue hardship.

Where such an order has been made, an occupier of a shop who avails himself of the permission to open his shop on Sunday will be required to close his shop * on another day of the week.

21. *Provisions to be included in orders.*—(1) The order may apply to all shops or to certain classes of shops in the whole or any part of the district defined in the order.

In the case of orders applying to districts referred to in (*b*) of the previous paragraph the Council are required to exclude from the order any class of shops in which the occupiers of a majority of the shops are opposed to the making of an order. *For the purpose of determining this majority the views of occupiers of shops only* (*and not those of persons trading elsewhere than in a shop*) *are to be taken into account.*

(2) The order must fix a "closing day," *i.e.*, a week-day in the preceding week on which shops kept open on Sunday must be closed. Different closing days may be fixed for different classes of shops. The closing day must be a day other than the day fixed for the half-holiday by any Weekly Half-Holiday Order in force in the district. When the closing day is a day other than Saturday, the order must contain a provision permitting traders to close on Saturday in substitution for the day fixed by the order.

(3) The order must contain such provisions as may be necessary or expedient—

(i) to secure that when a notice has been given (see paragraph 22 below) the shop shall not be kept open on the closing day for a period of six months or such longer period as may be specified in the order, and

(ii) as to the exhibition of notices in the shop.

22. *Conditions to be observed by traders.*—When an order as above has been made for any district, an occupier of a shop to which the order applies may open his shop on Sunday *up to* 2 *p.m.* if he complies with the following conditions:

(*a*) he must previously have given notice in writing to the Council concerned of his intention to keep open on Sunday. There is no prescribed form of notice.

(*b*) he must keep his shop closed on the closing day fixed by the order, except for the purpose of those transactions which are exempted from the closing provisions of the Act (*i.e.*, the closing day is treated as Sunday for the purposes of the Act);

(*c*) if his shop is required to be closed for the weekly half-holiday under the Shops Act, 1912, he must close for that half-holiday on a day other than the closing day;

(*d*) he must comply with such other provisions as may be contained in the order.

MIXED SHOPS.

23. When several trades or businesses are carried on in the same shop, and these include any two or all of the following classes of trade or business:

(*a*) a trade or business subject to the closing provisions of the Act;

* The provisions also apply to retail trade or business carried on elsewhere than in a shop (*e.g.* at a stall in a street)—see paragraph 1 above.

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(*b*) a trade or business consisting of transactions wholly exempted from the closing provisions by virtue of the Act itself or of any order made by a local authority;

(*c*) a trade or business consisting of transactions partially exempted (*i.e.* for part of Sunday only) by virtue of the Act itself or of any order made by a local authority;

the shop may be kept open for the purpose of the exempted transactions only, provided that the following conditions are complied with:

(1) A notice in the form prescribed by the Regulations (Form I) and in letters of not less than one inch in height must be exhibited in some conspicuous places outside and inside the shop in the following terms:

"SHOPS (SUNDAY TRADING RESTRICTION) ACT, 1936.

This shop is open on Sunday for....."

The purposes for which, and the hours during which, the shop is open must be stated, *e.g.* "This shop is open on Sunday for the sale of meals and refreshments from 9 a.m. to 6 p.m."

(2) So far as reasonably practicable no goods in connection with any trade or business are to be exhibited either inside or outside the shop at any time on Sunday when the shop cannot lawfully be kept open for the serving of customers with those goods.

These two conditions are not applicable in the case of places not being shops.

DELIVERY AND DISPATCH.

24. The delivery or dispatch for delivery on Sunday of goods sold retail (whether sold on the Sunday or previously) is prohibited at any time when a customer could not be served with those goods in the shop. It follows that the occupier of a shop may deliver or dispatch on Sunday only such classes of goods as he is permitted to sell on Sunday by virtue of the provisions of the Act, or of any order made by a local authority. When any class of goods may be sold during part of Sunday only (*e.g.* under a partial exemption order) such goods may be delivered or dispatched only during the hours in which sale is permitted. The prohibition of dispatch or delivery does not apply to goods sold wholesale.

25. *Exceptions.*—An exception is made to permit the delivery and dispatch of any goods on Christmas Eve or Christmas Day when either day falls on a Sunday.

Exceptions are also made to permit the dispatch or delivery at any time—

(*a*) of victuals, stores or necessaries required by any person for a ship or aircraft on her arrival at, or immediately before her departure from, a port or aerodrome, and

(*b*) of goods dispatched or delivered to a club for the purposes of the club;

(*c*) of goods required in case of illness.

EVENING CLOSING HOURS ON SUNDAY.

26. A shop which is wholly exempted from the provisions of the Act as to closing on Sunday, by virtue either of the provisions of the Act itself or of an order or certificate of a local authority, will be subject, as regards the evening closing hour, to the provisions of the Shops (Hours of Closing) Act, 1928,* and to the provisions of any closing order made by the local authority which fixes a closing hour for Sunday.

SALES TO CUSTOMERS PRESENT IN THE SHOP BEFORE THE HOUR OF CLOSING.

27. When a shop is permitted to open on Sunday up to a certain hour by virtue of the Act or of any order made under the Act by a local authority (*e.g.* a Jewish shop

* Under the Shops (Hours of Closing) Act, 1928, the normal hour of closing on Sunday is 8 p.m. The Act, however, contains exceptions and special provisions for certain trades or businesses, and also empowers local authorities to extend the hour of closing in certain circumstances. In any case of doubt as to the hour of closing on Sunday applicable to a particular shop, inquiry should be made of the local authority.

permitted to open up to 2 p.m. or a shop permitted by a partial exemption order or an order relating to a holiday resort to open up to a certain hour) a customer who was in the shop before the closing hour may be served after that hour, so long as he leaves the shop not later than half an hour after the closing hour.

NOTICE RELATING TO ANY ORDER AFFECTING A SHOP.

28. An occupier whose shop is affected by an order made by a local authority under the Act (*e.g.* a partial exemption order, a holiday resort order, or an order made under the special provisions for London) must, if he opens on Sunday, keep conspicuously posted in his shop either a copy of the order or orders applying to the shop, or the notice prescribed by the Regulations (Form VI) stating the titles and terms of any orders applying to his shop.

This notice need not be exhibited by persons trading elsewhere than in a shop.

HAIRDRESSERS' SHOPS.

29. The whole of the Hairdressers' and Barbers' Shops (Sunday Closing) Act, 1930, was repealed as from May 1st, 1937, and hairdressers are now subject to the provisions of the present Act.

It should be noted that Jewish hairdressers (including those who carried on business on Sundays prior to May 1st, 1937, by virtue of a notice given under Section 3 of the 1930 Act) must if they wish to keep open on Sunday, either (*a*) obtain registration of the shop under the special provisions for persons of the Jewish religion (see paragraphs 12 to 19 above) or (*b*) if the shop is situated in a district in London in respect of which an order applying to hairdressers' shops has been made by the local authority, give notice to the Council concerned (see paragraphs 20 to 22 above). They will then be able, subject to compliance with the conditions applicable in either case, to open on Sundays *but only until* 2 *p.m.* and not for the whole of Sunday.

The provisions in the 1930 Act relating to attendance by hairdressers on Sunday in certain circumstances are re-enacted in the present Act with slight amendments. The effect of the amended provisions is to permit attendance on Sunday upon any person whose infirmity renders this necessary, and upon residents in clubs as well as in hotels.

COMPENSATORY HOLIDAYS FOR PERSONS EMPLOYED ON SUNDAY.

30. *Holidays to be given.*—(*a*) a person employed *for more than four hours* on a Sunday must (i) receive in respect of his employment on that Sunday a whole holiday on a week-day, either in the previous week or in the week beginning with that Sunday, and (ii) must not be employed in a shop on more than two other Sundays in the same month;

(*b*) a person employed *for four hours or less* on a Sunday must receive in respect of his employment on that Sunday a half-holiday on a week-day, either in the previous week or in the week beginning with that Sunday; *i.e.* on that week-day he must either not be employed before 1.30 p.m., or not be employed after 1.30 p.m.

In the case of a person already entitled to a statutory half-holiday (*i.e.* a shop assistant or young person entitled to a half-holiday under the Shops Acts, 1912 and 1934), the whole or half-holiday given in compensation for Sunday employment must be in addition to the statutory half-holiday. When such a person is entitled to a compensatory half-holiday and to a statutory half-holiday, he may be given a whole holiday in lieu of the two half-holidays.

The holiday to be given is a holiday from the business of the shop in which the person is employed on Sunday. The Secretary of State is advised that where a person is employed by the occupier of a shop on Sunday only, or for part only of the week including Sunday, the occupier is entitled to treat one of the days on which he does not employ the person as the day of the compensatory holiday, even though the person may be employed on that day by another employer; and that in such a case the second employer is under no statutory obligations to give the holiday.

It should be noted, however, that the prohibition of employment on more than two other Sundays in the same month applies to employment about the business of *any* shop, and (subject to the exceptions mentioned in paragraph 32 below) to *all* persons employed for more than four hours on a Sunday, including part-time employees.

31. *Persons entitled to compensatory holidays.*—Subject to the exceptions described in paragraph 32 below, the holiday must be given—

(*a*) to all persons employed on Sunday about the business of a shop which is open for the serving of customers on that day.

This includes not only shop assistants, but all persons employed about the business of the shop, *e.g.* in the service of customers, the receipt of orders, the handling, dispatch, collection or delivery of goods, in the clerical work of the shop, in the service or preparation of food in a restaurant, or in carrying messages or running errands. Further, all persons who work about the business of the occupier are regarded as employed even though they receive no reward for their labour. This covers, for example, members of the shopkeeper's family employed by him, and unpaid learners.

It will be observed that the provisions apply only to persons employed about the business of a shop which is open for the serving of customers on Sunday. The Secretary of State is advised that a shop is to be regarded as open for the serving of customers if orders are taken over the telephone or by other means, even though the door is closed and customers are not admitted. Provided, however, that the shop is closed for the serving of customers throughout the day, the provisions relating to compensatory holidays will not apply in the case of persons employed on Sunday in the closed shop, *e.g.* in stock-taking or in making up books.

(*b*) to persons *wholly or mainly* employed in connection with retail trade or business carried on *elsewhere than in a shop*.*

A holiday need not, for example, be given to a farm servant who is employed for a small part of his time on Sunday in connection with the sale of milk or other farm produce.

Note.—The Act does not authorise the employment of any person at any time when such employment would be unlawful under the Shops Acts, 1912 to 1934, or the Sunday Entertainments Act, 1932.

32. *Exceptions.—The following classes of employees need not be given compensatory holidays.*

(*a*) Persons employed wholly or mainly † in connection with the sale of intoxicating liquor.

(*b*) Shop assistants employed in any premises for the sale of refreshments to whom the provisions of the Shops Act, 1913, apply by virtue of the fact that the occupier of the premises has elected to adopt the provisions of that Act, and has given notice accordingly.

(*c*) Persons employed wholly or mainly † as milk roundsmen.

(*d*) Persons wholly † employed in the transaction of post office business.

(*e*) Registered pharmacists subject to the following conditions :

(i) that they are not employed on Sunday except in connection with the sale of medicines or medical or surgical appliances ;

(ii) that the shop in which they are employed is required to open on Sundays in pursuance of a contract with the local National Health Insurance Committee ;

(iii) that they are not employed for more than two hours on Sunday ;

(iv) that they have not been employed on the previous Sunday ;

(v) that they are given time off in respect of the Sunday employment, *i.e.* they either are not employed before 10.30 a.m. or are not employed after 6 p.m. on one week-day (other than the day of the statutory half-holiday under the Shops Acts, 1912 and 1934), in the previous week, or in the week commencing with that Sunday.

33. *Records.*—The occupier must keep a record, in the form prescribed by the Regulations (Form VII), of (*a*) the names of, and hours worked on Sunday by, all the persons entitled to compensatory holidays, and (*b*) the respective days of the week on which those persons receive their compensatory holidays. Entries in the record must be made on the day (viz. the Sunday, or the day of the compensatory holiday, as

* As to persons employed in selling from vehicles, see the third footnote on p. 3. [i.e. *of the memorandum as published. This is now the footnote marked ‡ on p.* 3738, *ante*].

† The Secretary of State is advised that the words " wholly " or " wholly or mainly " apply to the Sunday employment only, and not to the employment throughout the week.

the case may be) to which they relate, or if that is not practicable, on the following day. The form of record provides for all the entries for a month to be made on one sheet, and the records relating to any month must be preserved at the shop for a period of not less than six months.

SHOP REGULATION

RETAIL MEAT DEALERS' SHOPS (SUNDAY CLOSING) ACT, 1936.

34. The business of a retail dealer in butchers' meat is not subject to the provisions of the Shops (Sunday Trading Restriction) Act, 1936. The Sunday closing provisions applicable to retail dealers in butchers' meat are contained in the Retail Meat Dealers' Shops (Sunday Closing) Act, 1936, which came into force on January 1st, 1937.

35. *Prohibition of sale on Sunday.*—The Act prohibits the sale on Sunday of butchers' meat, not only in butchers' shops, but also at a stall or any other place (subject to the exemptions mentioned below).

36. *Exemption for Jewish butchers.*—A Jewish butcher may keep his shop open on Sunday for the sale of Kosher meat if he complies with the following conditions:

(*a*) he must be licensed for the sale of Kosher meat by the local Board of Shechita, or in the absence of any such Board, by a Committee appointed for the purpose by the local Jewish congregation established in accordance with Jewish law;

(*b*) he must not carry on the business of a retail dealer either in Kosher meat or in ordinary butchers' meat on Saturday, and, if he has a shop, he must keep the shop closed for the whole of Saturday;

(*c*) he must give notice to the local authority of his intention to carry on business on Sunday; and

(*d*) if he has a shop, he must put up a notice stating that it is open on Sunday for the purpose of selling Kosher meat, but is closed on Saturday.

(The form of notice is not prescribed.)

A Jewish butcher who avails himself of the exemption and is accordingly closed for the whole of Saturday, must not fix Saturday as the half-holiday for his shop assistants: and if his shop is required by an order of the local authority to close for the weekly half-holiday, he must close on a day other than Saturday. Any future weekly half-holiday order applying to butchers' shops will contain a provision enabling Jewish Kosher butchers who open on Sunday to substitute Friday for the day fixed by the order (or if Friday is the day fixed, to substitute a day other than Saturday). Until such an order has been issued a Jewish Kosher butcher who opens on Sunday is free to choose any day other than Saturday as the day of the weekly half-holiday for his shop. The day chosen must be specified in a notice affixed in the shop.

37. *Dispatch and delivery.*—The dispatch or delivery of butchers' meat from a shop is prohibited at any time when the shop may not be kept open for the serving of customers. Butchers' meat may not, therefore, be dispatched or delivered at any time on Sunday, except by Jewish butchers availing themselves of the exemption described above, who will be able to dispatch or deliver Kosher meat on Sunday but will be prohibited from dispatching or delivering any meat at any time on Saturday.

The prohibition of dispatch and delivery does not apply on Christmas Day or Christmas Eve when either of those days falls on a Sunday.

38. *Exemption for supplies to ships or aircraft.*—An exemption is provided for the sale, dispatch or delivery on Sunday of butchers' meat required for ships or aircraft on their arrival at or immediately before their departure from a port or aerodrome.

39. *Definitions.*—Butchers' meat is defined to mean "beef, mutton, veal, lamb or pork (including livers, heads, feet, hearts, lights, kidneys or sweetbreads) whether fresh, chilled, frozen or salted, and includes Kosher meat." The expression "Kosher meat" means "butchers' meat killed and prepared by the Jewish ritual method."

ENFORCEMENT.

40. *Penalties.*—The penalty for any contravention of or failure to comply with any of the provisions of either Act is, in the case of a first offence, a fine not exceeding £5 and, in the case of a second or subsequent offence, a fine not exceeding £20.

SHOPS REGULATION

41. *Administration.*—The administration of the Acts rests with local authorities who are shops authorities. These are in London elsewhere than the City, the London County Council; in the City of London, the Common Council; in boroughs outside London, the Town Council; in Urban Districts with a population of 20,000 or more, the District Council; and elsewhere, the County Council (except in districts where the County Council has delegated its powers to Urban or Rural District Councils).

Any inquiry as to any provision of the Acts should be made to the local authority responsible for the administration of the Acts in the district in which the shop is situated.

42. *Powers of Inspectors.*—An inspector appointed by a shops authority may, for the purpose of his duties under the Acts, enter and inspect a shop at any reasonable hour and make such inquiry as may be necessary to ascertain whether the law is being observed. He may call for the production of any notices or records which are required to be kept or exhibited. He may also examine any assistant, either alone or otherwise.

Every inspector must be furnished with a certificate of appointment and must produce it, if required to do so by the occupier or manager of the shop.

The occupiers of shops, their assistants and servants, must give an inspector all the facilities necessary for executing his duty, and render themselves liable to prosecution if they obstruct him.

Copies of this Memorandum, of the Shops (Sunday Trading Restriction) Act, 1936, of the Shops Regulations, 1937, of the Shops (Procedure for Jewish Tribunals) Regulations, 1937, of the Retail Meat Dealers' Shops (Sunday Closing) Act, 1936, and, if desired, of certain of the forms and notices prescribed by the Regulations (see list on page 22) (*a*) may be purchased either directly from H.M. Stationery Office, at the addresses shown on the front page of this Memorandum, or through any bookseller.

Home Office,
February, 1938.

S. R. & O., 1939, No. 1841.

THE SHOPS REGULATIONS, 1939, DATED DECEMBER 19TH, 1939, MADE BY THE SECRETARY OF STATE FOR THE HOME DEPARTMENT UNDER SECTION 17 OF THE SHOPS ACT, 1912, FOR THE PURPOSES OF THE SHOPS ACT, 1934, AS AMENDED BY PART II OF THE YOUNG PERSONS (EMPLOYMENT) ACT, 1938.

In pursuance of the powers conferred on me by the Shops Acts, 1912 to 1938, I hereby make the following Regulations:

Notice as to averaging of hours of young persons under the age of 16 *years at Christmas* (*section* 1A *of the Shops Act*, 1934).

1.—(1) The notice to be exhibited under section 1A of the Shops Act, 1934, by the occupier of a shop in order to secure that the provisions of that section shall be applicable to the shop shall be in the form marked Z in the Schedule to these Regulations.

(2) The notice shall be exhibited not later than noon on the Saturday preceding the date on which the period specified in the notice is to commence, and shall continue to be exhibited until the end of that period.

Notice as to averaging of hours of young persons in the catering trade (*section* 5 (1) *of the Shops Acts*, 1934).

2.—(1) The notice to be exhibited under subsection (1) of section 5 of the Shops Act, 1934, by the occupier of a shop in which there is carried on the business of serving meals, intoxicating liquors or refreshments to customers for consumption on the premises, in order to secure that the provisions of that subsection shall be applicable to the shop, shall be in the form marked A in the Schedule to these Regulations.

(2) The notice shall be exhibited not later than noon on the Saturday preceding the date on which the period specified in the notice is to commence, and shall continue to be exhibited until the end of that period.

(*a*) Page 22 of the original memorandum is not reproduced. The forms listed are for the purposes indicated in paragraph 13 on p. 3743, *ante*, and paragraph 33 on p. 3748, *ante*.

Notice as to overtime of young persons in the catering trade or in connection with the sale of accessories for aircraft, motor vehicles or cycles (sections 5 (2) and 6 (2) of the Shops Act, 1934).

3.—(1) The notice to be given to the local authority under subsection (2) of section 5 of the Shops Act, 1934, by the occupier of a shop in which there is carried on the business of serving meals, intoxicating liquors or refreshments to customers for consumption on the premises shall be in the form marked B(1) in the Schedule to these Regulations, and the notice withdrawing any such notice shall be in the form marked B(2) in the said Schedule.

(2) The notice to be given to the local authority under subsection (2) of section 6 of the said Act by the occupier of a shop in which there is carried on the business of serving customers with supplies or accessories for aircraft, motor vehicles or cycles sold for immediate use shall be in the form marked C(1) in the said Schedule, and the notice withdrawing any such notice shall be in the form marked C(2) in the said Schedule.

(3) Any notice given in the forms B(1), B(2), C(1) or C(2) aforesaid shall be forwarded to the local authority not later than seven days before the commencement of any year, and shall take effect on the first day of that year; and a copy of the notice shall be exhibited in the shop for a period of at least seven days immediately preceding that date.

Notice as to averaging of hours of young persons in connection with the sale of accessories for aircraft, motor vehicles or cycles (section 6 (1) of the Shops Act, 1934).

4.—(1) The notice to be given to the local authority under subsection (1) of section 6 of the Shops Act, 1934, by the occupier of a shop in which there is carried on the business of serving customers with supplies or accessories for aircraft, motor vehicles or cycles sold for immediate use, electing that the provisions of that subsection shall be applicable to the shop, shall be in the form marked D(1) in the Schedule to these Regulations, with such modifications in regard to the scheme of hours as may be appropriate.

(2) Where an occupier who has given a notice in the form D(1) aforesaid desires to vary the hours specified in the said notice, he shall give to the local authority a fresh notice in the form D(1) aforesaid specifying the new hours and withdrawing the previous notice.

(3) Where an occupier who has given a notice in the form D(1) aforesaid desires that the provisions of subsection (1) of section 6 of the said Act shall no longer be applicable to the shop, he shall give notice of withdrawal to the local authority in the form marked D(2) in the said Schedule.

(4) Any notice in the forms D(1) or D(2) aforesaid shall be forwarded to the local authority not later than seven days before the date on which the notice is to take effect.

(5) A copy of any such notice as aforesaid shall be exhibited in the shop for a period of not less than seven days immediately preceding the date on which the notice takes effect and, in the case of a notice given in the form D(1) aforesaid, shall continue to be exhibited while the notice is in force.

(6) A notice given in the form D(1) aforesaid shall not be withdrawn (whether for the purpose of varying the scheme of hours or otherwise) by a subsequent notice until a period of at least six months has elapsed from the date on which the notice took effect.

*Records of hours of employment of young persons (section 7 (1) of the Shops Act, 1934).**

5.—(1) The record to be kept by the occupier of a shop of hours worked by, and intervals allowed for rest and meals to, every young person employed about the

* In accordance with section 4 of the Act the provisions of section 7 as to records apply to the employment of young persons in connection with any retail trade or business carried on in any place not being a shop; and for this purpose references to employment about the business of a shop are deemed to include references to the above-mentioned employment, references to a shop are deemed to include references to the place in or from which such retail trade or business is carried on, and references to the occupier of a shop are deemed to include references to the person by whom the retail trade or business is carried on.

SHOPS REGULATION

business of the shop shall be in the form marked E in the Schedule to these Regulations.

(2) Where an occupier elects to exhibit in the shop or any department thereof a notice specifying the daily hours to be worked by, and intervals for rest and meals to be allowed to, young persons employed about the business of the shop or department, the notice shall be in the form marked F in the said Schedule. The notice shall be exhibited not later than noon on the Saturday preceding the first week in which it is to take effect, and shall continue to be exhibited while it is in force.

(3) Where an occupier has exhibited the notice referred to in the last foregoing paragraph he shall keep a record in the form marked G in the said Schedule in respect of any week in which any young person is employed outside the daily hours or during the intervals specified in the notice.

(4) In any record the entries relating to any day shall be made on the day to which they relate or, if that is not reasonably practicable, on the following day, and the entries relating to overtime shall be made not later than two days from the end of the week to which the record relates.

(5) The records relating to any year shall be preserved in the shop for a period of not less than six months from the end of that year.

Notice setting forth certain provisions of the Shops Act, 1934 (section 7 (2) of the Shops Act, 1934).

6. The notice required to be exhibited in a shop by the occupier setting forth the number of hours during which young persons may, in accordance with the provisions of the Shops Act, 1934 (as amended by Part II of the Young Persons (Employment) Act, 1938), be employed about the business of a shop, and such other particulars as may be prescribed, shall in the case of retail shops and warehouses occupied by retail traders be in the form marked H in the Schedule to these Regulations, and in the case of wholesale shops and warehouses occupied by wholesale dealers or merchants be in the form marked J in the said Schedule, and shall be kept constantly exhibited.

Notice as to seats for female shop assistants (section 12 of the Shops Act, 1934).

7. The notice required to be given by the occupier of a shop informing female shop assistants that they are intended to make use of the seats provided for them whenever the use thereof does not interfere with their work shall be in the form marked K in the Schedule to these Regulations and shall be kept constantly exhibited:

Provided that an occupier may, in lieu of exhibiting such a notice, supply a copy of the notice to every person whom it affects.

Exhibition of Notices.

8. Any notice or copy of a notice required to be exhibited under these Regulations shall be kept exhibited in such a manner that it may be readily seen and read by any person whom it affects and shall be renewed whenever it becomes defaced or otherwise ceases to be clearly legible.

Citation, Commencement and Revocation.

9. These Regulations may be cited as the Shops Regulations, 1939, and shall come into force on the 31st December, 1939, as from which date the Shops Regulations, 1934 (*a*), shall be revoked, except that paragraph (5) of Regulation 4 of those Regulations (which requires records kept in pursuance of that Regulation to be preserved for a period of not less than six months from the end of the year to which they relate) shall remain in force until the 30th June, 1940:

Provided that any notice exhibited or given before the 31st December, 1939, under Regulations 1, 2, 3, or 6 of those Regulations shall after that date be deemed to have been exhibited or given under Regulation 2, 3, 4 or 7, as the case may be, of these Regulations.

JOHN ANDERSON,
One of His Majesty's Principal Secretaries of State

Home Office,
Whitehall, S.W.1,
December 19th, 1939.

(*a*) S. R. & O., 1934, No. 1325.

SCHEDULE.

SHOPS ACT, 1934

(AS AMENDED BY PART II OF THE YOUNG PERSONS (EMPLOYMENT) ACT, 1938).

EMPLOYMENT OF YOUNG PERSONS UNDER THE AGE OF 16 YEARS.

AVERAGING OF HOURS AT CHRISTMAS.

Notice of the application of the provisions of section 1A *to a Shop.*

Notice is hereby given that during the period of two consecutive weeks commencing Sunday,* December, 19 the provisions of section 1A of the Shops Act, 1934, will apply to this shop.

(Signed)

(Occupier or Manager).

Address of shop

Date

Notes.

1. The provisions of section 1A are only applicable in the week within which Christmas Day falls and *either* the week before *or* the week after that week.

2. This notice must be exhibited not later than noon on the Saturday preceding the date on which the period is to begin, and must continue to be exhibited during that period, in such a manner that it may be readily seen and read by any person whom it affects.

3. The effect of exhibiting this notice is that during the period of two consecutive weeks specified in the notice the hours of young persons under the age of 16 years employed about the business of the shop may be averaged over the period, subject to the conditions (*a*) that the number of hours worked in either week must not exceed 48 and (*b*) that the total number of hours worked during the fortnight must not exceed 88.

4. A week means the period between midnight on Saturday night and midnight on the succeeding Saturday night.

A.

SHOPS ACT, 1934—EMPLOYMENT OF YOUNG PERSONS.

CATERING TRADE (AVERAGING OF HOURS).

Notice of the Application of the Provisions of Section 5 (1) *to a Shop.*

Notice is hereby given that during the period of two consecutive weeks commencing † the provisions of subsection (1) of Section 5 of the Shops Act, 1934, will apply to this shop.

A notice under the above subsection has been exhibited in respect of ‡ previous fortnightly periods beginning in the current calendar year.

(Signed)

(Occupier or Manager).

Address of shop

Date

Notes.

(1) This notice must be exhibited not later than noon on the Saturday preceding the date on which the period is to begin, and must continue to be exhibited during that period in such a manner that it may be readily seen and read by any person whom it affects.

(2) The effect of exhibiting this notice is that during the period of two consecutive weeks specified in the notice the hours of young persons *between the ages of sixteen and eighteen*, whose employment is wholly or mainly in connection with the business of serving meals, intoxicating liquor or refreshments for consumption on the premises, may be averaged over the period, subject to the conditions (*a*) that the hours worked in either week must not exceed 60 ; (*b*) that the total hours worked during the fortnight must not exceed 96 ; and (*c*) that no overtime may be worked in addition to the fortnightly total.

(3) A week means the period between midnight on Saturday night and midnight on the succeeding Saturday night.

(4) Averaging may not take place during more than twelve fortnightly periods beginning in any calendar year.

* Insert date of the Sunday before Christmas or of the next preceding Sunday. (See Note 1.)

† Insert date. (See Note 3.)

‡ Insert number of previous periods. (See Note 4.)

SHOPS REGULATION

B (

SHOPS ACT, 1934—EMPLOYMENT OF YOUNG PERSONS.

CATERING TRADE (OVERTIME).

Notice of Election that the Provisions of Section 5 (2) shall not be applicable to a Shop.

To the Council of the {County / Borough / District} of

I/WE
occupier(s) of a shop situated at
hereby elect that on and from * the provisions
subsection (2) of Section 5 of the Shops Act, 1934, shall not be applicable to the said sh

(Signed)

(Occupier(s) of shop).

Date

Notes.

(1) Where this notice has been given, the following conditions relating to the overti of young persons between the ages of 16 and 18 will apply, viz.: (i) overtime employm of such young persons may not take place in more than six weeks in any year, but (ii) su young persons may be employed overtime up to a maximum of twelve working hour week, provided that the limit of overtime of fifty working hours permissible for any individ young person in any year is not exceeded.

(2) This notice must be forwarded to the local authority not later than seven days bef the commencement of any year, and will take effect on the first day of that year. T notice cannot be given for part of a year.

A year for the purpose of the Act commences at midnight on the last Saturday night the month of December.

(3) A copy of this notice must be exhibited in the shop for at least seven days precedi the date on which it takes effect, in such a manner that it may be readily seen and read any person whom it affects.

B (

SHOPS ACT, 1934—EMPLOYMENT OF YOUNG PERSONS.

CATERING TRADE (OVERTIME).

Withdrawal of Notice of Election that the provisions of Section 5 (2) shall not be applicable to a Shop.

To the Council of the {County / Borough / District} of

I/WE occupier
of a shop situated at
hereby give notice that I/we withdraw as from *
the notice given on the * that the provisions
subsection (2) of section 5 of the Shops Act, 1934, shall not be applicable to the said sho

(Signed)

(Occupier(s) of shop).

Date

Notes.

(1) The effect of this notice of withdrawal is that the overtime employment of you persons between the ages of sixteen and eighteen wholly or mainly employed in connecti with the business of serving meals, intoxicating liquors or refreshments for consumption the premises, will be regulated by the special provisions of Section 5 (2), and that any su young person may be employed overtime in any week of the year (except when a noti under Section 5 (1) is in force) subject to the following conditions, viz.: he must not employed overtime for more than eight working hours in any period of two consecuti weeks, or for more than fifty working hours in any year.

(2) This notice must be forwarded to the local authority not later than seven days bef the commencement of any year and will take effect on the first day of that year.

A year for the purpose of the Act commences at midnight on the last Saturday nig in the month of December.

* Insert date.

(3) A copy of this notice must be exhibited in the shop for at least seven days immediately preceding the date on which it takes effect, in such a manner that it may be readily seen and read by any person whom it affects.

SHOPS REGULATION

C (1).

SHOPS ACT, 1934—EMPLOYMENT OF YOUNG PERSONS.

SALE OF SUPPLIES OR ACCESSORIES FOR AIRCRAFT, MOTOR VEHICLES AND CYCLES (OVERTIME).

Notice of Election that the provisions of Section 6 (2) shall not be applicable to a Shop.

To the Council of the {County / Borough / District} of

I/WE occupier(s) of a shop situated at hereby elect that on and from * the provisions of subsection (2) of Section 6 of the Shops Act, 1934, shall not be applicable to the said shop.

(Signed)

(Occupier(s) of shop).

Date

Notes.

(1) Where this notice has been given, the following conditions relating to the overtime of young persons between the ages of 16 and 18 will apply, viz.: (i) overtime employment of such young persons may not take place in more than six weeks in any year, but (ii) such young persons may be employed overtime up to a maximum of twelve working hours a week provided that the limit of overtime of fifty working hours permissible for any individual young person in any year is not exceeded.

(2) This notice must be forwarded to the local authority not later than seven days before the commencement of any year, and will take effect on the first day of that year. This notice cannot be given for part of a year.

A year for the purpose of the Act commences at midnight on the last Saturday night in the month of December.

(3) A copy of this notice must be exhibited in the shop for at least seven days immediately preceding the date on which it takes effect in such a manner that it may be readily seen and read by any person whom it affects.

C (2).

SHOPS ACT, 1934—EMPLOYMENT OF YOUNG PERSONS.

SALE OF SUPPLIES OR ACCESSORIES FOR AIRCRAFT, MOTOR VEHICLES AND CYCLES (OVERTIME).

Withdrawal of Notice of Election that the provisions of Section 6 (2) shall not be applicable to a Shop.

To the Council of the {County / Borough / District} of

I/WE occupier(s) of a shop situated at hereby give notice that I/we withdraw as from * the notice given on the * that the provisions of subsection (2) of section 6 of the Shops Act, 1934, shall not be applicable to the said shop.

(Signed)

(Occupier(s) of shop).

Date

Notes.

(1) The effect of this notice of withdrawal is that the overtime employment of young persons between the ages of sixteen and eighteen employed in connection with the business of serving customers with supplies or accessories for aircraft, motor vehicles or cycles sold for immediate use is regulated by the special provisions of Section 6 (2), and that any such young person may be employed overtime in any week of the year subject to the following conditions, viz., he must not be employed overtime for more than twelve working hours in any period of three consecutive weeks, or in any year for more than fifty working hours.

* Insert date.

SHOPS REGULATION

In the case of a shop in which the business of serving customers with the supplies and accessories as above is not the sole or principal retail trade or business carried on in the shop, the special provisions of Section 6 (2) will apply only to young persons wholly or mainly employed in connection with that business.

(2) This notice must be forwarded to the local authority not later than seven days before the commencement of any year, and will take effect on the first day of that year.

A year for the purpose of the Act commences at midnight on the last Saturday night in the month of December.

(3) A copy of this notice must be exhibited in the shop for a period of at least seven days immediately preceding the date on which it takes effect, in such a manner that it may be readily seen and read by any person whom it affects.

D (1).

SHOPS ACT, 1934—EMPLOYMENT OF YOUNG PERSONS.

SALE OF SUPPLIES OR ACCESSORIES FOR AIRCRAFT, MOTOR VEHICLES AND CYCLES (AVERAGING OF HOURS).

Notice of Application of the Provisions of Section 6 (1) to a Shop.

To the Council of the {County / Borough / District} of

I/WE occupier(s) of a shop situated at hereby elect that on and from * the provisions of subsection (1) of section 6 of the Shops Act, 1934, shall be applicable to the said shop, and that the normal working hours of young persons between the ages of 16 and 18 † employed in connection with the business carried on in the said shop of serving customers with supplies or accessories for aircraft, motor vehicles or cycles sold for immediate use shall be in accordance with the scheme set out below:

Scheme of Hours.

Young Persons Affected. (See Note 4.)	Number of Hours to be Worked.		
	First week.	Second week.	Third week.

(Where the space provided is not sufficient the scheme may be set out on a separate sheet attached to this notice.)

‡ The notice given under the said subsection (1) of section 6 on * is hereby withdrawn.

(Signed)

(Occupier(s) of Shop).

Date

Notes.

(1) This notice must be forwarded to the local authority not later than seven days before the date on which it is to take effect.

(2) The hours to be specified in the notice are the total number of hours to be worked in each week, exclusive of intervals for rest and meals and exclusive of overtime.

The hours so specified must not exceed 54 in respect of any week; and the hours in any consecutive period of three weeks must not exceed 144.

* Insert date. † See Note 5.

‡ Strike out if inapplicable. (See Note 6.)

(3) A week means the period between midnight on Saturday night and midnight on the succeeding Saturday night.

(4) When the same hours are to apply to all the young persons, only the word "All" need be inserted in the column headed "Young Persons Affected." Where different sets of hours for different young persons or groups of young persons are specified in the notice, each such set should be distinguished by a letter (*e.g.* Set A First Week 45 hours, Second Week 45 hours, Third Week 54 hours. Set B First Week 54 hours, Second Week 45 hours, Third Week 45 hours).

(5) Where the business of serving customers with supplies or accessories for aircraft, motor vehicles or cycles sold for immediate use is not the sole or principal retail trade or business carried on in the shop, the provisions of section 6 (1) apply only to young persons wholly or mainly employed in connection with the business of serving customers with such supplies and accessories. In such a case the words "wholly or mainly" should be inserted in the notice before the word "employed" in the first paragraph of the notice.

(6) The last paragraph of the notice is for use only where it is desired to vary the hours specified in a previous notice.

(7) This notice cannot be withdrawn (whether for the purpose of varying the scheme of hours or otherwise) until a period of at least six months has elapsed from the date on which the notice took effect.

(8) A copy of this notice must be exhibited in the shop for a period of at least seven days immediately preceding the date on which the notice takes effect and must continue to be exhibited while the notice is in force, in such a manner that it may be readily seen and read by young person whom it affects.

D (2).

SHOPS ACT, 1934—EMPLOYMENT OF YOUNG PERSONS.

SALE OF SUPPLIES OR ACCESSORIES FOR AIRCRAFT, MOTOR VEHICLES AND CYCLES (AVERAGING OF HOURS).

Withdrawal of Notice of Application of the Provisions of Section 6 (1) to a Shop.

To the Council of the { County / Borough / District } of

I/WE occupier(s) of a shop situated at hereby give notice that I/we withdraw as from * the notice given on the * electing that the provisions of subsection (1) of section 6 of the Shops Act, 1934, shall be applicable to the said shop.

(Signed)

(Occupier(s) of shop).

Date

Notes.

(1) The effect of this notice of withdrawal is that as from the date on which the notice takes effect the normal maximum working hours of young persons between the ages of 16 and 18 will in each week be 48 working hours.

(2) This notice must be forwarded to the local authority not later than seven days before the date on which it is to take effect.

(3) A copy of this notice must be exhibited in the shop for a period of at least seven days immediately preceding the date on which it takes effect, in such a manner that it may be readily seen and read by any person whom it affects.

* Insert date.

SHOPS ACT, 1934

(AS AMENDED BY PART II OF THE YOUNG PERSONS (EMPLOYMENT) ACT, 1938).

RECORD OF HOURS OF EMPLOYMENT OF YOUNG PERSONS.

Name of Occupier

Address of Shop (see note 9)

Notice in force under Section ..... (See Note 7.)

Description of Department (if applicable).

Record for week ending Saturday, ...19.....

Names of Young Persons.	Age.	day.					Total hours worked during week.	Overtime.	
		Employment began.	Intervals for rest and meals.	Employment ended.	Hours worked.			Worked during week.	Previously worked during year.
						The four preceding columns to be repeated for each day of the week on which young persons are employed.			

Signed (Occupier or Manager)

Date

Notes.

(1) The entries relating to each day must be made on that day or, if that is not reasonably practicable, on the day following.

(2) The entries relating to overtime must be made within two days from the end of the week.

(3) The entries under the heading "Intervals for rest and meals" may be either (*a*) the actual times at which the intervals began and ended (*e.g.* 1 p.m.–2 p.m. and 5 p.m.–5.30 p.m.) or (*b*) the duration of the intervals (*e.g.* Dinner 1 hour, Tea ½ hour).

(4) "Hours worked" means the time during which the young persons are at the disposal of the employer exclusive of the intervals allowed for rest and meals.

(5) "Total hours worked" means the total hours worked during the week *exclusive* of intervals for rest and meals but *inclusive* of overtime.

(6) The maximum working hours for young persons under the age of 16 are 44, except when an averaging scheme is in force under section 1A for the Christmas fortnight. Overtime may not be worked by persons under the age of 16.

The normal maximum working hours for young persons between the ages of 16 and 18 are 48, except when an averaging scheme is in force under section 5 (1) in a catering business, or under section 6 (1) in connection with the sale of supplies or accessories for aircraft, motor vehicles and cycles. Hours worked during the week in excess of the normal maximum working hours must be recorded as overtime.

(7) Where a notice is in force under section 1A, section 5 (1) or section 6 (1), an entry should be made in the space provided for this purpose.

(8) Where a notice in form D (1) under section 6 (1) is in force and specifies more than one set of hours, the particular set of hours applicable to each young person should be indicated in this record by placing the appropriate distinguishing letter against his name.

(9) Where the record relates to the employment of young persons in connection with retail trade carried on elsewhere than in a shop, the address of the place in or from which the retail trade is carried on should be given.

F.

SHOPS ACT, 1934 (AS AMENDED BY PART II OF THE YOUNG PERSONS (EMPLOYMENT) ACT, 1938).

DAILY HOURS TO BE WORKED BY YOUNG PERSONS AS FROM 193 .

Name of Occupier

Address of Shop (See Note (7)).

Description of Department (if applicable).

Names of Young Persons. (See Note 5.)	Age.	day.			
		Employment to begin.	Intervals for rest and meals.	Employment to end.	
					The three preceding columns to be repeated for each day of the week on which young persons are to be employed.

Signed (Occupier or Manager)

Date

Notes.

(1) This notice must be exhibited not later than noon on the Saturday preceding the first week in which it is to take effect, and must continue to be exhibited, while it is in force, in such a manner that it may be readily seen and read by any person whom it affects.

(2) "Hours to be worked" means the time during which the persons employed will be at the disposal of the employer, exclusive of any intervals for rest and meals.

SHOPS REGULATION

(3) The hours to be specified in this notice are the hours to be worked, exclusive of overtime.

(4) The entries under the heading "Intervals for rest and meals" may be either (*a*) the actual times at which the intervals are to begin and end (*e.g.* 1 p.m.–2 p.m. and 5 p.m.–5.30 p.m.) or (*b*) the duration of the intervals (*e.g.* Dinner 1 hour, Tea ½ hour).

(5) When the same hours are to apply to all young persons under the age of 16, or to all young persons between the ages of 16 and 18, the word "All" may be inserted in the column headed "Names of Young Persons" and the words "under 16" or "16 to 18", as the case may be, in the column headed "Age".

(6) In any week in which a young person is employed outside the daily hours or during the intervals specified in the notice, an entry must be made in the record in form G.

(7) Where the notice relates to young persons employed in connection with retail trade carried on elsewhere than in a shop the address of the place in or from which the retail trade is carried on should be given.

G.

SHOPS ACTS, 1934 (AS AMENDED BY PART II OF THE YOUNG PERSONS (EMPLOYMENT) ACT, 1938).

RECORD OF HOURS OF EMPLOYMENT OF YOUNG PERSONS.

(To be used only where Form F is exhibited.)

Name of Occupier

Address of Shop
(See Note 5).

Description of Department
(if applicable).

Week ending Saturday, ...19.....

Names of Young Persons.	Age.	day.			OVERTIME.	
		Time worked outside the hours or during the intervals specified in Form F.	Time not worked during specified hours.		Worked during week.	Previously worked during the year.
				The two preceding columns to be repeated for each day in respect of which an entry requires to be made.		

Signed (Occupier or Manager)

Date

Notes.

(1) The necessary entries must be made on this form in any week in which any young person is employed on any day outside the daily hours or during the intervals specified in Form F.

(2) Any time worked outside the daily hours or during the intervals specified in Form F must be entered in the first of the two daily columns. Such time must also be recorded at the end of the week as overtime in the column provided for that purpose, unless it was offset by an equivalent amount of time not worked within the specified hours during the same week, and the time not worked was duly recorded in the second of the two daily columns.

(3) Entries relating to any day must be made on that day or, if that is not reasonably practicable, on the day following.

(4) Overtime must be entered within two days from the end of the week.

(5) Where the record relates to the employment of young persons in connection with retail trade carried on elsewhere than in a shop the address of the place in or from which the retail trade is carried on should be given.

SHOP REGU TIO

H.

This notice must be exhibited in every retail shop or warehouse occupied by a retail trader about the business of which young persons are employed.

ABSTRACT OF PROVISIONS OF THE SHOPS ACT, 1934 (AS AMENDED BY PART II OF THE YOUNG PERSONS (EMPLOYMENT) ACT, 1938), RELATING TO THE EMPLOYMENT OF YOUNG PERSONS IN RETAIL SHOPS AND WAREHOUSES (SHOPS ACT, 1934, SECTION 7 (2)).

1. *Young persons to whom the Act applies.*

The Act applies to young persons under the age of 18 (other than children of school age whose employment is regulated by the Children and Young Persons Act, 1933) employed about the business of a shop, whether or not they receive any reward for their labour.

In the application of the Act to retail establishments,

(*a*) "Shop" means any premises in which any retail trade is carried on, and includes any warehouse occupied for the purpose of his trade by any person carrying on any retail trade or business.

(*b*) "Employment about the business of a shop" includes such employment both inside and outside the shop, and covers also employment by the occupier of a shop upon any work whether within the shop or outside it which is ancillary to the business carried on at the shop.

2. *Maximum working hours for young persons under the age of* 16.

No young person under the age of 16 may be employed about the business of a shop for more than 44 working hours in any week, except in one week during the Christmas season subject to the conditions described in paragraph 3.

3. *Averaging of hours of young persons under the age of* 16 *during the Christmas season.*

When a notice in the prescribed form has been exhibited in a shop, the weekly hours of young persons under the age of 16 may be averaged over a fortnight comprising the week in which Christmas Day falls and *either* the week before *or* the week after, subject to the conditions (i) that their working hours must not exceed 48 in either week, and (ii) that their total working hours for the fortnight must not exceed 88.

4. *Normal maximum working hours for young persons between the ages of* 16 *and* 18.

Subject to the exceptions described in paragraphs 5, 8 and 9, no young person between the ages of 16 and 18 may be employed about the business of a shop for more than 48 working hours in any week. These are the "normal maximum working hours" for these young persons.

5. *Overtime.*

On occasions of seasonal or exceptional pressure of work at any shop, young persons between the ages of 16 and 18 may be employed about the business of a shop overtime, *i.e.* in excess of the normal maximum working hours, subject to the following conditions:

(*a*) Overtime may not be worked in any shop in more than six weeks in a year.

(*b*) No individual young person may be employed overtime in any year for more than 50 working hours.

(*c*) No individual young person may be employed overtime in any week for more than 12 working hours.

Overtime may not be worked by any young person under the age of 16.

6. *Mixed employment.*

In determining the number of working hours in any week for which a young person has been employed about the business of any shop, any time worked in that week about the business of any other retail or wholesale shop or warehouse, or in a factory or in any of the employments which are regulated by Part I of the Young Persons (Employment) Act, 1938, must also be reckoned.

HOPS GULA-TION

Where a young person has previously been employed in a factory on any day, he must not be employed about the business of a shop on the same day for a longer period than will, together with the hours worked in the factory, complete the daily number of hours permitted by the Factories Act, 1937.

But except as above the Act does not apply to the employment in a factory of young persons whose hours of employment are regulated by the Factories Act, 1937.

7. *Restrictions on night employment.*

Every young person employed about the business of a shop must be allowed an interval of at least eleven consecutive hours in every period of twenty-four hours between midday and midday, and this interval must include the hours between 10 p.m. and 6 a.m. (or 5 a.m. in the case of male young persons between the ages of 16 and 18 employed in connection with the collection or delivery of milk or bread or newspapers).

8. *Special provisions as to the catering trade.*

(1) The two following provisions apply only to young persons between the ages of 16 and 18 wholly or mainly employed in connection with the business of serving meals, intoxicating liquor or refreshments to customers for consumption on the premises.

(a) *Averaging of hours over a fortnight.*

When a notice in the prescribed form has been exhibited in a shop, the weekly hours of the young persons may be averaged over a fortnight, subject to the conditions (i) that their working hours must not exceed 60 in either week, (ii) that their total working hours for the fortnight must not exceed 96 hours, (iii) that no overtime may be worked during the fortnight, and (iv) that averaging may not take place in more than twelve fortnights beginning in any calendar year.

(b) *Special provision for overtime.*

The young persons may be employed overtime in any week in the year when an averaging arrangement is not in force, but the overtime in any period of two successive weeks must not exceed 8 working hours. The limitation of the annual amount of overtime to be worked by the individual young person (see paragraph 5 (*b*)) remains unaffected.

An occupier of a shop may however by giving the prescribed notice elect that in lieu of this provision, the normal overtime provisions set out in paragraph 5 above shall apply to the young persons.

(2) *Night employment in connection with the service of meals.*

In the case of male young persons between the ages of sixteen and eighteen employed wholly or mainly in connection with the business of serving meals to customers for consumption on the premises, the restrictions on night employment set out in paragraph 7 are modified so as to permit employment for any period between 10 p.m. and midnight during which they are wholly employed in connection with the business of serving meals.

9. *Special provisions as to the sale of supplies or accessories for aircraft, motor vehicles or cycles.*

In the case of a shop where the business of selling such supplies or accessories for immediate use is the sole or principal retail business carried on in the shop, the following special provisions apply to young persons between the ages of sixteen and eighteen employed in connection with that business.

When it is not the principal retail business carried on in the shop, the special provisions apply to young persons between 16 and 18 who are wholly or mainly employed in connection with that business.

(a) *Averaging of hours.*

Where the prescribed notice has been given to the local authority, the hours of the young persons may be averaged, and the weekly hours specified in the scheme of hours set out in the notice (a copy of which must be exhibited in the shop) become the normal maximum working hours of the young persons, subject to the following conditions :

(i) The hours worked in any week, including any overtime worked in excess of the hours specified, must not exceed 54 working hours.

(ii) The total working hours (excluding overtime) in any period of three consecutive weeks must not exceed 144.

(iii) No young person may be employed overtime in any period of three consecutive weeks for more than 12 working hours.

(b) *Special provision for overtime.*

The young persons may be employed overtime in any week in the year, whether or not an averaging system is in force, but no young person may be employed overtime in any period of three consecutive weeks for more than 12 working hours.

The limitation of the annual amount of overtime to be worked by the individual young person (see paragraph 5 above) remains unaffected by either of the special provisions.

An occupier of a shop may by giving the prescribed notice elect that in lieu of the special provision relating to overtime the normal overtime provisions set out in paragraph 5 above shall apply to the young persons (except where an averaging scheme is in force).

10. *Weekly half-holidays.*

Every young person wholly or mainly employed about the business of a shop for more than 25 hours in any week must be allowed in that week the weekly half-holiday provided for shop assistants by Section 1 of the Shops Act, 1912, *i.e.* on at least one week day in each week the young person must not be employed about the business of the shop after 1.30 p.m. (1 p.m. if the Shops Acts are applied to employment at the premises by the employer's election under Part I of the Young Persons (Employment) Act, 1938).

11. *Meal Intervals.*

Every young person wholly or mainly employed about the business of a shop must be allowed the intervals for meals prescribed for shop assistants by the First Schedule to the Shops Act, 1912, except that in the case of young persons, the period which may be worked without an interval is reduced. The intervals are as follows:

(1) No young person may be employed for more than five hours (or five and a half hours on the day of his weekly half holiday) without an interval of at least twenty minutes being allowed during the course thereof.

(2) Where a young person is employed during the hours from 11.30 a.m. to 2.30 p.m., an interval of not less than three-quarters of an hour (or one hour when the meal is not taken in the shop) must be allowed between those hours for dinner.

In the case of young persons employed in the sale of refreshments, or the retail sale of intoxicating liquors, or in any shop on a market day, or the day of an annual fair, the dinner interval may end not earlier than 11.30 a.m. or commence not later than 2.30 p.m.

(3) Where a young person is employed during the hours from 4 p.m. to 7 p.m. an interval of not less than half an hour must be allowed between those hours for tea.

NOTE.—The provisions as to meal intervals do not apply to a shop where the only persons employed are members of the occupier's family, maintained by him and dwelling in his house.

12. *Records.*

Every occupier of a shop who employs young persons about the business of his shop must—

Either (*a*) keep a record in the prescribed form of the actual hours worked by, and the intervals for rest and meals allowed to, the young persons.

Or (*b*) exhibit in the shop a notice in the prescribed form specifying the daily hours to be worked by, and the intervals for rest and meals to be allowed to, the young persons. In that case he must record separately on the prescribed form any time worked outside the daily hours or during the intervals specified in the notice.

13. *Definitions.*

"Working hours" means the time during which the persons employed are at the disposal of the employer, exclusive of any intervals allowed for rest and meals.

"Week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night.

"Year" means the period between midnight on the last Saturday night in the month of December and midnight on the last Saturday night in the next month of December.

14. *Administration of the Act.*

The provisions of the Act relating to hours of young persons are administered by the local authorities responsible for the enforcement of the Shops Acts. Enquiries should accordingly be addressed in London outside the City to the London County Council, in the City of London to the Common Council, in Boroughs to the Town Council, in Urban or Rural Districts where the District Council is the Shops authority, to that Council, and elsewhere to the County Council.

SHOPS REGULATION

J.

This notice must be exhibited in every wholesale shop or warehouse occupied by any wholesale dealer or merchant, about the business of which young persons are employed.

ABSTRACT OF PROVISIONS OF THE SHOPS ACT, 1934 (AS AMENDED BY PART II OF THE YOUNG PERSONS (EMPLOYMENT) ACT, 1938), RELATING TO THE EMPLOYMENT OF YOUNG PERSONS IN WHOLESALE SHOPS AND WAREHOUSES (SHOPS ACT, 1934, SECTION 7 (2)).

1. *Young persons to whom the Act applies.*

The Act applies to young persons under the age of eighteen (other than children of school age whose employment is regulated by the Children and Young Persons Act, 1933) employed about the business of a wholesale shop or warehouse, whether or not they receive any reward for their labour.

In the application of the Act to wholesale establishments—

(i) a "wholesale shop" means any premises occupied by a wholesale dealer or merchant where goods are kept for sale wholesale to customers resorting to the premises; and a "warehouse" means any warehouse occupied for the purpose of his trade by any wholesale dealer or merchant.

(ii) "employment about the business of a wholesale shop or warehouse" includes (*a*) all such employment within the premises of the wholesale shop or warehouse, (*b*) employment outside the premises in the collection or delivery of goods, or in attendance upon customers or in carrying messages or running errands, (*c*) employment in the service of the occupier upon any work within the premises which is ancillary to the business carried on at the wholesale shop or warehouse.

2. *Maximum working hours for young persons under the age of* 16.

No young person under the age of 16 may be employed about the business of a wholesale shop or warehouse for more than 44 working hours in any week, except in one week during the Christmas season subject to the conditions described in paragraph 3.

3. *Averaging of hours of young persons under the age of* 16 *during the Christmas season.*

When a notice in the prescribed form has been exhibited in a wholesale shop or warehouse, the weekly hours of young persons under the age of 16 may be averaged over a fortnight comprising the week in which Christmas Day falls and *either* the week before *or* the week after, subject to the conditions (i) that their working hours must not exceed 48 in either week, and (ii) that their total working hours for the fortnight must not exceed 88.

4. *Normal maximum working hours for young persons between the ages of* 16 *and* 18.

Subject to the exception described in paragraph 5, no young person between the ages of 16 and 18 may be employed about the business of a wholesale shop or warehouse for more than 48 working hours in any week. These are the "normal maximum working hours" for these young persons.

5. *Overtime.*

On occasions of seasonal or exceptional pressure of work young persons between the ages of 16 and 18 may be employed about the business of a wholesale shop or warehouse overtime, *i.e.* in excess of the normal maximum working hours, subject to the following conditions:

(*a*) Overtime may not be worked in any wholesale shop or warehouse in more than six weeks in a year.

(*b*) No individual young person may be employed overtime in any year for more than 50 working hours.

(*c*) No individual young person may be employed overtime in any week for more than 12 working hours.

Overtime may not be worked by any young person under the age of 16.

6. *Mixed employment.*

In determining the number of working hours in any week for which a young person has been employed about the business of any wholesale shop or warehouse, any time worked in that week about the business of any other retail or wholesale shop or warehouse or in a factory or in any of the employments which are regulated by Part I of the Young Persons (Employment) Act, 1938, must also be reckoned.

Where a young person has previously been employed in a factory on any day he must not be employed about the business of a wholesale shop or warehouse on the same day for a longer period than will, together with the hours worked in the factory, complete the daily number of hours permitted by the Factories Act, 1937.

But except as above the Act does not apply to the employment in a factory of young persons whose hours of employment are regulated by the Factories Act, 1937.

7. *Restrictions on night employment.*

Every young person employed about the business of a wholesale shop or warehouse must be allowed an interval of at least eleven consecutive hours in every period of twenty-four hours between midday and midday, and this interval must include the hours between 10 p.m. and 6 a.m. (or 5 a.m. in the case of male young persons between the ages of 16 and 18 employed in connection with the collection or delivery of milk or bread or newspapers).

8. *Weekly half-holidays.*

Every young person wholly or mainly employed about the business of a wholesale shop or warehouse for more than twenty-five hours in any week must be allowed in that week the weekly half-holiday provided for shop assistants by Section 1 of the Shops Act, 1912, *i.e.* on at least one week day in each week the young person must not be employed about the business of the wholesale shop or warehouse after 1.30 p.m. (1 p.m. if the Shops Acts are applied to employment at the premises by the employer's election under Part I of the Young Persons (Employment) Act, 1938).

9. *Meal Intervals.*

Every young person wholly or mainly employed about the business of a wholesale shop or warehouse must be allowed the intervals for meals prescribed for shop assistants by the First Schedule to the Shops Act, 1912, except that in the case of young persons the period which may be worked without an interval is reduced. The intervals are as follows:

(1) No young person may be employed for more than 5 hours (or 5½ hours on the day of his weekly half-holiday) without an interval of at least twenty minutes being allowed during the course thereof.

(2) Where a young person is employed during the hours from 11.30 a.m. to 2.30 p.m., an interval of not less than three-quarters of an hour (or one hour when the meal is not taken in the shop) must be allowed between those hours for dinner.

(3) Where a young person is employed during the hours from 4 p.m. to 7 p.m. an interval of not less than half an hour must be allowed between those hours for tea.

NOTE.—The provisions as to meal intervals do not apply where the only persons employed in the wholesale shop or warehouse are members of the occupier's family, maintained by him and dwelling in his house.

10. *Records.*

Every occupier of a wholesale shop or warehouse who employs young persons about the business of his wholesale shop or warehouse must—

Either (*a*) keep a record in the prescribed form of the actual hours worked by, and the intervals for rest and meals allowed to, the young persons.

Or (*b*) exhibit in the wholesale shop or warehouse a notice in the prescribed form specifying the daily hours to be worked by, and the intervals for rest and meals to be allowed to, the young persons. In that case he must record separately on the prescribed form any time worked outside the daily hours or during the intervals specified in the notice.

11. *Definitions.*

"Working hours" means the time during which the persons employed are at the disposal of the employer, exclusive of any intervals allowed for rest and meals.

"Week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night.

"Year" means the period between midnight on the last Saturday night in the month of December and midnight on the last Saturday night in the next month of December.

12. *Administration of the Act.*

The provisions of the Act relating to hours of young persons are administered by the local authorities responsible for the enforcement of the Shops Acts. Enquiries should accordingly be addressed in London outside the City to the London County Council, in the City of London to the Common Council, in Boroughs to the Town Council, in Urban or Rural Districts where the District Council is the Shops authority, to that Council, and elsewhere to the County Council.

SHOPS REGULATION

K.

SHOPS ACTS, 1912 TO 1934.

Seats for Female Shop Assistants.

Notice is hereby given that seats are provided in this shop for Female Shop Assistants employed in the serving of customers, and that these assistants are intended to make use of the seats whenever the use thereof does not interfere with their work.

Signed

(Occupier(s) of Shop)

Address of shop

Note.—A copy of this notice must either be kept constantly exhibited in such a manner that it may be readily seen and read by any person whom it affects or be supplied to every such person.

SLAUGHTER-HOUSES.

See also "ANIMALS, DISEASES OF," *ante*; "FOOD AND DRUGS," *ante*.

CIRCULAR 604.

TO SANITARY AUTHORITIES.

MINISTRY OF HEALTH,
12*th June*, 1925.

RURAL DISTRICT COUNCILS (SLAUGHTER-HOUSES) ORDER, 1924.

PUBLIC HEALTH (MEAT) REGULATIONS, 1924.

SIR,—I am directed by the Minister of Health to refer to Circulars 547 and 552 of the 29th December, 1924, and to say that he has received a large number of communications both from local authorities and from other correspondents as to the proper interpretation of the statutory provisions put in force in rural districts by the Rural District Councils (Slaughter-houses) Order, and of the Public Health (Meat) Regulations (*a*). It will, of course, be appreciated that any question as to the legal interpretation of the provisions of the statutes and the Regulations can only be decided by the courts, but the Minister thinks that it may be useful to set out for the information of local authorities the intention of the department and the construction which as he is advised may properly be given to the provisions in question.

1. *Rural District Councils (Slaughter-houses) Order.*

[*This part of the circular is out of date since the enactment of sections* 57 *et seq. of the Food and Drugs Act*, 1938 *: see notes to those sections, ante, pp.* 1392 *et seq.*]

2. *Public Health (Meat) Regulations.*

Article 2 (1) (*Definition of Meat*).—The Minister's intention in making the Regulations was that, apart from the special case of bacon and ham, they should apply to what is ordinarily known as butcher's meat, that is to say the raw and untreated edible parts of the carcases of slaughtered cattle, swine, sheep, and goats. Questions have been raised whether the Regulations apply to rabbits, poultry, fish, butter, margarine, and cheese. It is clear that the definition of meat would not include these articles, and the Minister thinks that local authorities might also properly treat cooked meat, lard, sausages, and other preparations of or containing meat as outside the scope of the Regulations.

(*a*) *Ante*, p. 2812.

SLAUGHTER-HOUSES

Article 20 (5).—It was not contemplated that this provision should be construed as requiring all butchers' shops to be provided with glass fronts, and the precautions which it may be reasonable to require under this provision must depend on the circumstances of individual cases. It seems to the Minister that in its enforcement the corresponding provisions of Article 19 (*b*) and (*d*) should be borne in mind and that the same general standard of freedom from contamination should be aimed at both for shops and for stalls.

The steps necessary to protect meat against contamination must depend on the circumstances of the shop or stall in relation to the sources of possible contamination and also on the conditions under which trade is carried on. In no circumstances, however, should meat be allowed to project outside the limits of the wall or screen of the shop or stall, where it would be especially exposed to contamination from the street, and it should be kept as far within those limits as is practicable. Where meat has to be kept near to an open window the general rule should be that it should be covered with clean muslin or other suitable material, but local authorities will no doubt realise that, when a brisk trade is being carried on, this precaution may have to be suspended so that meat may be readily accessible.

Application to Ships.—The Minister is advised that each deck of a ship would in itself form one or more separate "compartments" and that meat and cattle for example may properly be carried on different parts of the same deck without any special covering of the meat, if those parts are effectively separated.

Article 21 (2) (*a*).—The word "ground" is not intended to apply to any part of a ship, vehicle, or building. (In Article 19 (*e*) where the possibility of a stall being inside a market building is contemplated, the expression used is, "ground or floor.")

I am, etc.

CIRCULAR 1349.

Common Council of the City of London.
Town Councils.
Metropolitan Borough Councils.
Urban District Councils.
Rural District Councils.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
30*th August*, 1933.

SLAUGHTER OF ANIMALS ACT, 1933.

SIR,—1. I am directed by the Minister of Health to draw the Council's attention to the Slaughter of Animals Act, 1933 (*a*), which will come into operation on January 1st, 1934. There are certain steps which are necessary or expedient for bringing the Act into operation, such as passing the resolutions and issuing the licences authorised by the Act, and section 37 of the Interpretation Act, 1889, empowers Local Authorities to take these steps in advance.

The Local Authorities for enforcing the Act are, for the City of London and the Metropolitan Cattle Market, the Common Council, elsewhere in London the Metropolitan Borough Councils, and, outside London, Town Councils and District Councils. The Act confers new powers on them, and it also imposes new duties upon them, as well as upon persons carrying on slaughter-houses and knackers' yards.

2. The subject-matter of the Act is not, however, new to Local Authorities. Outside London it was already the statutory duty of all Local Authorities to make byelaws for preventing cruelty in slaughter-houses. The greater number of Local Authorities had done so, and more than six hundred had made byelaws requiring animals, or some animals, to be stunned. Of these, nearly five hundred Local Authorities outside London, and in London the London County Council, had by their byelaws required the use of mechanical stunning instruments for all or most animals, which is the central requirement of the new Act.

(*a*) See Vol. V, *post*.

SLAUGHTER-HOUSES

3. Section 1 of the Act requires that animals in slaughter-houses and knackers' yards are to be stunned before slaughter, and that the stunning shall be by a mechanically operated instrument, which is defined to include an electrical instrument. This requirement, however, will not apply to sheep unless the Local Authority apply it by resolution; while goats can be excluded by resolution (see paragraph 6 below). The requirement applies to pigs; but, if electrical energy is not available, this is a defence to proceedings, unless the prosecution show that it could reasonably be made available. Slaughter by a Jew or a Mohammedan for his co-religionists is exempt from this section; but, as regards the former, only if he is licensed by a Commission which is to be established under the First Schedule to the Act.

4. The Act impliedly supersedes byelaws covering the same ground, but existing byelaws dealing with matters not covered by the Act are not affected, nor is the power (and duty) to make byelaws for the licensing and registering of slaughter-houses and for securing their sanitary condition. The model byelaws are being revised in the light of the Act.

5. The Act places on Local Authorities the new duty of licensing slaughtermen, and it is desirable that every Local Authority should notify this requirement to persons carrying on slaughter-houses and knackers' yards, and to any organisation known to them as representing journeymen, in time for the first applications for licences to be made and dealt with this year. The duration, availability, and cost, of licences are set out in detail in section 3 of the Act. Two important points to notice are that a licence, once granted, is available throughout England and Wales, but must be produced on demand to the Local Authority in whose district the licensee is working, and that an appeal to Petty Sessions lies against the refusal of the grant or renewal, or the suspension or revocation, of a licence.

6. Section 2 of the Act empowers Local Authorities, as is above mentioned, to exclude goats by resolution from section 1, and requires them within twelve months of the passing of the Act to consider whether they will by resolution apply section 1 to sheep. These resolutions are made subject to formalities which, with slight modification, are familiar to Local Authorities as occurring in the Third Schedule to the Public Health Act, 1925. For their convenience, forms of resolution and notice are given in the appendix to this circular letter. It is expressly provided that a Local Authority may rescind or vary a resolution on compliance with the same formalities, and a copy of every original or rescinding or varying resolution has to be sent to the Minister. A newly constituted Local Authority, or a Local Authority whose area is extended, must consider the position within three months.

7. Section 4 and the Second Schedule give statutory force, for both slaughter-houses and knackers' yards, to requirements most of which, apart from slight differences, have long been normal in the byelaws of Local Authorities with respect to slaughter-houses. Other provisions of the Act are that Local Authorities who have established slaughter-houses are empowered by section 6 to employ persons to slaughter or stun animals, and to make reasonable charges for the services of the persons so employed, and that a right of inspection is given (section 7) for the purpose of enforcing the Act to the Medical Officer of Health or Sanitary Inspector at any time when business is, or appears to be, in progress, or is usually carried on. This last provision is similar to one which has for a long time been inserted in byelaws with respect to slaughter-houses.

Further copies of this Circular may be obtained from H.M. Stationery Office, at any of the addresses shown below, or through any bookseller.

I am, Sir,
Your obedient Servant,
E. H. RHODES,
Assistant Secretary.

The Town Clerk,
or
The Clerk to the Council.

APPENDIX.

[*Slaughter of Animals Act*, 1933: *section* 2 (3). *Form* 1, *for use under paragraph* (*a*); *Form* 2, *for use under paragraph* (*b*); *Form* 3, *for use under paragraph* (*c*).]

1.

SLAUGHTER OF ANIMALS ACT, 1933.

Town / Metropolitan Borough / Urban District / Rural District } Council of

Notice is hereby given that at a meeting of the Council to be held on * the following resolution will, in accordance with section 2 of the Slaughter of Animals Act, 1933, be proposed:

The Town / Metropolitan Borough / Urban District / Rural District } Council of

hereby resolve that section 1 of the Slaughter of Animals Act, 1933, shall on and † from the day of , 1934,‡

(Sd.)

Town Clerk or Clerk to the Council.

2.

SLAUGHTER OF ANIMALS ACT, 1933.

Town / Metropolitan Borough / Urban District / Rural District } Council of

§ Notice is hereby given that at a meeting of the Council held on the following resolution was passed:

The Town / Metropolitan Borough / Urban District / Rural District } Council of

hereby resolve that section 1 of the Slaughter of Animals Act, 1933, shall, on and from the day of , 1934, ||

(Sd.)

Town Clerk or Clerk to the Council.

* *Insert date, which must be not less than* 28 *days later than the giving of this notice.*

† *The date to be inserted should allow time for the notices required by paragraph* (*b*) *in subsection* (3) *of section* 2 *to be given before the resolution operates.*

‡ *Here insert, in accordance with section* 2, " apply to sheep, ewes, wethers, rams, and lambs " (*or some of those animals, if the resolution will not relate to all*), *or, if the resolution will propose to exclude goats and/or kids from the application of section* 1, *the words* " not apply to goats and kids " (*or* " goats " *or* " kids ").

§ *This form has been drawn so that it can be used for publishing the resolution in the newspapers, as inexpensively as possible, in compliance with paragraph* (*b*) *of subsection* (3) *of section* 2, *and also for the requirement that the resolution be published otherwise in such manner as the Local Authority think sufficient for giving notice to all persons interested.*

|| *Insert the appropriate words: see last note on form* 1.

SLAUGHTER-HOUSES

3.

SLAUGHTER OF ANIMALS ACT, 1933.

The following * copy of a resolution passed under section 2 of the Act by the

Town / Metropolitan Borough / Urban District / Rural District } Council of

at a meeting held on is sent to the Minister of Health in pursuance of paragraph (c) of subsection (3) of that section by the undersigned on behalf of the said Council.

[Insert a copy of the resolution.]

(Sd.)

Town Clerk or Clerk to the Council.

* *This form has been drawn so as to facilitate the statutory obligation of the Council and the filing of resolutions in the Ministry.*

SMALL DWELLINGS.

See also "HOUSING," *ante*.

SMALL DWELLINGS ACQUISITION ACT, 1899 (*a*).

INFORMATION TO BE FURNISHED TO THE MINISTRY OF HEALTH WITH APPLICATIONS FOR SANCTION TO BORROW MONEY.

First application.

1. Name of local authority . . . . .
2. Population of district according to the last census
3. Rateable value of district for purposes of the rate applicable to the general purposes of the Public Health Acts . . . . . £

The following documents and information should be forwarded to the Ministry:—

(i) A copy of the resolution of the local authority undertaking to act under the Act;

(ii) A copy of the resolution of the local authority applying for the Minister's sanction to borrow the money;

[In the case of a district containing a population, according to the last census for the time being, of less than ten thousand, the following additional document should be forwarded to the Ministry;

(iii) A copy of the consent of the County Council under section 9 (1) of the Act to the Council of the district being the local authority in the district for the purposes of the Act.]

Subsequent applications.

(*a*) A copy of the resolution of the local authority applying for the Minister's sanction to borrow money.

(*b*) A certificate by the Clerk to the local authority in the following form:

1. The unexpended balance of the loans previously authorised for the purposes of the appropriate enactment amounts to £ .

2. In no case has an advance been made out of those loans which contravenes the conditions prescribed in the appropriate enactment and summarised on the re side of this Form.

(*a*) *Ante*, p. 1797, as amended by s. 92 of the Housing Act, 1935, *ante* p. 1865.

The reverse side of the form is as follows:

SMALL DWELLINGS

ADVANCES UNDER SMALL DWELLINGS ACQUISITION ACTS, 1899-1923,

as amended by Section 92 of the Housing Act, 1935.

SUMMARY OF PRESCRIBED CONDITIONS.

1. An advance may be made

(*a*) to an applicant occupying and resident in a house;

(*b*) to an applicant who intends to reside in a house if he undertakes to begin his residence within such period not exceeding 6 months from the date of the advance as the local authority may fix;

(*c*) to an applicant intending to construct a house who intends to reside in the house when constructed;

for the purpose of enabling him to acquire the ownership of the house as defined in the Acts.

2. The limit on the market value of a house in respect of which an advance may be made is eight hundred pounds.

3. The market value of the ownership of the house is to be ascertained by means of a valuation duly made on behalf of the local authority, and the advance may not exceed ninety per cent. of the market value so ascertained.

4. Where an advance is made by instalments in respect of a house in course of construction, the total advance at any time before the completion of the house must not exceed fifty per cent. of the value of the work done on construction up to that time, including the value of the applicant's interest in the site.

5. Every advance must be repaid with interest within such period not exceeding thirty years from the date of the advance as may be agreed upon.

6. The rate of interest on advances must be a rate one-quarter per cent. in excess of the rate of interest which, one month before the date on which the terms of the advance are settled, was the rate fixed by the Treasury under section one of the Public Works Loans Act, 1897, in respect of loans to local authorities advanced out of the Local Loans Fund for the purposes of Part III of the Housing Act, 1925.

7. Before making an advance the local authority must be satisfied as to the following matters except in so far as they are inapplicable to the case of an applicant intending to construct a house:—

(*a*) that the applicant is resident or intends to reside in the house and is not already the proprietor within the meaning of the Acts of a house to which the statutory conditions set out in the Acts apply.

(*b*) that the value of the ownership is sufficient.

(*c*) that the title to the ownership is one which an ordinary mortgagee would be willing to accept.

(*d*) that the house is in good sanitary condition and good repair.

(*e*) that the repayment to the local authority of the advance is secured by an instrument vesting the ownership (including any interest already held by the purchaser) in the local authority subject to the right of redemption by the applicant, but such instrument shall not contain anything inconsistent with the provisions of the Acts.

ADVANCES UNDER SECTION 92 (1) (*a*) OF THE HOUSING ACT, 1925,

as extended or amended by Section 47 of the Housing Act, 1930, and Section 76 of the Housing Act, 1935.

SUMMARY OF PRESCRIBED CONDITIONS.

1. An advance may be made to persons or bodies of persons—

(*a*) constructing or altering or undertaking to construct or alter houses; or

(*b*) carrying out or undertaking to carry out repairs to any house; or

(*c*) acquiring or undertaking to acquire houses the construction of which was begun after the twenty-fifth day of April, nineteen hundred and twenty-three.

SMALL DWELLINGS

2. Before granting an advance the local authority or County Council must be satisfied—

(*a*) that the houses will, when the building or alteration has been completed, be in all respects fit for human habitation;

(*b*) that the superficial area of any such house or flat will not be less than:—

(i) in the case of a two-storied house six hundred and twenty superficial feet; or

(ii) in the case of a structurally separate and self-contained flat or a one-storied house five hundred and fifty superficial feet

unless the Minister of Health has, on the application of the authority or council, agreed, in special circumstances, to the reduction of those minimum measurements in respect of a limited number of houses to (i) five hundred and seventy and (ii) five hundred superficial feet respectively. (These measurements must be calculated in accordance with the rules made by the Minister.)

(*c*) that, where the advance is for the purpose of carrying out repairs, it is reasonable to give such assistance having regard to the cost of the repairs, or to the financial position of the applicant.

3. The advance with interest must be secured by mortgage.

4. The advance must not exceed ninety per cent. of the value of the interest of the mortgagor in the property. (See definition in Section 76 (1), Housing Act, 1935.)

5. Where an advance is made by instalments, the total advance at any time before the completion of the house must not exceed fifty per cent. of the value of the work done on construction, or works incidental to construction, up to that time, including the value of the mortgagor's interest in the site.

6. A valuation must be made on behalf of the authority or council before an advance is made.

7. Where an interest offered as security is a leasehold interest, that interest must be for a term of years absolute of which not less than ten years in excess of the period fixed for repayment of the advance remains unexpired at the date of the advance.

8. Advances are limited to houses or flats of which the estimated value of the fee simple in possession free from incumbrances does not exceed eight hundred pounds per house or per flat as the case may be.

3. For the year ended March 31st, 19 .

(*a*) The whole of the expenses payable by the Council have been reimbursed by receipts under the Acts; or

(*b*) The expenses payable by the Council, and not reimbursed by receipts under the Acts, amounted to £ . For the same year the produce of a {penny / halfpenny} rate in the area for which the Council are the authority under the Acts was £ .

Signed.....

Clerk to the Local Authority.

All applications.

The particulars set out on p. 3773 opposite.

PARTICULARS TO BE FURNISHED AS REGARDS EACH OF THE PROPOSED ADVANCES.

Amount of proposed advance.	(2) Agreed terms as to		(3)	(4)	(5)	(6) If leasehold, what is		(7)	(8) What, according to the rate-book, is		(9)
	(a) Period for repayment.	(b) Rate of interest to be paid.	Situation and description of houses in respect of which the advance is made.	Name of resident.	Is the property leasehold or freehold?	(a) The unexpired period of the lease?	(b) The ground rent?	Market value of the ownership (*a*).	(a) The gross rental of the property?	(b) The rateable value of the property?	Have the local authority satisfied themselves that each and all the requirements of section 2 of the Act have been or will be complied with?
£	years.	per cent.				years.	£	£	£	£	

(*a*) Information should be given as to the basis upon which the valuation is formed, and a copy of any valuation made on behalf of the local authority should be supplied.

(*Signed*) .....

Clerk to the local authority.

SMALL HOLDINGS AND ALLOTMENTS

SMALL HOLDINGS AND ALLOTMENTS.

See also LAND: ACQUISITION OF, *ante*.

S. R. & O., 1910, No. 287.

THE SMALL HOLDINGS AND ALLOTMENTS (COSTS) RULES, 1910, DATED MARCH 5TH, 1910, MADE BY THE BOARD OF AGRICULTURE AND FISHERIES, WITH THE CONCURRENCE OF THE LORD CHANCELLOR, PURSUANT TO PARAGRAPH (6) OF PART I OF THE FIRST SCHEDULE TO THE SMALL HOLDINGS AND ALLOTMENTS ACT, 1908 (*a*).

THE following rules, and the scales of costs contained therein, shall apply to the allowance and taxation or determination as against a council of all costs and charges of a claimant in an arbitration under the First Schedule to the Act.

1. Where the compensation awarded by the arbitrator to the claimant does not exceed the sum specified in the first column of the Scale No. 1 herein contained, the sum payable to the claimant for his costs of the arbitration shall be the sum specified in the second column of such scale, which sum shall include and cover all disbursements, except for the attendances of witnesses, for which attendances the sums specified in the third column of such scale shall be allowed. No charge for briefs to, or attendance of, counsel shall be allowed.

2. Where the compensation awarded by the arbitrator exceeds the sum of three hundred pounds, but does not exceed the sum of five hundred pounds, the costs and charges of the claimant in the arbitration shall be allowed, and (if necessary) taxed or determined, in accordance with the provisions of the Scale No. 2 herein contained, and no costs or charges other than those specified in such scale, or in accordance therewith, shall be allowed.

3. Where the compensation awarded by the arbitrator exceeds the sum of five hundred pounds, the costs and charges of the claimant in the arbitration shall be allowed, and (if necessary) taxed or determined, in accordance with the provisions of the Scale No. 3 herein contained, and no costs or charges other than those specified in such scale, or in accordance therewith, shall be allowed.

4. So much of the First Schedule to the Arbitration Act, 1889, as provides that the arbitrator may award costs to be paid as between solicitor and client, shall not apply to an arbitration to which these rules apply. In any case in which the arbitrator determines the amount of costs to be paid to the claimant in the arbitration, these rules and the scales herein contained, shall apply to and govern such determination of costs by the arbitrator.

5. These rules shall not apply to an arbitration in which an arbitrator has been appointed before the rules come into operation.

6. Nothing in these rules shall authorise an arbitrator to hear counsel or expert witnesses, except in such cases as the Board of Agriculture and Fisheries direct, and if counsel or expert witnesses are heard by an arbitrator without such direction, no costs shall be allowed in respect thereof.

7.—(1) If, having regard to the nature or importance of the case, the interests of the parties, the general conduct of the proceedings, and the skill, labour, and responsibility involved, the taxing officer shall on special grounds consider the costs or allowances provided by any of the scales inadequate, he may make such further or increased allowances as he shall in his discretion consider reasonable.

(2) The taxing officer may in any case where the owner or claimant is not represented by a solicitor on the arbitration make such allowance as he may consider reasonable towards the charges or expenses incurred by the owner or claimant in connection with the arbitration, but not exceeding in the aggregate the maximum amount which could otherwise have been allowed under the relevant scale.

8. These rules and the scales of costs contained herein shall not apply to the fees or remuneration properly payable to or charged by the arbitrator, which fees, if and

(*a*) See Vol. IV, *post*.

when paid by the claimant, shall be recoverable by him from the party who is liable to pay the same.

9. In these rules and the scales of costs contained herein:
(1) "The Act" means the Small Holdings and Allotments Act, 1908.
(2) "The arbitrator" means an arbitrator appointed under the Act.
(3) "Taxing officer" includes the arbitrator when costs are determined by him,
(4) "Council" includes any Commissioner acting in default of a council.

10. These rules shall come into operation on the tenth day of March, 1910, and may be cited as the Small Holdings and Allotments (Costs) Rules, 1910.

SCALE No. 1.

Scale of fixed costs where the compensation awarded does not exceed £300.

Compensation Awarded.	Amount of Costs other than for Witnesses. £ s. d.	Costs of Attendance of Witnesses. £ s. d.
Any sum not exceeding fifty pounds	3 3 0	2 2 0
Any sum exceeding fifty pounds, but not exceeding one hundred pounds	5 5 0	3 3 0
Any sum exceeding one hundred pounds, but not exceeding three hundred pounds:—		
For every fifty pounds or part of fifty pounds exceeding one hundred pounds the following sums in addition to those prescribed for compensation which exceeds fifty pounds	2 2 0	1 1 0

SCALE No. 2.

Costs where the compensation awarded exceeds £300 but does not exceed £500.

(a) The amount payable to the claimant for the costs of the arbitration shall be the sum of £20, which sum shall include all charges and disbursements of every kind, except those hereinafter specially mentioned.

*(b) In addition to the said sum of £20, there shall be allowed to the claimant the charges and expenses of one expert witness for qualifying and giving evidence as to the value of the claimant's lands, or interest in land, or the amount of compensation to which the claimant is entitled: which charges and expenses shall be taxed and allowed in accordance with the provisions of Scale 3, hereinafter contained.

*(c) If counsel is employed by the claimant, there shall be allowed to him, in addition, for preparing and delivering briefs to and obtaining the attendance of counsel, such fees as, having regard to all the circumstances of the case, the taxing officer shall think fit.

SCALE No. 3.

Scale of costs and allowance where the compensation exceeds five hundred pounds:—

	£ s. d.
1. Instructions for claim and attendances on owner or claimant in respect thereof	1 1 0
2. Correspondence and attendance on the clerk to the council or council's solicitor thereon, including drawing and copy claim	1 1 0
* 3. Attending on each witness (of two witnesses) instructing him to qualify and subsequently perusing his report, or if the arbitrator is a surveyor on one witness only	0 13 4
4. Attending on the arbitrator and on the clerk to the council or council's solicitor arranging appointment for the day of hearing	0 13 4
5. Notice to each witness to attend	0 5 0
6. If a view is reasonably necessary attendances on the arbitrator and the clerk to the council or council's solicitor arranging for view	0 13 4
7. Attending view with them	3 3 0
8. Paid travelling expenses	
*9. If counsel employed, instructions to counsel to attend view	0 6 8
*10. Paid his fee and clerk	5 10 0
11. Instructions for attending before the arbitrator and to conduct the claimant's case	2 2 0
*12. If counsel employed in lieu of last item instructions for brief	2 2 0

* See Rule 6 as to employment of counsel and expert witnesses.

SMALL HOLDINGS AND ALLOTMENTS

		£	s.	d.
*13.	Drawing case and minutes of evidence, at per folio, 1s.; and if counsel attending, brief copy for counsel at per folio, 4d.			
*14.	Paid counsel's fee			
*15.	Attending him	0	6	
*16.	Paid counsel's conference fee	1	6	
	Ditto ditto (if a leader)	2	7	
*17.	Attending to appoint and on conference	1	0	
18.	Solicitor attending reference and conducting case, case completed on each side (solicitor and clerk)	5	5	
19.	If reference not held in town in which the solicitor carries on business, for hotel expenses of solicitor	1	1	
	Ditto ditto of clerk	0	15	
	(And for travelling expenses the sum actually paid.)			
20.	If reference not concluded, for each subsequent day the same charges.			
*21.	If counsel in attendance, solicitor attending each day on reference	3	3	
22.	And if not in solicitor's town, for hotel expenses (and travelling expenses actually paid)	1	1	
*23.	Paid witnesses (according to the scale of allowances in the Supreme Court Taxing Office).			
24.	Drawing bill of costs and copy for taxing, at per folio, 8d.			
25.	Copy for the clerk to the council or council's solicitor, at per folio, 4d.			
26.	Notice of taxing	0	4	
27.	Attending taxing	0	13	
28.	Paid taxing (the fee payable in the Supreme Court Taxing Office on taxing costs).			
29.	Letters and messengers	1	1	
30.	In agency cases for correspondence between solicitor and London agent	1	1	

(L.S.) T. H. ELLIOTT,
Secretary of the Board of Agriculture and Fisheries.

I concur,
LOREBURN, *C.*
Dated the 5th of March, 1910

* See Rule 6 as to employment of counsel and expert witnesses.

S. R. & O., 1919, No. 1197.

THE SMALL HOLDINGS AND ALLOTMENTS REGULATIONS, 1919, DATED SEPTEMBER 8TH, 1919, MADE BY THE BOARD OF AGRICULTURE AND FISHERIES UNDER THE SMALL HOLDINGS AND ALLOTMENTS ACTS, 1908 TO 1919.

The Board of Agriculture and Fisheries in exercise of the powers conferred by the Small Holdings and Allotments Acts, 1908 to 1919, do hereby make the following regulations:—

1.—(1) The consent of the Board of Agriculture and Fisheries is, under the Small Holdings and Allotments Acts, 1908 to 1919 (*a*), or this regulation, required for the exercise by a county council of their powers under the said Acts to—

(1) purchase, hire, sell, mortgage or exchange land; or
(2) appropriate land under paragraph (*c*) of sub-section (1) of section 12 of the Land Settlement (Facilities) Act, 1919; or
(3) let any land for any greater interest than that of a tenancy from year to year, or let any land to an association; or
(4) erect, repair or improve dwelling-houses or other buildings on any land acquired by the council under the said Acts, or execute any other improvement on or in connection with or for the benefit of any such land, in any case where the cost of the erection, repairs, improvement or other work is intended by the council to be defrayed out of money borrowed by the council or out of capital money received by the council; or
(5) make an inclosure of common purporting to be made under an Order to which section 1 of the Land Settlement (Facilities) Act, 1919, applies; or

(*a*) Printed in a later volume of this work.

(6) determine the period within which any money borrowed by a council shall be repaid; or

(7) incur expenditure under section 49 of the Small Holdings and Allotments Act, 1908; or

(8) do any other act authorised by section 12 of the Land Settlement (Facilities) Act, 1919, to which by notice in writing given by the Board to the council the Board shall require that their consent shall be obtained.

(2) This regulation shall apply to the council of a county borough, in relation to the powers of the council in respect of small holdings, in the same manner as it applies to a county council.

S. R. & O., 1919, No. 1961.

THE LAND SETTLEMENT (ANNUITIES) REGULATIONS, 1919, DATED DECEMBER 31ST, 1919, MADE BY THE MINISTER OF HEALTH UNDER PARAGRAPH 10 OF SCHEDULE 1 TO THE LAND SETTLEMENT (FACILITIES) ACT, 1919.

The Minister of Health, in pursuance of the powers conferred on him by paragraph 10 of the First Schedule to the Land Settlement (Facilities) Act, 1919 (*a*) (hereinafter referred to as "the Act of 1919"), and of all other powers enabling him in that behalf, hereby makes the following regulations with respect to annuities under section 9 of that Act:—

General.

1.—(1) These regulations may be cited as the Land Settlement (Annuities) Regulations, 1919.

(2) In these regulations, "the council" means the council of a county or the council of a county borough by whom an annuity is payable under the Act of 1919.

(3) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Register of Annuitants.

2.—(1) The council shall keep a register (hereinafter called the "Register of Annuitants") of all persons who are entitled to an annuity and to whom an annuity certificate has been issued under the Act of 1919.

(2) The register of annuitants shall contain the following particulars:—

(*a*) the name, address and description of each annuitant, a statement of the amount of the annuity to which he is entitled, and the number and date of the annuity certificate issued to him;

(*b*) the date on which any annuity certificate issued to an annuitant was cancelled upon the redemption of the annuity or otherwise.

(3) The register of annuitants shall be open to public inspection at all reasonable times free of charge.

Annuity Certificates.

3.—(1) Every annuity certificate shall be in the form A contained in the First Schedule to these regulations or in a form substantially to the like effect.

(2) If an annuity certificate is worn out or damaged the council on delivery up thereof may issue a new certificate in the same terms to the person entitled to the annuity in respect of which the certificate was issued.

(3) If an annuity certificate is lost or destroyed the council on proof thereof to their satisfaction and on receiving an indemnity if they so require against the claims of all persons deriving title under the certificate lost or destroyed shall give a new certificate in the same terms to the person entitled to the annuity in respect of which the certificate was issued.

(4) Where two or more persons are jointly entitled to an annuity, only one annuity certificate shall be issued in respect thereof.

(*a*) 1 Halsbury's Statutes 288.

SMALL HOLDINGS AND ALLOTMENTS

(5) Upon the redemption of any annuity by the council, the annuitant shall deliver to the council the annuity certificate relating to it, and the council shall thereupon cancel the annuity certificate.

Transfer of Annuities.

4.—(1) The transfer of an annuity or part of an annuity shall be by deed in the form B contained in the First Schedule to these regulations or in a form substantially to the like effect.

(2) Every deed of transfer shall be duly stamped and the consideration shall be truly stated therein.

(3) The deed of transfer shall be delivered to and retained by the council, and the council shall enter a memorial thereof in a book to be called "Register of Transfers of Annuities" and shall endorse on the deed of transfer a notice of that entry.

(4) The council shall, upon receipt of the deed of transfer duly executed, together with the certificate issued in respect of the annuity, enter the name of the transferee in the register of annuitants and shall issue a new certificate or certificates to the transferee, or to the transferor and transferee, as the case may require.

(5) Until the deed of transfer and the annuity certificate have been delivered to the council as aforesaid, the council shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of the annuity.

(6) The council before registering a transfer of the whole or part of an annuity may, if they think fit, require evidence by statutory declaration or otherwise of the title of any person claiming to make the transfer.

Closing of Register of Transfers.

5. The council may close the register of transfers of annuities for a period not exceeding fifteen days immediately before the thirty-first day of March and the thirtieth day of September in any year respectively, and notwithstanding the receipt by the council during those periods of any deed of transfer of an annuity, the half-yearly payment next falling due may be made to the persons registered as annuitants on the date of the closing of the register of transfers of annuities.

Transmission of Annuities.

6.—(1) Any person becoming entitled to an annuity by reason of the death or bankruptcy of an annuitant or by any lawful means other than a transfer may, upon the production of such evidence of title as the council may require, either be registered as an annuitant in respect of the annuity or instead of being himself registered may make such transfer of the annuity as the annuitant could have made, and the council shall issue an annuity certificate accordingly.

(2) Until such evidence as aforesaid has been furnished to the council, the council shall not be affected by a transmission of the annuity and no person claiming by virtue thereof shall be entitled to receive any payment of the annuity.

(3) Where two or more persons are registered as annuitants in respect of one annuity, they shall be deemed to be joint owners with right of survivorship between them.

Fees.

7. Fees not exceeding those specified in the second schedule to these regulations may be taken by the council in the cases therein mentioned.

Sinking Fund for Redemption of Annuities and Repayment of Borrowed Money.

8.—(1) The council shall, as from the date on which an annuity is granted, make provision by payments out of the county fund or out of the borough fund and rate, as the case may be, for the formation of a sinking fund to be applicable to the redemption of the annuity and the repayment of any moneys borrowed by the council for the redemption of the annuity.

For the purposes of such sinking fund, the value of an annuity shall be deemed to be its capitalised value at twenty-five years' purchase, or such other number

of years' purchase as may from time to time be approved by the Minister of Health after consultation with the Board of Agriculture and Fisheries.

(2) The sinking fund shall be formed and maintained by the payment to the fund of such equal yearly or half-yearly sums as with accumulations at a rate not exceeding three pounds ten shillings per centum per annum, or such other rate as may from time to time be approved by the Minister of Health, will be sufficient within the prescribed period to redeem the annuity and to repay any moneys borrowed for such redemption.

(3) The sums so paid to the sinking fund, together with the interest on the investments of the fund shall, unless applied in redemption of the annuity or the repayment of moneys borrowed for such redemption, be immediately invested in securities in which trustees are by law for the time being authorised to invest trust money, or in mortgages, bonds, debentures, debenture stock, stock, or other securities (not being securities payable to bearer) duly issued by any local authority as defined by section 34 of the Local Loans Act, 1875, but exclusive in every case of the securities of the council, the council being at liberty from time to time to vary and transpose such investments.

(4) The council may at any time apply the whole or any part of the sinking fund in or towards the redemption of the annuity, or the repayment of moneys borrowed for such redemption. Provided that the council shall pay into the fund each year or half-year (as the case may be) and accumulate a sum equal to the interest which would have been produced by such sinking fund or part of such sinking fund so applied if invested at the rate per centum per annum on which the yearly or half-yearly payments to the sinking fund are based.

(5) If in any year the income of the sinking fund is less than, or is in excess of, the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the yearly or half-yearly payments to the fund are based, any deficiency shall be made good by the council, and any excess may be applied towards the yearly or half-yearly payments.

(6) In any year when the interest arising from the investments of the sinking fund is sufficient to pay the annuity and the interest payable by the council on moneys borrowed for its redemption, the council shall not be required to make any payment to the sinking fund, and the interest on the investments of the fund may be applied in payment of the annuity or of the interest payable by the council on moneys borrowed as aforesaid.

(7) Any expenses connected with the formation, maintenance, investment, application, management of or otherwise in relation to the sinking fund, shall be paid by the council in addition to the payments hereinbefore provided for.

(8) "The prescribed period" means such period not exceeding eighty years from the date of the grant of the annuity as the council (subject to the provisions of section 15 of the Act of 1919) with the sanction of the Minister of Health shall determine.

Return respecting Sinking Fund to the Minister of Health.

9. Once in every year, within 42 days after the thirty-first day of March, if during the twelve months next preceding any sum is required to be paid to a sinking fund formed in pursuance of these regulations, the clerk to the council shall send to the Minister of Health an abstract of the accounts of the council relating thereto in such form as the said Minister may prescribe or require.

SCHEDULES.

FIRST SCHEDULE.

A. *Form of Certificate of Annuity.*

No._____ £_____

By virtue of the Land Settlement (Facilities) Act, 1919, the council of the county of [mayor, aldermen and burgesses of the borough of] (hereinafter called the council) do hereby certify that of [is] under and subject to the provisions of that Act entitled to an annuity of , charged on and issuing out

SMALL HOLDINGS AND ALLOTMENTS

of the county fund of the said county [borough fund and borough rate of the said borough which annuity is payable to the said [his] executors, administrators and assign clear of all deductions (except for income tax), by equal half-yearly payments on th thirty-first day of March and the thirtieth day of September in each year.

The annuity in respect of which this certificate is issued is redeemable by the counc at any time upon the council giving to the annuitant one month's notice of their intentio to redeem the annuity and upon payment of such sum as may be agreed, or in default c agreement, such sum as would, according to the average price at the date of the expiratio of the notice of such Government securities as may for the time being be prescribed by th Treasury, yield annual dividends equal to the amount of the annuity.

Given under the Common Seal of the county council of [mayor, aldermen an burgesses of the borough of], this day of , one thousand nin hundred and .

(L.S.) _____, Chairman [Mayor].

. . . . . , Clerk [Town Clerk].

B. *Form of Transfer of Annuity.*

I, , of , in consideration of the sum of £ , paid to me by , o , do hereby transfer to (hereinafter called the transferee), an annuity o £ , being [the whole] [part] of an annuity of £ granted by the council of the county of [mayor, aldermen and burgesses of the county borough of], under the Land Settlement (Facilities) Act, 1919, in respect whereof the said council have issued the certificate numbered , and all my right and interest therein and thereto, to hold unto the transferee, his executors, administrators and assigns, subject to the several conditions on which I held the same at the time of the execution hereof, and I, the transferee, do hereby agree to take the said annuity of £ subject to the same conditions.

As witness our hands and seals this day of , one thousand nine hundred and .

Witness to the signature of the said _____ } _____, L.S.

Witness to the signature of the said _____ } _____, L.S.

SECOND SCHEDULE.

Fees to be taken by the Council.

	s.	d.
On transfer or transmission, including certificate	2	6
On any new annuity certificate issued under paragraph (2) or (3) of Article 3 of these regulations	2	6
On the taking of an indemnity in respect of a lost annuity certificate . .	10	0

S. R. & O., 1925, No. 1124.

THE ALLOTMENTS (APPROVED SOCIETIES) REGULATIONS, 1925, DATED NOVEMBER 10, 1925, MADE BY THE TREASURY UNDER SECTION 2 (8) OF THE ALLOTMENTS ACT, 1925.

Whereas by sub-section (8) of section 2 of the Allotments Act, 1925 (*a*) (15 & 16 Geo. 5, c. 61), it is enacted that for the purposes of that Act "approved society" means—

(*a*) a society registered under the Industrial and Provident Societies Acts, 1893 to 1913, or the Friendly Societies Acts, 1896 to 1924, one of whose objects is the provision of allotments, and which, by its constitution or otherwise, is restricted in relation to the rate of interest on share and loan capital and the

(*a*) Printed in a later volume of this work.

distribution of profits amongst its members so as to comply with regulations made in that behalf by the Treasury; or

(b) a company registered under the Companies Acts, 1908 to 1918 (a), which does not trade for profit, or whose constitution forbids the issue of any share or loan capital with interest or dividend exceeding the rate for the time being prescribed by the Treasury.

Now, therefore, the Lords Commissioners of His Majesty's Treasury by virtue of the power vested in them by the said section and of all other powers enabling them in that behalf hereby make the following regulations, which may be cited as the Allotments (Approved Societies) Regulations, 1925:—

(1) The rate of interest which may be paid by an approved society upon any share or loan capital raised after the date of these Regulations shall not exceed the rate of six per cent. per annum, such rate being a gross rate calculated before deduction of income tax.

(2) The distribution of profits amongst members of an approved society shall be limited in any year to the payment of a dividend not exceeding the rate of five per cent. per annum upon any share capital of the society for the time being subscribed and paid up, such rate being a gross rate calculated before deduction of income tax.

Dated this tenth day of November, 1925.

GEORGE HENNESSY.
CURZON.

MINISTRY OF AGRICULTURE AND FISHERIES.

MODEL RULES FOR THE COUNCILS OF BOROUGHS AND URBAN DISTRICTS AS TO ALLOTMENTS (b).

The making of Rules by a Borough or District Council under section 28 of the Small Holdings and Allotments Act, 1908, is optional. Such Rules require to be confirmed by the Minister of Agriculture and Fisheries before they can be of any force.

Any Council proposing to make Rules should submit a draft copy to the Ministry; a copy of the Model Rules can be used for this purpose. Where it is proposed to make alterations of any importance it may save time and correspondence if the circumstances are explained when the draft is submitted.

In considering the Model Rules, it should be remembered that the application of the Rules is not limited to land already acquired for allotments. For this reason, although some of the provisions in the Rules may seem to be unnecessary or inappropriate to the land already acquired, it may, nevertheless, be desirable to include them.

In the case of very small allotments it may be found convenient to dispense with a written agreement and rely on section 28 (4) of the Act of 1908, which provides that Rules for the time being in force under that section shall be binding on all persons whatsoever. For this reason it is desirable that the Rules should cover, as far as possible, all matters which would be dealt with by written agreements for letting allotments.

Provisions as to Market Garden Improvements.

Where the use of the land for market-gardening is reasonable, the Ministry thinks no obstacle should be thrown in the way of such use, provided that terms as to compensation are arranged which are equitable as between tenant and Council, having regard to all the circumstances of the case and in particular to the extent of the Council's interest in the land.

Under section 47 of the Small Holdings and Allotments Act, 1908, the tenant of an allotment has a right to compensation at the end of his tenancy for—

(1) planting of standard or other fruit trees permanently set out;
(2) planting of fruit bushes permanently set out;

(a) See now the Companies Act, 1929 (2 Halsbury's Statutes 775).

(b) This series of rules was issued in 1921. It is understood that it has not been reprinted, but that it is supplied from the Ministry of Agriculture and Fisheries with an indication of amendments required by later legislation.

SMALL HOLDINGS AND ALLOTMENTS

(3) planting of strawberry plants ;
(4) planting of asparagus, rhubarb, and other vegetable crops which cont
productive for two or more years ;

unless such improvements are expressly prohibited by the Council in writing and prohibition is not over-ruled by the Minister under Sub-section (1) *of that section.* compensation is based on the value to a hypothetical tenant, which might be siderably in excess of the value to the Council or the actual incoming tenant.

If the allotment is by written agreement " let or treated as a market garden " there is no provision in the lease prohibiting the erection or enlargement of build for the purpose of the trade or business of a market gardener, the tenant could be prevented from carrying out such improvements and claiming compensation f the Council (*see* sections 48 and 49 of the Agricultural Holdings Act, 1923).

The right of the Council to claim against their landlord for these improvemen regulated by sections 48 and 49 of the Agricultural Holdings Act, 1923, section 47 (2) of the Small Holdings and Allotments Act, 1908, as amended by Land Settlement (Facilities) Act, 1919 (see section 23 and Second Schedule), accordingly Councils must contemplate the possibility of their right to claim b excluded, or limited to the actual value to the landlord, which in the case of land for building might be insignificant.

The Ministry recognises that Councils who allow their tenants to grow ma garden crops must take precautions to prevent their having to pay large sum compensation to their tenants, which they may be unable to recover. Model Ru has therefore been drawn up with the view of allowing reasonable freedom to tenant while at the same time protecting the Council from any serious loss for payment of compensation. The advisability of including this Rule should be c sidered if there is any likelihood of the allotments or any of them being used growing market garden crops.

ALLOTMENTS ACTS 1908 TO 1925 AND THE SMALL HOLDINGS AND ALLOTMENTS ACT, 1926.

RULES.

Made by the *
with respect to allotments for the †

Interpretation of Terms.

1. Throughout these Rules the expression " the Council " means the *
and includes any allotment managers appointed by the Cou
under the Small Holdings and Allotments Acts, 1908 to 1919.

Definition of the persons eligible to be tenants of the Allotments.

2. Any man or woman who at the time of application to the Council for an all
ment is resident in the ‡ shall be eligi
to become a tenant of an allotment, subject to the statutory provision that one per
shall not hold allotments acquired under the above-mentioned Acts exceeding f
acres.

Division of the land into Allotments.

3. The Council, before giving notice of their intention to let any land for allotme
shall divide the land, and shall cause a plan to be prepared showing each allotme
and distinguishing it by a separate number.

* Insert " Mayor, Aldermen and Burgesses of the Borough of
acting by the Council " or " Urban District Council of."
† Insert " said Borough " or " said Urban District."
‡ Insert " Borough " or " District."

Notices to be given for the letting of the Allotments.

4. The Council shall give public notice by bills or placards, posted in some conspicuous places in the * or otherwise exhibited therein, setting forth the particulars as to any allotments which they propose to let.

Such notice shall specify the allotments to be let and the size thereof, the rent to be paid for the same, the name and address of the Clerk to the Council to whom applications for the hiring of an allotment or for forms of application are to be sent, and the last day for receiving an application for an allotment.

If any special condition is to apply to the allotments, or any of them, the notice shall specify such condition, or state where copies of the Form of Agreement for Letting of such allotments may be seen.

If the tenant is to pay for tenant right or compensation for improvements this fact and the amount if then ascertained shall be stated in the notice.

Rules as to the letting of the Allotments, and for preventing any undue preference in the letting thereof.

5. The Council shall not let any allotment unless and until notice that they propose to let the same has been duly given in pursuance of the Rule in that behalf at least two weeks before the last day for receiving an application for such allotment.

Every application for an allotment shall be in the Form appended to these Rules, and shall be sent or delivered to the Clerk to the Council.

In letting an allotment for which there are two or more applicants eligible to become tenants and likely to keep the allotment in a proper state of cultivation, preference shall be given to an applicant who does not hold an allotment or agricultural land (other than a garden of 20 poles or less attached to his residence) either from the Council or otherwise over an applicant who does hold such land but subject to such preference the tenant shall be determined by the drawing of lots by the Council. A quitting tenant of land shall for the purposes of this Rule be treated as not holding that land.

Agreements for letting Allotments.

6. An agreement to let an allotment to an applicant may be signed by the Clerk to the Council on behalf of the Council, and may be in the Form set out in the Schedule to these Rules.

General Conditions under which Allotments are to be cultivated.

7. The tenant of an allotment shall comply with the following conditions:

(1) He shall keep the allotment clean and in a good state of cultivation and fertility and in good condition.

(2) He shall not cause any nuisance or annoyance to the occupier of any other allotment, or obstruct any path set out by the Council for the use of the occupiers of the allotments.

(3) He shall not underlet, assign, or part with the possession of the allotment or any part of it without the written consent of the Council.

(4) He shall not without the written consent of the Council cut or prune any timber or other trees, or take, sell, or carry away any mineral, gravel, sand, or clay.

(5) He shall keep every hedge that forms part of the allotment properly cut and trimmed, keep all ditches properly cleansed, and shall maintain and keep in repair any other fences and any gates on the allotment.

(6) He shall not without the written consent of the Council erect any building on the allotment.

(7) He shall not without the written consent of the Council break up any pasture.

(8) He shall not use barbed wire for a fence adjoining any path set out by the Council for the use of occupiers of the allotments.

(9) He shall, as regards the allotment, observe and perform all conditions and covenants contained in the lease under which the Council hold the land.

* Insert "Borough" or "District."

SMALL HOLDINGS AND ALLOTMENTS

(10) He shall observe and perform any other special condition which the Council consider necessary to preserve the allotment from deterioration, and of which notice to applicants for the allotment is given in accordance with these Rules.

Special Rule as to Market Garden Improvements.

8. Except where it is otherwise expressly agreed in writing, an allotment shall be held subject to the following conditions, *which shall be endorsed on the agreement for letting the allotment :*

(1) The allotment shall not be let or treated as a market garden, but if the tenant executes any of the following improvements,* viz. :

(*a*) planting of standard or other fruit trees permanently set out ;

(*b*) planting of fruit bushes permanently set out ;

(*c*) planting of strawberry plants ;

(*d*) planting of asparagus, rhubarb, and other vegetable crops which continue productive for two or more years ;

he shall on the determination of the tenancy be entitled to receive from the Council such sum as fairly represents the increase (if any) in value of the allotment to the Council due to these improvements having regard particularly to the then unexpired term of the lease (if any) under which the land is held by the Council.

(2) The tenant may in lieu of claiming compensation for any fruit or other trees or bushes planted or acquired by him remove the same before the determination of the tenancy, levelling the surface of the land and restoring the same to a proper state and condition and making good any damage caused by the removal.

(3) For the purpose of protecting the Council from claims for compensation for the under-mentioned improvements, other than such compensation as is provided by paragraph (1), the following improvements are to be treated as prohibited for the purpose of Section 47 of the Small Holdings and Allotments Act, 1908, viz. :

(*a*) planting of standard or other fruit trees permanently set out ;
(*b*) planting of fruit bushes permanently set out ;
(*c*) planting of strawberry plants ;
(*d*) planting of asparagus, rhubarb, and other vegetable crops which continue productive for two or more years.

Payment of Rent.

9. The rent of an allotment shall, unless otherwise agreed in writing, be paid half-yearly [quarterly] on the [*insert dates*] in each year.

Power to inspect Allotments.

10. Any member or officer of the Council shall be entitled at any time when directed by the Council to enter and inspect an allotment.

Determination of a tenancy of an Allotment.

11. The tenancy of an allotment shall, unless otherwise agreed in writing, determine on the half-yearly [quarterly] rent day next after the death of the tenant, and shall also determine when the tenancy of the Council determines.

The tenancy may also be determined by one month's notice in writing given by the Council under Section 30 of the Small Holdings and Allotments Act, 1908—

(1) if the rent is in arrear for not less than forty days after demand made for its payment ; or

(2) if the Council is satisfied that, not less than three months after the commencement of the tenancy—

(*a*) the tenant is not keeping the allotment clean and in a good state of cultivation and fertility and in good condition ; or

* Any one or more of these improvements may be omitted as regards a particular tenancy.

(*b*) the tenant has failed to comply within a reasonable time with any notice in writing by the Council served on the tenant requiring him to remedy any breach of or failure to comply with these rules; or

(*c*) the tenant is resident more than one mile out of the †

The tenancy may also be determined by the Council or the tenant at the end of any year of the tenancy by twelve months' notice in writing.

Application of these Rules.

12. These Rules shall not apply to any land let to an Association or to any allotment which the Council, under special circumstances to be recorded in their minutes, may exempt from these Rules, but shall apply, except as aforesaid, to an allotment though held under a tenancy made before these Rules come into operation, but not so as to affect any right to compensation for an improvement executed before these Rules come into operation.

FORM OF APPLICATION FOR ALLOTMENTS.

To the Clerk to the *

I the undersigned hereby make application for one [*or* No.] of the allotments provided by the Council at—

1. Name
2. Residence
3. Age
4. How long resident in the †
5. Whether holding any allotment, or agricultural land (other than a garden of 20 poles or less attached to my residence), and if so—
   (*a*) From whom
   (*b*) Extent of land so held
   (*c*) Whether quitting the land, and if so when

In the event of my application being granted, I agree when required by the Council to sign an agreement for letting in accordance with the Rules, and to pay the stamp duty, if any, on such agreement,‡ and to pay for tenant right and compensation for improvements the sum stated in the Notice of Letting (*or* such sum as shall be found due to the outgoing tenant for such matters).

Signature

Date

SCHEDULE.

FORM OF AGREEMENT FOR LETTING.

Agreement made this day of 19 , between the §

(hereinafter called the Council) of the one part, and of (hereinafter called the tenant) of the other part, whereby the said Council agrees to let, and the said tenant agrees to hire as a yearly tenant from the day of 19 , the allotment[s] numbered in the register of allotments provided by the Council and containing or thereabouts [|| subject to the exceptions and reservations contained in the lease under which the Council hold the land] at the yearly rent of payable *half-yearly* and at a proportionate rent for any part of a year over which the tenancy may extend.

* Insert " Town Council for the Borough of ," or " Urban District Council of ."

† Insert " Borough or " District."

‡ Stamp duty will not be payable if the rent does not exceed ten shillings per annum and no premium is paid.

§ Insert " Town Council for the Borough of , ' or " Urban District Council of ."

|| *Omit words in brackets if inapplicable.*

SMALL HOLDINGS AND ALLOTMENTS

The tenancy is subject to the Allotment Rules made by the Council and in particular to the following conditions :

(*a*) The rent shall be paid * on the day of , the day of [the day of and the day of] in each year.

(*b*) The tenancy of an allotment shall, unless otherwise agreed in writing, determine on the half-yearly [quarterly] rent day next after the death of the tenant, and shall also determine when the tenancy of the Council determines.

The tenancy may also be determined by one month's notice in writing given by the Council under Section 30 of the Small Holdings and Allotments Act, 1908 :

(1) If the rent is in arrear for not less than forty days after demand made for its payment ; or

(2) If the Council is satisfied that, not less than three months after the commencement of the tenancy—

(*a*) The tenant is not keeping the allotment clean and in a good state of cultivation and fertility and in good condition ; or

(*b*) The tenant has failed to comply within a reasonable time with any notice in writing by the Council served on the tenant requiring him to remedy any breach of or failure to comply with these rules ; or

(*c*) The tenant is resident more than one mile out of the †

The tenancy may also be determined by the Council or the tenant at the end of any year of the tenancy by twelve months' notice in writing.

Signed

Clerk to the Council.

Witness

Signed

Tenant.

Witness

[*Any special conditions affecting the allotment are to be endorsed on the agreement.*]

* Unless the rent is 20*s.* or less, not more than one-quarter's rent shall be required to be paid in advance.

† Insert "Borough" or "District."

MINISTRY OF AGRICULTURE AND FISHERIES.

MODEL RULES FOR PARISH COUNCILS AS TO ALLOTMENTS (*a*).

The making of Rules by a Parish Council under section 28 of the Small Holdings and Allotments Act, 1908, is optional. Such Rules require to be confirmed by the Minister of Agriculture and Fisheries before they can be of any force.

Any Council proposing to make Rules should submit a draft copy to the Ministry; a copy of the Model Rules can be used for this purpose. Where it is proposed to make alterations of any importance, it may save time and correspondence if the circumstances are explained when the draft is submitted.

In considering the Model Rules, it should be remembered that the application of the Rules is not limited to land already acquired for allotments. For this reason, although some of the provisions in the Rules may seem to be unnecessary or inappropriate to the land already acquired, it may, nevertheless, be desirable to include them.

In the case of very small allotments it may be found convenient to dispense with a written agreement and rely on section 28 (4) of the Act of 1908, which provides that Rules for the time being in force under that section shall be binding on all persons whatsoever. For this reason it is desirable that the Rules should cover, as far as possible, all matters which would be dealt with by written agreements for letting allotments.

(*a*) Issued in 1921.

SMALL HOLDING AND ALLOTMENTS

Provisions as to Market Garden Improvements.

Where the use of the land for market-gardening is reasonable, the Ministry thinks no obstacle should be thrown in the way of such use, provided that terms as to compensation are arranged which are equitable as between tenant and Council, having regard to all the circumstances of the case and in particular to the extent of the Council's interest in the land.

Under section 47 of the Small Holdings and Allotments Act, 1908, the tenant of an allotment has a right to compensation at the end of his tenancy for—

(1) planting of standard or other fruit trees permanently set out;
(2) planting of fruit bushes permanently set out;
(3) planting of strawberry plants;
(4) planting of asparagus, rhubarb, and other vegetable crops which continue productive for two or more years;

unless such improvements are expressly prohibited by the Council in writing and such prohibition is not overruled by the Minister under subsection (1) of that section. The compensation is based on the value to a hypothetical tenant, which might be considerably in excess of the value to the Council or the actual incoming tenant.

If the allotment is by written agreement "let or treated as a market garden" and there is no provision in the lease prohibiting the erection or enlargement of buildings for the purpose of the trade or business of a market gardener, the tenant could not be prevented from carrying out such improvements and claiming compensation from the Council (see sections 48 and 49 of the Agricultural Holdings Act, 1923).

The right of the Council to claim against their landlord for these improvements is regulated by sections 48 and 49 of the Agricultural Holdings Act, 1923, and section 47 (2) of the Small Holdings and Allotments Act, 1908, as amended by the Land Settlement (Facilities) Act, 1919 (see section 23 and Second Schedule), and accordingly Councils must contemplate the possibility of their right to claim being excluded, or limited to the actual value to the landlord, which in the case of land ripe for building might be insignificant.

The Ministry recognises that Councils who allow their tenants to grow market garden crops must take precautions to prevent their having to pay large sums in compensation to their tenants, which they may be unable to recover. Model Rule 8 has therefore been drawn up with the view of allowing reasonable freedom to the tenant while at the same time protecting the Council from any serious loss for the payment of compensation. The advisability of including this Rule should be considered if there is any likelihood of the allotments or any of them being used for growing market garden crops.

ALLOTMENTS ACTS, 1908 TO 1925, AND THE SMALL HOLDINGS AND ALLOTMENTS ACT, 1926.

RULES.

Made by the Parish Council of
with respect to allotments for the parish of

Interpretation of Terms.

1. Throughout these Rules the expression "the Council" means the Parish Council of
and includes any committee of the Council, and the expression "the parish" means the parish of

Definition of the persons eligible to be tenants of the Allotments.

2. Any man or woman who at the time of application to the Council for an allotment is resident in the parish, shall be eligible to become a tenant of an allotment, subject to the statutory provision that one person shall not hold allotments acquired under the above-mentioned Acts exceeding five acres.

SMALL HOLDINGS AND ALLOTMENTS

Division of the land into Allotments.

3. The Council, before giving notice of their intention to let any land for allotments, shall divide the land, and shall cause a plan to be prepared showing each allotment, and distinguishing it by a separate number.

Notices to be given for the letting of the Allotments.

4. The Council shall give public notice by bills or placards, posted in some conspicuous places in the parish or otherwise exhibited therein, setting forth the particulars as to any allotments which they propose to let.

Such notices shall specify the allotments to be let and the size thereof, the rent to be paid for the same, the name and address of the Clerk to the Council to whom applications for the hiring of an allotment or for forms of application are to be sent, and the last day for receiving an application for an allotment.

If any special condition is to apply to the allotments, or any of them, the notice shall specify such condition, or state where copies of the Form of Agreement for Letting for such allotments may be seen.

If the tenant is to pay for tenant-right or compensation for improvements, this fact and the amount, if then ascertained, shall be stated in the notice.

Rules as to the letting of the Allotments, and for preventing any undue preference in the letting thereof.

5. The Council shall not let any allotment unless and until notice that they propose to let the same has been duly given in pursuance of the Rule in that behalf at least two weeks before the last day for receiving an application for such allotment.

Every application for an allotment shall be in the Form appended to these Rules, and shall be sent or delivered to the Clerk to the Council.

In letting an allotment for which there are two or more applicants eligible to become tenants and likely to keep the allotment in a proper state of cultivation, preference shall be given to an applicant who does not hold an allotment or agricultural land (other than a garden of 20 poles or less attached to his residence) either from the Council or otherwise over an applicant who does hold such land, but subject to such preference the tenant shall be determined by the drawing of lots by the Council. A quitting tenant of land shall for the purposes of this Rule be treated as not holding that land.

Agreements for letting Allotments.

6. An agreement to let an allotment to an applicant may be signed by the Clerk to the Council on behalf of the Council, and may be in the Form set out in the Schedule to these Rules.

General Conditions under which the Allotments are to be Cultivated.

7. The tenant of an allotment shall comply with the following conditions:

(1) He shall keep the allotment clean and in a good state of cultivation and fertility and in good condition.

(2) He shall not cause any nuisance or annoyance to the occupier of any other allotment, or obstruct any path set out by the Council for the use of the occupiers of the allotments.

(3) He shall not underlet, assign, or part with the possession of the allotment or any part of it without the written consent of the Council.

(4) He shall not without the written consent of the Council cut or prune any timber or other trees, or take, sell, or carry away any mineral, gravel, sand, or clay.

(5) He shall keep every hedge that forms part of the allotment properly cut and trimmed, keep all ditches properly cleansed, and shall maintain and keep in repair any other fences and any gates on the allotment.

(6) He shall not without the written consent of the Council erect any building on the allotment.

(7) He shall not without the written consent of the Council break up any pasture.

(8) He shall not use barbed wire for a fence adjoining any path set out by the Council for the use of occupiers of the allotments.

(9) He shall, as regards the allotment, observe and perform all conditions and covenants contained in the lease under which the Council hold the land.

(10) He shall observe and perform any other special condition which the Council consider necessary to preserve the allotment from deterioration, and of which notice to applicants for the allotment is given in accordance with these Rules.

Special Rule as to Market Garden Improvements.

8. Except where it is otherwise expressly agreed in writing, an allotment shall be held subject to the following conditions, *which shall be endorsed on the agreement for letting the allotment:*

(1) the allotment shall not be let or treated as a market garden, but if the tenant executes any of the following improvements,* viz.:

(*a*) planting of standard or other fruit trees permanently set out;
(*b*) planting of fruit bushes permanently set out;
(*c*) planting of strawberry plants;
(*d*) planting of asparagus, rhubarb, and other vegetable crops which continue productive for two or more years;

he shall on the determination of the tenancy be entitled to receive from the Council such sum as fairly represents the increase (if any) in value of the allotment to the Council due to these improvements having regard particularly to the then unexpired term of the lease (if any) under which the land is held by the Council.

(2) The tenant may in lieu of claiming compensation for any fruit or other trees or bushes planted or acquired by him remove the same before the determination of the tenancy, levelling the surface of the land and restoring the same to a proper state and condition and making good any damage caused by the removal.

(3) For the purpose of protecting the Council from claims for compensation for the undermentioned improvements, other than such compensation as is provided by paragraph (1), the following improvements are to be treated as prohibited for the purpose of Section 47 of the Small Holdings and Allotments Act, 1908, viz.:

(*a*) planting of standard or other fruit trees permanently set out;
(*b*) planting of fruit bushes permanently set out;
(*c*) planting of strawberry plants;
(*d*) planting of asparagus, rhubarb, and other vegetable crops which continue productive for two or more years.

Payment of Rent.

9. The rent of an allotment shall, unless otherwise agreed in writing, be paid half-yearly [quarterly] on the [*insert dates*] in each year.

Power to inspect Allotments.

10. Any member or officer of the Council shall be entitled at any time when directed by the Council to enter and inspect an allotment.

Determination of a tenancy of an Allotment.

11. The tenancy of an allotment shall, unless otherwise agreed in writing, determine on the half-yearly (quarterly) rent day next after the death of the tenant, and shall also determine when the tenancy of the Council determines.

The tenancy may also be determined by one month's notice in writing given by the Council under Section 30 of the Small Holdings and Allotments Act, 1908—

(1) if the rent is in arrear for not less than forty days after demand made for its payment; or

* Any one or more of these improvements may be omitted as regards a particular tenancy.

SMALL HOLDINGS AND ALLOTMENTS

(2) if the Council is satisfied that, not less than three months after the commencement of the tenancy—

(*a*) the tenant is not keeping the allotment clean and in a good state of cultivation and fertility and in good condition; or

(*b*) the tenant has failed to comply within a reasonable time with any notice in writing by the Council served on the tenant requiring him to remedy any breach of or failure to comply with these rules; or

(*c*) the tenant is resident more than one mile out of the parish.

The tenancy may also be determined by the Council or the tenant at the end of any year of the tenancy by twelve months' notice in writing.

Application of these Rules.

12. These Rules shall not apply to any land let to an Association or to any allotment which the Council, under special circumstances to be recorded in their minutes, may exempt from these Rules, but shall apply, except as aforesaid, to an allotment though held under a tenancy made before these Rules come into operation, but not so as to affect any right to compensation for an improvement executed before these Rules come into operation.

FORM OF APPLICATION FOR ALLOTMENTS.

To the Clerk to the Parish Council of

I, the undersigned, hereby make application for one [*or* No.] of the allotments provided by the Council at—

1. Name
2. Residence
3. Age
4. How long resident in the parish
5. Whether holding any allotment, or agricultural land (other than a garden of 20 poles or less attached to my residence), and if so—
   (*a*) From whom
   (*b*) Extent of land so held
   (*c*) Whether quitting the land, and if so when

In the event of my application being granted, I agree when required by the Council to sign an agreement for letting in accordance with the Rules, and to pay the stamp duty (if any) on such agreement,* and to pay for tenant right and compensation for improvements the sum stated in the Notice of Letting (or such sum as shall be found due to the outgoing tenant for such matters).

Signature

Date

SCHEDULE.

FORM OF AGREEMENT FOR LETTING.

Agreement made this day of 19 , between the Parish Council of (hereinafter called the Council), of the one part, and of (hereinafter called the tenant) of the other part, whereby the said Council agrees to let, and the said tenant agrees to hire as a yearly tenant from the day of 19 , the allotment[s] numbered in the register of allotments provided by the Council and containing or thereabout [†subject to the exceptions and reservations contained in the lease under which the Council hold the land], at the yearly rent of payable *half-yearly* and at a proportionate rent for any part of a year over which the tenancy may extend.

The tenancy is subject to the Allotment Rules made by the Council and in particular to the following conditions:

(*a*) The rent shall be paid‡ on the day of the day of and the [the day of day of] in each year.

* Stamp duty will not be payable if the rent does not exceed ten shillings per annum and no premium is paid.

† Omit words in brackets if inapplicable.

‡ Unless the rent is 20*s.* or less not more than one-quarter's rent shall be required to be paid in advance.

(*b*) The tenancy of an allotment shall, unless otherwise agreed in writing, determine on the half-yearly (quarterly) rent day next after the death of the tenant, and shall also determine when the tenancy of the Council determines.

The tenancy may also be determined by one month's notice in writing given by the Council under Section 30 of the Small Holdings and Allotments Act, 1908—

(1) if the rent is in arrear for not less than forty days after demand made for its payment; or

(2) if the Council is satisfied that, not less than three months after the commencement of the tenancy—

(*a*) the tenant is not keeping the allotment clean and in a good state of cultivation and fertility and in good condition; or

(*b*) the tenant has failed to comply within a reasonable time with any notice in writing by the Council served on the tenant requiring him to remedy any breach of or failure to comply with these rules; or

(*c*) the tenant is resident more than one mile out of the parish.

The tenancy may also be determined by the Council or the tenant at the end of any year of the tenancy by twelve months' notice in writing.

Signed

Clerk to the Parish Council.

Witness

Signed

Tenant.

Witness

[*Any special conditions affecting the allotment are to be endorsed on the agreement.*]

MINISTRY OF AGRICULTURE AND FISHERIES.

MODEL RULES AS TO ALLOTMENT GARDENS (*a*).

The making of Rules by a Council under section 28 of the Small Holdings and Allotments Act, 1908, is optional. Such Rules require to be confirmed by the Minister of Agriculture and Fisheries before they can be of any force.

Any Council proposing to make Rules should submit a draft copy, in duplicate, to the Ministry; *copies of the Model Rules should be used for this purpose.* Where it is proposed to make alterations of any importance, it may save time and correspondence if the circumstances are explained when the draft is submitted.

NOTE.—*An allotment garden is defined in section 22 of the Allotments Act, 1922, as "an allotment not exceeding forty poles in extent which is wholly or mainly cultivated by the occupier for the production of vegetable or fruit crops for consumption by himself or his family."*

SMALL HOLDINGS AND ALLOTMENTS ACTS, 1908 TO 1931, AND THE ALLOTMENTS ACTS, 1922 AND 1925 (*b*).

RULES AS TO ALLOTMENT GARDENS.

made by the *
with respect to allotment gardens for the †

INTERPRETATION OF TERMS.

1. Throughout these Rules the expression "the Council" means the *
and includes any committee of the Council or any allotment managers appointed by the Council under the Small Holdings and Allotments Acts, 1908 to 1931, and the Allotments Acts, 1922 and 1925.

* Insert "Town Council for the Borough of " or "Urban District Council of ," or "Parish Council of ."

† Insert "Borough," "District," or "Parish."

(*a*) Issued in 1936. (*b*) See these Acts printed in a later volume.

SMALL HOLDINGS AND ALLOTMENTS

DEFINITION OF THE PERSONS ELIGIBLE TO BE TENANTS OF THE ALLOTMENT GARDENS.

2. Any man or woman, who at the time of application to the Council for an allotment garden, is resident in the * shall be eligible to become a tenant of an allotment garden subject to the statutory provision that one person shall not hold allotments acquired under the above-mentioned Acts exceeding five acres.

DIVISION OF THE LAND INTO ALLOTMENT GARDENS.

3. The Council, before giving notice of their intention to let any land for allotment gardens, shall divide the land, and shall cause a plan to be prepared showing each allotment garden, and distinguishing it by a separate number.

NOTICES TO BE GIVEN FOR THE LETTING OF THE ALLOTMENT GARDENS.

4. The Council shall give public notice by bills or placards, posted in some conspicuous places in the * or otherwise exhibited therein, setting forth the particulars as to any allotment gardens which they propose to let.

Such notice shall specify the allotment gardens to be let, the rent to be paid for the same, the name and address of the Clerk to the Council to whom applications for the hiring of an allotment garden are to be sent, and the last day for receiving applications.

If any special condition is to apply to the allotment gardens, or any of them, the notice shall specify such condition or state where copies of the Form of Agreement for letting of such allotment gardens may be seen.

If the tenant is to pay for tenant right or compensation for improvements, this fact and the amount, if then ascertained, shall be stated in the notice.

RULES AS TO THE LETTING OF THE ALLOTMENT GARDENS, AND FOR PREVENTING ANY UNDUE PREFERENCE IN THE LETTING THEREOF.

5. The Council shall not let any allotment garden unless and until notice that they propose to let the same has been duly given in pursuance of the Rule in that behalf at least two weeks before the last day for receiving an application for such allotment garden.

Every application for an allotment garden shall be in the Form appended to these Rules, or to the like effect, and shall be sent or delivered to the Clerk to the Council, who shall enter particulars of the application in a register to be provided for the purpose.

In letting an allotment garden for which there are two or more applicants eligible to become tenants and likely to keep the allotment garden in a proper state of cultivation, preference shall be given to an applicant who does not hold an allotment garden or agricultural land (other than a garden of 20 poles or less attached to his residence) either from the Council or otherwise over an applicant who does hold such land, but, subject to such preference, the allotment garden shall be let to the applicant whose name appears first on the list in the Council's register. A quitting tenant of land shall for the purposes of this Rule be treated as not holding that land.

AGREEMENTS FOR LETTING ALLOTMENT GARDENS.

6. An agreement to let an allotment garden to an applicant may be signed by the Clerk to the Council on behalf of the Council and may be in the Form set out in the Schedule to these Rules.

GENERAL CONDITIONS UNDER WHICH THE ALLOTMENT GARDENS ARE TO BE CULTIVATED.

7. The tenant of an allotment garden shall comply with the following conditions :—

(1) He shall keep the allotment garden clean and in a good state of cultivation and fertility and in good condition.

* Insert "Borough," "District," or "Parish."

(2) He shall not cause any nuisance or annoyance to the occupier of any other allotment garden, or obstruct any path set out by the Council for the use of the occupiers of the allotment gardens.

(3) He shall not underlet, assign, or part with the possession of the allotment garden or any part of it, without the written consent of the Council.

(4) He shall not, without the written consent of the Council, cut or prune any timber or other trees, or take, sell, or carry away any mineral, gravel, sand or clay.

(5) He shall keep every hedge that forms part of the allotment garden properly cut and trimmed, keep all ditches properly cleansed, and maintain and keep in repair any other fences and any gates on the allotment garden.

(6) He shall not without the written consent of the Council, erect any building on the allotment garden.

(7) He shall not use barbed wire for a fence adjoining any path set out by the Council for the use of the occupiers of the allotment gardens.

(8) He shall, as regards the allotment garden, observe and perform all conditions and covenants contained in the lease (if any) under which the Council hold the land.

(9) He shall observe and perform any other special condition which the Council consider necessary to preserve the allotment garden from deterioration, and of which notice to applicants for the allotment garden is given in accordance with these Rules.

PAYMENT OF RENT.

8. The rent of an allotment garden shall, unless otherwise agreed in writing, be paid half-yearly on the * in each year.

POWER TO INSPECT ALLOTMENT GARDENS.

9. Any member or officer of the Council shall be entitled at any time when directed by the Council to enter and inspect an allotment garden.

TERMINATION OF A TENANCY OF AN ALLOTMENT GARDEN.

10. The tenancy of an allotment garden shall, unless otherwise agreed in writing, terminate on the half-yearly rent day next after the death of the tenant, and shall also terminate whenever the tenancy or right of occupation of the Council terminates.

It may also be terminated by the Council by re-entry after one month's notice :—

(1) if the rent is in arrear for not less than forty days ; or

(2) if the tenant is not duly observing the Rules affecting the allotment garden, or any other term or condition of his tenancy, or if the tenant becomes bankrupt or compounds with his creditors.

The tenancy may also be terminated by the Council or tenant by six months' notice in writing expiring on†

EXEMPTION OF CERTAIN LETTINGS FROM THESE RULES.

11. These Rules shall not apply to any land let to an Association, or to any allotment garden which the Council, under special circumstances, to be recorded in their minutes, may exempt from these Rules, but shall apply, except as aforesaid, to an allotment garden though held under a tenancy made before these Rules come into operation, but not so as to affect any right to compensation for an improvement executed before these Rules come into operation.

SERVICE OF NOTICES.

12. Any notice may be served on a tenant either personally or by leaving it at his last known place of abode, or by registered letter addressed to him there, or by fixing the same in some conspicuous manner on the allotment garden.

* Insert dates.

† The actual date, which must be on or before April 6th or on or after September 29th, should be inserted.

SMALL HOLDINGS AND ALLOTMENTS

FORM OF APPLICATION FOR ALLOTMENT GARDENS.

To the Clerk to the[1]

I, the undersigned, hereby make application for one (or No.) of the allotment gardens provided by the Council at—

1. Name
2. Residence
3. Age
4. How long resident in the[2]
5. Whether holding any allotment garden or agricultural land (other than a garden of 20 poles or less attached to my residence) and if so—
   (*a*) From whom
   (*b*) Extent of land so held
   (*c*) Whether quitting the land, and, if so, when

In the event of my application being granted, I agree when required by the Council, to sign an agreement for letting in accordance with the Rules, and to pay the stamp duty (if any) on such agreement * and to pay for tenant right and compensation for improvements the sum stated in the Notice of Letting (*or such sum as shall be found due to the outgoing tenant for such matters*).

Signature

Date

SCHEDULE.

FORM OF AGREEMENT FOR LETTING.

Agreement made this day of 19 , between the[1] (hereinafter called the Council) of the one part, and of (hereinafter called the tenant) of the other part, whereby the Council agrees to let, and the tenant agrees to hire as a yearly tenant from the day of 19 , the allotment garden(s) numbered in the register of allotment gardens provided by the Council and containing or thereabouts ([3]subject to the exceptions and reservations contained in the lease under which the Council hold the land) at the †yearly rent of payable half-yearly and at a proportionate rent for any part of a year over which the tenancy may extend.

The tenancy is subject to the Allotment Rules made from time to time by the Council, and to the Small Holdings and Allotments Acts, 1908 to 1931, and the Allotments Acts, 1922 and 1925.

Signed

Clerk to the Council.

Witness

Signed

Tenant.

Witness

(*Any special conditions affecting the allotment garden are to be endorsed on the agreement.*)

[1] Insert "Town Council for the Borough of ," or "Urban District Council of ," or "Parish Council of ."

[2] Insert "Borough," "District," or "Parish."

[3] Omit words in brackets if inapplicable.

* Stamp duty will not be payable if the rent does not exceed 10*s.* per annum and no premium is paid.

† Where the yearly rent exceeds 20*s.*, not more than one-quarter's rent shall be required to be paid in advance.

STOCK (ISSUE OF).

See LOCAL AUTHORITIES (STOCK) REGULATIONS 1934, *ante*, p. 3192.

SUPERANNUATION.

SUPER-ANNUA-TION

S. R. & O., 1936, No. 651.

THE LOCAL GOVERNMENT AND CIVIL SERVICE (SUPERANNUATION) RULES, 1936. DATED JUNE 24TH, 1936.

The Lords Commissioners of His Majesty's Treasury, after consultation with the Minister of Health and the Secretary of State for Scotland, in pursuance of the powers conferred on them by Section 9 of the Superannuation Act, 1935 (*a*), and of every other power enabling them in this behalf, hereby make the following Rules:

PART I.—GENERAL RULES.

1. These rules may be cited as the Local Government and Civil Service (Superannuation) Rules, 1936.

2.—(1) In these rules, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them—

"the Civil Service" means the permanent Civil Service of the State;

"officer" includes "servant";

"superannuation allowance" includes "pension"; and

"local superannuation enactment" means an enactment (including a scheme made thereunder or in pursuance thereof) relating to the superannuation of officers of a local authority.

(2) The Interpretation Act, 1889, applies to the interpretation of these rules as it applies to the interpretation of an Act of Parliament.

3. These rules shall apply to any local authority to which, upon the application of that authority, the Treasury has directed that they shall apply.

4. The Superannuation Acts and every local superannuation enactment shall, so far as applicable to an officer qualified for or entitled to the benefit of these rules, have effect subject to the modifications made by these rules.

5. If any question arises between an officer and any local authority as to his right to any payment from that local authority under these rules or as to the amount of such payment, the question may be referred by either party, where the local authority is a local authority in England or Wales, to the Minister of Health, and where the local authority is a local authority in Scotland, to the Secretary of State for Scotland, who may determine the question.

PART II.—RULES APPLICABLE TO PENSIONABLE OFFICERS OF LOCAL AUTHORITIES WHO BECOME ESTABLISHED CIVIL SERVANTS.

6. In this part of these rules—

(*a*) the expression "the officer" means a person who, being a pensionable officer of a local authority to which these rules apply, becomes an established civil servant (otherwise than in the capacity of an officer of the Unemployment Assistance Board or of an officer to whom section 11 (9) of the Mental Treatment Act, 1930 (*b*), applies) and as respects whom it is certified to the Treasury at the time of his appointment by the Department of the Civil Service to which he is appointed that, with the consent of the local authority to his leaving their service, either

(i) he was appointed on account of his special qualifications; or

(ii) he was selected from other candidates by a selection board, and his local government service was a material factor in his selection;

(*a*) 28 Halsbury's Statutes 302. (*b*) 23 Halsbury's Statutes 167.

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(*b*) the expression " the responsible local authority " means the local authority in whose service the officer was immediately before his appointment to the Civil Service.

7.—(1) If the officer on ceasing to be employed by the responsible local authority becomes entitled to a return of contributions under any provision of the local superannuation enactment applicable to him, and if, within one month after his appointment to the Civil Service takes effect he gives notice in writing to the responsible local authority relinquishing such right, the said provision for the return of contributions shall, subject to the provisions of these rules, cease to have effect in relation to him and any person claiming under him :

Provided that if the officer dies on or before the last day on which he may give notice as aforesaid and the Treasury are satisfied that he had decided to relinquish his right to a return of contributions, the Treasury may sanction the waiver of such notice in writing, and thereupon the officer shall be deemed to have given notice in accordance with the terms of this rule.

(2) The responsible local authority shall immediately inform the Department of the Civil Service in which the officer is employed of any such notice in writing as aforesaid which has been received by that authority.

8.—(1) For the purpose of determining whether the officer has served for the minimum period prescribed by the Superannuation Acts as necessary for any retiring award to be made to him or (in the case of death) to his legal personal representatives, any service of the officer which was pensionable local authority service for the purposes of the local superannuation enactment applicable to him at the date of his appointment to the Civil Service shall, subject as hereinafter provided, be deemed to have been service in an established capacity in the Civil Service :

Provided that this paragraph shall not apply to—

(*a*) any service in respect of which the officer has made contributions under a local superannuation enactment if those contributions have been returned to him and have not been subsequently refunded by him prior to his entry into the Civil Service or if having a right to the return of them, he has not relinquished that right under these rules ; or

(*b*) any service which has been taken into account in the calculation of any superannuation allowance awarded to him under a local superannuation enactment before his appointment to the Civil Service or of any annual allowance awarded to him as compensation for the loss of a whole time office or of any two or more offices which in the aggregate involved the whole-time service of the officer.

(2) When any such retiring award falls to be calculated upon the number of completed years served by the officer, the amount of such award shall be calculated only upon the number of completed years served by him in an established capacity in the Civil Service.

(3) If the aggregate pensionable service as determined under paragraph (1) of this rule amounts to at least ten years but service in an established capacity in the Civil Service is less than ten years, there may be granted to the officer under and subject to the Superannuation Acts an annual superannuation compensation or retiring allowance equal to one-eightieth of the annual salary and emoluments of his office for each completed year of his service in an established capacity in the Civil Service.

(4) For the purposes of this rule, the expression " retiring award " includes any payment whether of an annual allowance or of an additional allowance which may be made to an established civil servant and any payment of a gratuity which may be made to the legal personal representatives of an established civil servant under the Superannuation Acts.

9.—(1) On the retirement of the officer from the Civil Service in such circumstances as qualify him for the grant of an annual superannuation allowance under the Superannuation Acts as modified by these rules then, subject as hereinafter provided—

(*a*) if at the date of his appointment to the Civil Service he was subject to the

Local Government and other Officers Superannuation Act, 1922 (*a*), or to that Act as modified by Section 124 of the Local Government Act, 1929 (*a*), or Section 7 of the Local Government (Scotland) Act, 1929, he shall be entitled to receive from the responsible local authority an annuity payable during life and calculated at the rate of 1/60th of his pensionable emoluments in respect of each completed year (if any) of his contributing service under the relevant statutory provisions, and 1/120th (or such higher rate not exceeding 1/60th as the responsible local authority may, by resolution, passed before, or within six months after, his appointment to the Civil Service, have determined) of such emoluments in respect of each completed year, or part of a year exceeding six months (if any), of his non-contributing service;

(*b*) if at the date of his appointment to the Civil Service he was subject to the Fire Brigade Pensions Acts, 1925 to 1929 (*b*), he shall be entitled to receive from the responsible local authority an annuity payable during life and calculated at the rate of 1/60th of his pensionable emoluments in respect of each completed year (if any) not exceeding thirty in all of his approved service under the said Act of 1925 (including any service which he is entitled to reckon as approved service under section 22 (1) (*a*) of the said Act) and the responsible local authority may increase a superannuation allowance granted under this sub-paragraph in the like manner and circumstances and subject to the like conditions as they may increase a pension under subsection (2) of section 22 of the said Act;

(*c*) if at the date of his appointment to the Civil Service he was subject to some other local superannuation enactment under which employees become entitled to benefits on retirement, he shall be entitled to receive from the responsible local authority an annuity payable during life, or if under such local superannuation enactment a superannuation allowance includes a lump sum payment in addition to an annuity, then an annuity payable during life and a lump sum, and the annuity or annuity and lump sum, as the case may be, shall be calculated at the rate of such fraction or fractions of his pensionable emoluments in respect of each year or part of a year of his pensionable local authority service as would have been applicable under that enactment in the calculation of his superannuation allowance, if at the date of his appointment to the Civil Service he had attained the age of sixty years, and completed forty years of pensionable local authority service;

(*d*) if at the date of his appointment to the Civil Service he was not subject to any such local superannuation enactment as aforesaid but the responsible local authority had a discretionary power under a local superannuation enactment to grant superannuation allowances to employees on retirement, that local authority may grant to him a superannuation allowance calculated at the rate of such fraction or fractions of his pensionable emoluments in respect of each year or part of a year of his pensionable local authority service as would have been applicable under the local superannuation enactment if he had been qualified for a grant thereunder at the date of his appointment to the Civil Service.

(2) Notwithstanding anything in the foregoing provisions of this rule

(i) if the local superannuation enactment to which the officer was subject distinguishes between contributing and non-contributing service, any superannuation allowance which he is entitled to receive under the provisions of the foregoing paragraph shall, in so far as it relates to contributing service, be calculated at the full rate appropriate to contributing service, notwithstanding that the period of such service may have been less than ten years;

(ii) no service of the character specified in the proviso to Rule 8 (1) shall be taken into account in granting or calculating any superannuation allowance under this rule.

(*a*) 10 Halsbury's Statutes 863, 963. See now s. 41 of the Local Government Superannuation Act, 1937, *ante*, p. 2099.

(*b*) 13 Halsbury's Statutes 1095, 1194.

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(3) For the purposes of this rule, the expression " pensionable emoluments " means the amount in respect of salary, wages and emoluments on which, at the date of the officer's appointment to the Civil Service, his superannuation allowance under the local superannuation enactment applicable to him would have been based if at that date he had been entitled or qualified to receive one :

Provided that where such superannuation allowance would have been based on the average emoluments received during a period of years and that period is longer than the period of the officer's pensionable local authority service for the purposes of the local superannuation enactment so applicable to him as aforesaid, the latter period shall be substituted for the longer period.

(4) Where by virtue of sub-paragraph (*b*) or of sub-paragraph (*c*) of paragraph 1 of this rule the officer becomes entitled to a superannuation allowance from the responsible local authority and the pensionable local authority service in respect of which it is calculated was service as an established officer under the Asylums Officers' Superannuation Act, 1909 (*a*), or that Act as modified by the Asylums and Certified Institutions (Officers Pensions) Act, 1918 (*b*), or was approved service under the Fire Brigade Pensions Act, 1925, the responsible local authority shall have the same right (if any) to receive contributions towards the superannuation allowance from any other authority or authorities with whom the officer may have previously served as they would have had if the officer had become entitled to a superannuation allowance under the said Act of 1909 or under that Act as modified by the said Act of 1918 or under the said Act of 1925, as the case may be, and the proviso to Section 12 of the said Act of 1909 or Section 7 (2) of the said Act of 1925, as the case may be, shall apply to the determination of any dispute between the responsible local authority and any other authority as to the amount of any such contribution.

10.—(1) Where under the last preceding rule the officer will, if he retires from the Civil Service in such circumstances as qualify him for the grant of an annual superannuation allowance under the Superannuation Acts as modified by these rules, become entitled to a superannuation allowance from the responsible local authority, that local authority shall, as soon as may be after the officer's appointment to the Civil Service, record in their minutes and notify both to the Department in which the officer is employed and to the officer the local superannuation enactment applicable to him, the length of his pensionable local authority service (contributing and non-contributing respectively) and the amount of his pensionable emoluments within the meaning of Rule 9 (3).

(2) If the officer disputes the accuracy of the record so notified to him by the responsible local authority and within three months after the receipt of the notification applies, where the local authority is an authority in England or Wales to the Minister of Health, and where the local authority is an authority in Scotland to the Secretary of State for Scotland, to determine any question as to the accuracy of the record, the Minister or the Secretary of State may determine that question and a local authority shall record in their minutes any determination of that question.

(3) On the officer's retirement from or death in the Civil Service the Department in which he was employed shall notify the fact to the responsible local authority, and if he was retired with an annual superannuation, compensation or retiring allowance, the amount of such allowance, and the length of service and the emoluments upon which it was calculated.

11. If the officer is retired from the Civil Service under Section 6 of the Superannuation Act, 1909 (*c*) (abolition of office, etc.) with an annual compensation allowance, or under Section 2 of the Superannuation Act, 1887 (*d*) (removal on the ground of his inability to discharge efficiently the duties of his office) with an annual retiring allowance, he shall be paid by the responsible local authority such sum by way of return of contributions and interest (if any) as he would have been entitled to receive at the date of his appointment to the Civil Service if he had then retired from their service for the reason for which he is retired from the Civil Service, and in condition, if his contributions would then have been returnable with interest, interest similarly calculated in respect of the period from the date of his appointment to the Civil Service to the date of his retirement therefrom.

(*a*) 11 Halsbury's Statutes 152.
(*b*) 11 Halsbury's Statutes 197.
(*c*) 16 Halsbury's Statutes 743.
(*d*) 16 Halsbury's Statutes 567.

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12. If the officer dies after retirement from the Civil Service in circumstances which render his legal personal representatives eligible for a gratuity under Section 2 (2) of the Superannuation Act, 1909, then for the purpose of calculating the deficiency upon which such gratuity is based, any superannuation allowance (or any lump sum in addition thereto) paid to him by the responsible local authority shall be added to the amount of the superannuation allowance and additional allowance received by him under the Superannuation Acts.

13.—(1) Nothing in these rules shall affect any liability or obligation of the officer in respect of any arrears of contributions under a local superannuation enactment.

(2) If any sum payable by the officer to any local authority for the purpose of acquiring superannuation rights under a local superannuation enactment remains unpaid at the date of his appointment to the Civil Service, the officer shall be deemed for the purposes of the payment of such sum to have remained in the service of the local authority, and in the event of his death before the whole of the sum has been paid the liability for the unpaid balance shall be treated as cancelled.

14. Any payment to the officer under his part of these rules by a local authority shall be charged in the same manner, as nearly as may be, as such payment would have been charged if at the date of his appointment to the Civil Service the officer had been retiring from his service of the local authority in circumstances entitling him to or qualifying him for such payment under the local superannuation enactment applicable to him.

PART III.—RULES APPLICABLE TO ESTABLISHED CIVIL SERVANTS WHO BECOME PENSIONABLE OFFICERS OF LOCAL AUTHORITIES.

15. In this part of these rules—

(*a*) the expression "the officer" means a person who, being an established civil servant (including a person who is serving or has served as an officer of the Unemployment Assistance Board or as a Commissioner of the Board of Control), becomes a pensionable officer of a local authority to which these rules apply and as respects whom it is certified to the Treasury by that local authority at the time of his appointment to their service that, with the consent of the Department of the Civil Service in which he was employed to his leaving the Civil Service, either—

(i) he was appointed on account of his special qualifications; or

(ii) he was selected by the local authority from other candidates and his civil service was a material factor in his selection;

(*b*) the expression "the responsible local authority" means the local authority to whose service the officer is appointed from the Civil Service or, if subsequently without having become entitled to any benefit under these rules the officer becomes a pensionable officer of any other local authority to which these rules apply in circumstances which entitle him to reckon for superannuation purposes all his local government service subsequent to his civil service, the local authority in whose service he is for the time being.

16.—(1) On the officer's appointment by the responsible local authority, the Treasury shall notify to them and to the officer the period of the officer's service which is to be taken into account for the purposes of rule 17.

(2) If the officer subsequently becomes a pensionable officer of any other responsible local authority, such authority shall forthwith inform the Treasury of the fact and thereupon the Treasury shall send such authority a notification in the terms of paragraph (1) of this rule.

17. For the purpose of determining under the local superannuation enactment applicable to the officer, when he ceases to hold office under the responsible local authority, whether he has served for any minimum period which under that enactment would entitle him to or qualify him for any benefit or (in the case of death) would entitle his legal personal representatives to any benefit, the following periods of service namely—

(*a*) any period of service which shall have been notified to the responsible authority by the Treasury under Rule 16; and

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(*b*) in the case of a person who was in pensionable local authority service immediately before he became a civil servant, any period of pensionable local authority service which, if he had remained a civil servant, would have been taken into account for the purposes of Part II of these Rules or the Unemployment Assistance Board (Superannuation) Rules, 1935 (*a*), or section 11 (9) (*b*) of the Mental Treatment Act, 1930,

shall, subject as provided in rule 18 (4), be taken into account, and if the local superannuation enactment is one under which in return for contributions officers become entitled to benefits, any such period of service shall be deemed to have been a period during which the officer was a contributor under that enactment.

18.—(1) If the officer on ceasing to hold office under the responsible local authority becomes entitled to a superannuation allowance under the local superannuation enactment applicable to him, whether by virtue of rule 17 or otherwise, the superannuation allowance shall be ascertained in the following manner—

(*a*) if he is subject to the Local Government and other Officers' Superannuation Act, 1922, or to that Act as modified by Section 124 of the Local Government Act, 1929, or Section 7 of the Local Government (Scotland) Act, 1929, the superannuation allowance shall be an annuity payable during life and calculated at the rate of 1/60th of his pensionable emoluments in respect of each completed year (if any) of his contributing service under the relevant statutory provisions, and 1/120th (or such higher rate not exceeding 1/60th as the local authority may by resolution have determined) of such emoluments in respect of each completed year, or part of a year exceeding six months (if any), of his non-contributing service ;

(*b*) if he is subject to the Fire Brigade Pensions Acts, 1925 to 1929, the superannuation allowance shall be the pension to which he is entitled under those Acts, having regard to the length of his approved service, and for the purpose of calculating this pension Scale I of Table I in the Schedule to the said Act of 1925 shall be deemed to provide a pension of 1/60th of annual pay for each completed year of approved service from one to twenty-four years and Scale II of that table shall be deemed to provide a pension of 1/60th of annual pay for each completed year of approved service from one to nine years ;

(*c*) if he is subject to any other local superannuation enactment under which officers become entitled to benefits on retirement, the superannuation allowance shall be an annuity payable during life, or if under such local superannuation enactment a superannuation allowance includes a lump sum payment in addition to an annuity, then an annuity payable during life and a lump sum, and shall be calculated at the rate of such fraction or fractions of his pensionable emoluments in respect of each year or part of a year of his pensionable local authority service as would have been applicable under that enactment in the calculation of his superannuation allowance if on his ceasing to hold office he had attained the age of sixty years and completed forty years of pensionable local authority service.

(2) Notwithstanding anything in the foregoing provisions of this rule, if the local superannuation enactment distinguishes between contributing and non-contributing service, any superannuation allowance which the officer shall be entitled to receive under those provisions shall, in so far as it relates to contributing service, be calculated at the full rate appropriate to contributing service, notwithstanding that the period of such service may have been less than ten years.

(3) If the officer on ceasing to hold office under the responsible local authority is not subject to any such local superannuation enactment as aforesaid but the responsible local authority have a discretionary power under a local superannuation enactment to grant superannuation allowances to employees on retirement and if the officer is qualified for the grant of such an allowance, the local authority may grant to him a superannuation allowance calculated at the rate of such fraction or fractions of his pensionable emoluments in respect of each year or part of a year of his pensionable local authority service as would be applicable in the case of a person

(*a*) S. R. & O., 1935, No. 592.

who, apart from these rules, was qualified for a grant under the local superannuation enactment.

(4) Notwithstanding anything in the foregoing provisions of this rule or of rule 17 no service of the character specified in the proviso to rule 8 (1) shall be taken into account in determining any minimum period under rule 17 or in granting or calculating any superannuation allowance under this rule.

(5) For the purposes of this rule—

(*a*) the expression " service " includes in the case of a person who was in the service of the responsible local authority immediately before he became a Civil Servant and to whom Part II of these rules or the Unemployment Assistance Board (Superannuation) Rules, 1935, or section 11 (9) (*b*) of the Mental Treatment Act, 1930, applied, any service which was then reckonable as service for the purpose of the local superannuation enactment applicable to him;

(*b*) the expression " pensionable emoluments " means the amount in respect of salary, wages and emoluments on which the superannuation allowance of the officer would have been based if apart from these rules he had been entitled to or qualified for a superannuation allowance under the local superannuation enactment applicable to the case:

Provided that if the allowance would have been based on the average emoluments received during a period of years and that period is longer than the period of the officer's pensionable local authority service for the purposes of the local superannuation enactment applicable to the case the latter period shall be substituted for the longer period.

19. If the officer ceases to hold office under the responsible local authority in such circumstances as qualify or entitle him to receive from that local authority an annual superannuation allowance under the local superannuation enactment applicable to him or under that enactment as modified by these rules, the Treasury may grant to the officer such superannuation allowance and additional allowance, if any, as might have been granted to him under the Superannuation Acts at the date when he became a pensionable officer of a local authority if he had then retired from the Civil Service on the ground of ill health, and if those Acts had provided in the event of his service in the Civil Service being less than ten years for the grant of a superannuation allowance calculated, if he was subject to the Superannuation Act, 1859 (*a*), at the rate of one-sixtieth or, if he was subject to the Superannuation Act, 1909, one-eightieth, of the annual salary and emoluments of his office for each completed year of his reckonable pensionable service.

20. On the officer ceasing to hold office under the responsible local authority in the circumstances specified in the last preceding rule, that local authority shall notify to the Department of the Civil Service in which he was employed immediately before becoming a pensionable officer of a local authority and to any local authority in whose service he may have been a pensionable officer immediately before becoming a civil servant the amount of the superannuation allowance awarded to him by the responsible local authority and the length of service upon which it was calculated.

21.—(1) If the officer on ceasing to hold office under the responsible local authority is awarded by that authority an annual superannuation allowance under the local superannuation enactment applicable to him or under that enactment is modified by these rules, and if immediately before his appointment to the Civil Service he was a pensionable officer of some other local authority and on his appointment to the Civil Service became an officer to whom Part II of these Rules or the Unemployment Assistance Board (Superannuation) Rules, 1935, or section 11 (9) (*b*) of the Mental Treatment Act, 1930, applied, then,—

(*a*) if the local superannuation enactment applicable to him was one under which officers become entitled to benefits on retirement, he shall also be entitled to receive from the local authority in whose service he was immediately before his appointment to the Civil Service an annual superannuation allowance ascertained in accordance with the provisions of sub-paragraphs (*a*), (*b*) and (*c*) of paragraph (1) and paragraphs (2) and (3) of Rule 9;

(*a*) 16 Halsbury's Statutes 179.

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(*b*) if the local authority in whose service he was immediately before his appointment to the Civil Service have a discretionary power under a local superannuation enactment to grant superannuation allowances to employees on retirement on certain conditions, that local authority may though those conditions are not fulfilled grant to the officer a superannuation allowance calculated at the rate of such fraction or fractions of his pensionable emoluments within the meaning of rule 9 (3) in respect of each year or part of a year of his pensionable local authority service (excluding service of the character specified in proviso (*b*) to rule 8 (1)) as would have been applicable under the local superannuation enactment if he had been qualified for a grant thereunder.

(2) Notwithstanding anything in this rule no pensionable local authority service shall be taken into account for the purposes of this rule if it is service which is taken into account for the purposes of the grant or calculation of the allowance granted to the officer by the responsible local authority.

22. Any payment to the officer under this part of these rules by a local authority other than the responsible local authority shall be charged in the same manner, as nearly as may be, as such payment would have been charged if at the date of his appointment to the Civil Service the officer had been retiring from the service of the local authority in circumstances entitling him to or qualifying him for such payment under the local superannuation enactment applicable to him.

JAMES STUART,
ARTHUR HOPE,
Two of the Lords Commissioners of His Majesty's Treasury.

Treasury Chambers.
June 24th, 1936.

CIRCULAR 1644.

County Councils.
County Borough Councils.
Metropolitan Borough Councils.
Borough Councils.
Urban District Councils.
Rural District Councils.
Joint Boards.
Assessment Committees.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
10th August, 1937.

SIR,—I am directed by the Minister of Health to draw attention to the Local Government Superannuation Act, 1937 (*a*), which received the Royal Assent on July 30th.

1. The principal modification of the law effected by the Act is to require provision to be made for the superannuation of all whole-time officers in the employment of the Councils of Counties, County Boroughs, Metropolitan Boroughs and County Districts and the Common Council of the City of London, and also of Joint Boards and statutory Joint Committees of such Councils (including a Joint Superannuation Committee), Assessment Committees and any other local authority who have adopted the Act of 1922. Provision for the superannuation of servants and part-time officers of the above-mentioned bodies, and also for employees of any other local authority, will remain discretionary, but such provision can, under the Act, be made pursuant to a statutory resolution, as defined, and the two-thirds majority which was required by the Act of 1922 will no longer be requisite.

These statutory provisions will not become operative till the appointed day (April 1st, 1939), but certain action will fall to be taken by local authorities in advance of that date for the purpose of bringing the Act into operation, and in that connection reference is made in the following paragraphs to some of the provisions of the Act which require early attention.

(*a*) *Ante*, p. 2057.

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2. Under Section 1, certain local authorities as therein indicated, will become responsible, on the appointed day, as "administering authorities," for maintaining superannuation funds. The authorities specified include the larger local authorities and all others who may have adopted the Act of 1922, together with such Councils of County Districts as may, on October 1st, 1938, be employing one hundred or more persons who, according to a return to be made to the Minister, will be "contributory employees."

3. Section 2 of the Act deals with schemes for the maintenance of a joint superannuation fund by two or more "administering authorities." Although no date is specified in the Act for the submission of any such scheme, it will be appreciated that, if in any case such a combination were contemplated, it would be necessary to take steps at an early date with a view to the submission of the necessary scheme for the Minister's approval. As regards existing combination schemes, subsection (3) of Section 2 requires any necessary modifying scheme to be submitted not later than April 1st, 1938.

4. Under Section 4, provision for the superannuation of the contributory employees of an employing authority other than an "administering authority," will, in general, be made through the superannuation fund of the County Council, in accordance with regulations to be made by the Minister under subsection (6) of Section 36 and paragraph (5) of the Third Schedule. The Minister contemplates that it will be necessary for the regulations to provide, *inter alia*, that the employing authority, in such a case, should furnish the County Council, by some date prior to the appointed day, with such information as is requisite to enable the County Council to make arrangements for the discharge of their obligations under the Act. To that end, the records of employing authorities in regard to the service of such of their employees as will become contributory employees should be brought up to date with a view to accurate information being available when necessary.

5. Under subsection (1) of Section 25, local authorities who have adopted the Act of 1922 and have obtained, by local legislation or statutory orders, provisions modifying that Act in its application to them are required, if they desire to preserve any of those provisions, to submit a scheme to the Minister for the purpose within six months from the passing of the Act.

6. Part II of the Act relates to "local Act authorities," *i.e.*, such of the Councils mentioned in Part I of the First Schedule who, not having adopted the Act of 1922, maintain a superannuation fund under a local Act.

Subsection (1) of Section 26 requires such authorities to make schemes for modifying their local Acts so as to secure, *inter alia*, that all their whole-time officers shall be superannuable and to facilitate interchange of staff with other authorities, with preservation of accrued superannuation rights and necessary financial adjustments. Such schemes are required to be made by the authorities concerned not later than April 1st, 1938.

7. Schemes required to be made by a local authority under any of the above-mentioned provisions will be subject to the general provisions in Section 36 of the Act. No such scheme will have effect until it has been approved by the Minister, who is empowered to approve with or without modifications. It will be observed that Section 36 enables the Minister to grant an extension of the period for submission of schemes for his approval and, while he has no reason to think that this will be necessary in the majority of cases, he will be prepared to grant an extension in any case where he is satisfied that it is not practicable for the necessary action to be taken within the period specified in the Act.

8. Memoranda dealing with other provisions of the Act will be issued in due course, but in the meantime local authorities will, no doubt, appreciate the need for early consideration of the Act in its application to their own staffs and will wish to take preliminary steps in relation to the matters above-mentioned, including any necessary consultation with other authorities.

I am, Sir,
Your obedient Servant,
R. B. CROSS,
Assistant Secretary.

The Clerk to the Authority.

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MINISTRY OF HEALTH.

LOCAL GOVERNMENT SUPERANNUATION ACT, 1937.

MODEL FORM OF AGREEMENT UNDER SUBSECTIONS (1) AND (5) OF SECTION 5 OF THE ACT.

An Agreement dated the day of , and made between (hereinafter referred to as "the Authority") of the one part and (hereinafter referred to as "the employing body") of the other part.

Whereas in pursuance of section 5 of the Local Government Superannuation Act, 1937 (hereinafter referred to as "the Act")—

(*a*) the employing body have applied to the Authority, being an administering authority under the Act, to admit employees of the employing body to participate in the benefits of the superannuation fund maintained by the Authority;

(*b*) an actuary appointed by the Authority at the expense of the employing body has certified the sum which should be payable annually by the employing body to meet the burden which would be imposed on the fund if the employees whose names appear in the Schedule to this agreement were admitted to such participation as aforesaid; and

(*c*) the Authority, with the approval of the Minister of Health, have agreed to admit employees of the employing body to such participation as aforesaid on the terms and conditions hereinafter contained:

Now it is hereby agreed and declared by and between the parties hereto as follows:

1. The expressions used in this Agreement, unless the context otherwise requires, have the same respective meanings as in the Act.

2. This Agreement shall have effect as from the day of

3. The Authority shall admit to participate in the benefits of the superannuation fund maintained by them every officer or servant of the employing body—

(*a*) whose name appears in the Schedule to this Agreement; or

(*b*) whom by notice in writing given to the Authority the employing body may from time to time nominate and whose nomination is accepted by the Authority:

Provided that a person who

(i) is under the age of 18 years; or

(ii) has attained the age of 55 [50] years has not completed, and cannot before attaining the age of 65 [60] years complete, 10 years of service in the employment of the employing body or any local authority;

shall not be admitted to participate in the benefits of the superannuation fund.

4. If a person who becomes a contributory employee by virtue of the last preceding Clause continues without any break of service in the employment of the employing body but at any time occupies a post different from the post he occupied at the time when he became a contributory employee the employing body shall forthwith notify the fact in writing to the Authority.

5.—(1) The employing body shall pay annually to the Authority, to be by them carried and credited to the superannuation fund, such sum as has been certified by an actuary appointed by the Authority to be necessary to be paid annually by the employing body to meet the burden which will be imposed on the fund by reason of the admission to participate in the benefits thereof of the employees of the employing body whose names appear in the Schedule to this Agreement, and such annual sum shall be paid by [four] equal instalments [on * the day of , the day of , the day of , the day of respectively].

* These dates should be the day and month of the date as from which the agreement takes effect and the days and months of the dates three, six and nine months thereafter.

(2) If any sum or part of any sum due under this Clause remains unpaid beyond a period of [seven days] after the date on which it becomes due, the outstanding amount shall bear interest at the rate of 5 per cent. per annum as from the expiration of that period. SUPER-ANNUA-TION

6. Within months after the receipt of a valuation of, and a report on, the assets and liabilities of the superannuation fund made under section 22 of the Act either party hereto may give notice in writing to the other party to determine this Agreement so far as it relates to the future admission to participation in the benefits of the superannuation fund of employees of the employing body and in that event this Agreement shall at the expiration of a period of months after the date of such notice cease to have effect to the extent aforesaid, but such determination shall not affect the rights or obligations of the parties as regards any employees of the employing body who are contributory employees at the date of determination or any persons who, having been such contributory employees, cease or have ceased to be such on or before that date.

7. Any question which may arise between the Authority and the employing body relating to the construction of this Agreement or to the rights and obligations thereunder of either party hereto shall be determined by the Minister.

As witness, etc.

SCHEDULE.

PERSONS BECOMING CONTRIBUTORY EMPLOYEES.

Officers.		Servants.	
Name.	Post occupied.	Name.	Post occupied.

CIRCULAR 1711 S/7.

County Councils.
County Borough Councils.
Metropolitan Borough Councils.
County District Councils.
Joint Boards and Catchment Boards.
Assessment Committees.
Joint Committees.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
16*th June*, 1938.

LOCAL GOVERNMENT SUPERANNUATION ACT, 1937.

LOCAL GOVERNMENT SUPERANNUATION (ADMINISTRATION) (NO. 1) REGULATIONS, 1938.

SIR,—I am directed by the Minister of Health to refer to Circular 1671 of December 30th, 1937, forwarding a copy of provisional Regulations made by him in the exercise of the powers conferred upon him by section 36 (6) of the abovementioned Act.

The Regulations have now been made substantive and a copy is enclosed. It will be observed that Part II of the Regulations has been amended making the

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Regulations applicable to whole-time Clerks to Justices and their employees but excluding any such person as is mentioned in Part II of the First Schedule to the Act, *e.g.* teachers, mental hospital employees, etc. In Part III amendments have been made to secure to the appropriate administering authority, not being the employing authority, the same right of appeal against decisions notified to them under Article 10 as they have against decisions notified under Article 5.

An additional copy of this circular and of the Regulations is enclosed for the information of the Chief Financial Officer and further copies may be purchased through any bookseller or directly from His Majesty's Stationery Office at the addresses shown thereon.

A copy of this Circular and of the Regulations is being sent to all local authorities concerned, within the knowledge of the Minister as being mentioned in Part I of the First Schedule to the Act. I am to request that if any Joint Committee to which Part I of the First Schedule relates and of which your Council is a constituent authority has not received a copy of the Circular you will bring it to the attention of the Committee.

I am, Sir,
Your obedient Servant,
H. W. S. FRANCIS,
Director, Local Government Division.

The Clerk to the Authority.

S. R. & O., 1938, No. 574.

THE LOCAL GOVERNMENT SUPERANNUATION (ADMINISTRATION) REGULATIONS, 1938,* DATED JUNE 10TH, 1938, MADE BY THE MINISTER OF HEALTH UNDER SECTION 36 (6) OF THE LOCAL GOVERNMENT SUPERANNUATION ACT, 1937.

The Minister of Health, in exercise of the powers conferred on him by subsection (6) of section 36 of the Local Government Superannuation Act, 1937, and of all other powers enabling him in that behalf, hereby makes the following Regulations.

PART I.

Introductory.

1. These Regulations may be cited as the Local Government Superannuation Administration) Regulations, 1938.

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them—

" appropriate administering authority " includes a local authority who will become an appropriate administering authority on the appointed day;

" contributory employee " includes an employee who will become a contributory employee on or at any time after the appointed day;

" employing authority " includes a local authority who will become an employing authority on the appointed day;

" local Act contributor " includes an employee who will become a local Act contributor on or at any time after the appointed day;

" the Act " means the Local Government Superannuation Act, 1937.

(2) For the purposes of these Regulations—

(*a*) a person who holds or obtains any clerkship to county or borough justices, and an employee of a whole-time clerk to justices for the purposes of his clerkship shall be treated as a person who is in or enters the employment of the council of the county or borough concerned;

(*b*) such a person as is mentioned in Part II of the First Schedule to the Act (*a*) shall not be treated as a person in the employment of any local authority.

* These Regulations supersede the provisional regulations dated the twenty-first day of December, 1937.

(*a*) *Ante*, p. 2100.

(3) The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

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PART II.

General provisions for ascertainment of status of persons employed by local authorities before the appointed day.

3.—(1) Every local authority specified in Part I of the First Schedule to the Act and any other local authority as respects whom the Act of 1922 is in operation shall as soon as may be take into consideration the question as to which of the persons in their employment at the date of consideration will, if they remain in their employment in the posts then occupied by them until the appointed day, become on the appointed day contributory employees or local Act contributors.

(2) Having taken such action as aforesaid, every such local authority shall—

(*a*) upon a person entering their employment before the appointed day;

(*b*) if before the appointed day any change occurs in the circumstances of the employment by them of an employee, being a change which is (either in their opinion or in the opinion of the employee notified by him to them in writing before the appointed day) material for the purposes of the Act, as soon as may be after the change or after receipt by them of such notification as aforesaid, as the case may be; and

(*c*) if during the continuance of the employment by them of an employee before the appointed day, the authority pass a statutory resolution for the purpose of paragraph (*b*) of subsection (2) of section 3 of the Act, being a resolution which is (either in their opinion or in the opinion of the employee notified by him to them in writing before the appointed day) material in relation to that employee, as soon as may be after the resolution is passed or after receipt by the authority of such notification as aforesaid, as the case may be;

take into consideration the question whether that employee will or will not become on the appointed day a contributory employee or local Act contributor by reason of such entry into their employment, or such change in the circumstances of his employment, or the passing of such resolution, as the case may be.

(3) This Article shall not apply to any local authority who, by virtue of any enactment or statutory order passed or made before or after the commencement of these Regulations, will be dissolved on or before the first day of April, 1938.

General provisions for ascertainment of status of persons employed by local authorities on or after the appointed day.

4. Every local authority specified in Part I of the First Schedule to the Act shall—

(*a*) upon a person entering their employment on or after the appointed day;

(*b*) if during the continuance of the employment by them of an employee on or after the appointed day, any change occurs in the circumstances of his employment, being a change which is (either in their opinion or in the opinion of the employee notified by him to them in writing within six months after the change) material for the purposes of the Act, as soon as may be after the change or after receipt by them of such notification as aforesaid, as the case may be; and

(*c*) if during the continuance of the employment by them of an employee on or after the appointed day, the authority pass a statutory resolution for the purpose of paragraph (*b*) of subsection (2) of section 3 of the Act, being a resolution which is (either in their opinion or in the opinion of the employee notified by him to them in writing within six months after the resolution is passed) material in relation to that employee, as soon as may be after the resolution is passed or after receipt by the authority of such notification as aforesaid, as the case may be;

take into consideration the question whether that employee was or was not a contributory employee or local Act contributor immediately after he entered their

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employment, immediately after the change in the circumstances of his employment, or immediately after the passing of the resolution, as the case may be.

Decision of questions as to status, etc. by local authorities generally.

5.—(1) A local authority shall, as soon as may be after they have taken into consideration in accordance with the foregoing provisions of this Part of these Regulations any question arising as respects the employment of an employee at any rate, notify their decision thereon in writing to the employee and, where the authority are an employing authority who are not the appropriate administering authority, to the appropriate administering authority.

(2) A notification of a decision by an employing authority that an employee is a contributory employee shall be accompanied by a statement showing—

(*a*) whether he is an officer or servant;

(*b*) to what class he belongs or under what description he falls as such officer or servant;

(*c*) what rate of contribution he is liable to pay to the appropriate superannuation fund;

(*d*) details of the remuneration upon which contributions are payable by him; and

(*e*) the previous service (if any) which he is entitled to reckon, and the class of service into which it falls:

Provided that the information mentioned in sub-paragraph (*e*) of this paragraph, if not immediately available, may be excluded from the statement but shall be furnished to the employee within six months after the decision is notified to him, and in such case the succeeding provisions of these Regulations shall have effect subject to such modifications as are necessary to secure to the employee and any appropriate administering authority concerned rights similar to those which they would have enjoyed had the information been contained in the statement.

(3) A notification of a decision by a local Act authority that an employee is a local Act contributor shall be accompanied by a statement containing the particulars mentioned in the last preceding paragraph, subject to the modification that the reference in sub-paragraph (*c*) of that paragraph to the appropriate superannuation fund shall be construed as a reference to the superannuation fund maintained under the local Act scheme.

Appeals to the Minister generally on questions as to status, etc.

6.—(1) In the event of an employee being dissatisfied with a decision of a local authority notified to him under the last preceding Article that he is or is not a contributory employee or local Act contributor he may, within three months after receipt of the notification, refer the matter to the determination of the Minister.

(2) In the event of an employee of an employing authority accepting a decision so notified that he is a contributory employee but not being satisfied as to the accuracy of any of the particulars contained in the statement accompanying the notification, he may similarly refer the matter to the determination of the Minister.

(3) In the event of the appropriate administering authority, not being the employing authority, being dissatisfied with a decision of the employing authority notified to them under the last preceding Article or in the event of their accepting a decision so notified but not being satisfied as to the accuracy of any of the particulars contained in the statement accompanying the notification, they may similarly refer the matter to the determination of the Minister.

(4) In the event of an employee of a local Act authority accepting a decision of the authority notified to him under the last preceding Article that he is a local Act contributor but not being satisfied as to the accuracy of any of the particulars contained in the statement accompanying the notification, he may at any time within three months after receipt of the notification refer the matter for determination in accordance with the provisions of the local Act scheme for the settlement of disputes arising thereunder between the authority and a local Act contributor and, forthwith upon any such reference, those provisions shall apply, with any necessary modifications, for the purpose of the determination of the matter under reference.

Failure of local authority to decide questions.

7.—(1) If at the expiration of six months from—

(*a*) the twenty-first day of December, 1937 ;

(*b*) the date on which a person enters the employment of a local authority ;

(*c*) the date on which there occurs a change in the circumstances of the employment of an employee by a local authority which is in the opinion of the local authority material for the purposes of the Act, or on which a notification is given to them by the employee under Article 3 (2) (*b*) or 4 (*b*) of these Regulations ;

(*d*) the date on which a local authority pass such a resolution as is mentioned in Article 3 (2) (*c*) or 4 (*c*) of these Regulations which is in the opinion of the local authority material in relation to any employee, or on which a notification is given to them under either of those provisions by an employee ;

the local authority have not given effect to such of the foregoing provisions of this Part of these Regulations as are applicable in the case of any employee by reference to that date, the Minister may, on application made to him by the employee, direct the authority to do so within such time, not being less than one month, as may be specified in the direction.

(2) If a local authority fail to comply with a direction given by the Minister under this Article within the period therein specified, he shall at the expiration of that period determine the question to which the direction related as if a reference had been made to him thereon under Article 6 of these Regulations.

PART III.

Special provisions for notification of status of persons employed by certain local authorities.

8.—(1) If a local authority, not being either a local authority specified in Part I of the First Schedule to the Act or a local Act authority, pass a statutory resolution for the purpose of paragraph (*c*) of subsection (2) of section 3 of the Act, they shall notify the fact in writing to the employee who is in the resolution specified as a contributory employee, and the notification shall be accompanied by a statement containing the particulars mentioned in sub-paragraphs (*a*) and (*c*) to (*e*) of paragraph (2) of Article 5 of these Regulations.

(2) Such a local authority as aforesaid shall, upon a person entering their employment on or after the appointed day, take into consideration the question whether that employee was or was not, by virtue of being such a transferred poor law employee as is mentioned in paragraph 2 or 8 of Part I of the Second Schedule to the Act, a contributory employee immediately after he entered their employment, and, as soon as may be after they have taken the said question into consideration, notify their decision thereon in writing to the employee.

(3) A notification of a decision by a local authority under the last preceding paragraph that an employee is a contributory employee shall be accompanied by a statement containing the particulars mentioned in paragraph (2) of Article 5 of these Regulations.

9. If a local education authority for elementary education who are not a local Act authority duly pass a resolution for the purpose of paragraph (*f*) of subsection (2) of section 3 of the Act, they shall notify the fact in writing to the employee who is in the resolution specified as a contributory employee, and the notification shall be accompanied by such a statement as is mentioned in paragraph (1) of Article 8 of these Regulations.

10. A local authority specified in Article 8 of these Regulations and a local education authority, where they are not the appropriate administering authority, shall, whenever they give to an employee a notification under Article 8 or 9 of these Regulations, send a copy of the notification and accompanying statement to the appropriate administering authority.

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Appeals to the Minister as to status in special cases.

11.—(1) In the event of an employee of such a local authority as is mentioned in paragraph (1) of Article 8 of these Regulations being dissatisfied with a decision of the authority, notified to him under paragraph (2) of that Article, that he is not, by virtue of the statutory provisions therein mentioned, a contributory employee, he may, at any time within three months after receipt of the notification, refer the matter to the determination of the Minister.

(2) In the event of the appropriate administering authority, not being the employing authority, being dissatisfied with a decision of the employing authority as notified to them under Article 10 of these Regulations that an employee is, by virtue of the statutory provisions mentioned in paragraph (2) of Article 8 of these Regulations, a contributory employee, they may similarly refer the matter to the determination of the Minister.

Appeals to the Minister as to incidence of status.

12.—(1) In the event of an employee of such an authority as is mentioned in paragraph (1) of Article 8 or in Article 9 of these Regulations not being satisfied as to the accuracy of any of the particulars contained in the statement accompanying a notification received by that employee under paragraph (1) or (3) of Article 8 or under Article 9 he may, at any time within three months after receipt of the notification, refer the matter to the determination of the Minister.

(2) In the event of an employee of such a local authority as is mentioned in paragraph (1) of Article 8 of these Regulations accepting a decision of the authority notified to him under paragraph (2) of that Article that he is a contributory employee but not being satisfied as to the accuracy of any of the particulars contained in the statement accompanying the notification, he may similarly refer the matter to the determination of the Minister.

(3) In the event of the appropriate administering authority, not being the employing authority, not being satisfied as to the accuracy of any of the particulars contained in any copy statement accompanying a notification received by them under Article 10 of these Regulations, they may similarly refer the matter to the determination of the Minister.

Failure of local authority to decide questions.

13.—(1) If at the expiration of six months from the date on which a person on or after the appointed day enters the employment of such a local authority as is mentioned in paragraph (1) of Article 8 of these Regulations, the local authority have not given effect to the provisions of paragraph (2) of that Article, the Minister may, on application made to him by the employee, direct the authority to do so within such time, not being less than one month, as may be specified in the direction.

(2) If a local authority fail to comply with a direction given by the Minister under this Article within the period therein specified, he shall at the expiration of that period determine the question to which the direction related as if a reference had been made to him thereon under Article 11 of these Regulations.

PART IV.

Supplementary.

14. Every local authority in whose employment there is any contributory employee or local Act contributor, shall cause a record to be kept in such form as the local authority think fit for the purpose of making readily available, at all times, information as to the name of every employee who is a contributory employee or local Act contributor and such other particulars relating to the employee as are specified in the First Schedule to these Regulations.

15.—(1) The council of a county district, forthwith upon giving effect to the provisions of paragraph (1) of Article 3 and paragraph (1) of Article 5 of these Regulations, shall make a preliminary return to the Minister, in the form set out in Part A of the Second Schedule to these Regulations, of the estimated number of persons who will be in their employment on the first day of October, 1938, and who will be

contributory employees if they remain in the employment of the council in the same posts until the appointed day, or if no persons are so employed, shall make a return to that effect.

(2) Such return shall be made not later than the 30th day of June, 1938.

(3) Every such council as aforesaid shall, not later than the first day of November, 1938, make a further return, in the form set out in Part B of the Second Schedule to these Regulations, showing the number of persons in their employment on the first day of October, 1938, who will be such contributory employees as aforesaid, and such other particulars as are specified in the form.

(4) Whenever a return is made to the Minister under this Article by a council, they shall send a copy thereof to the council of the county within whose area the district of the council is situate.

16. A notification of a decision by a local authority to an employee under any of the provisions of Part II or Part III of these Regulations shall contain a note directing the attention of the employee to his rights under the Regulations in relation to the reference of the decision or of any question as to the accuracy of any of the particulars contained in the statement accompanying the notification of the decision to the determination of the Minister or for determination in accordance with the provisions of the local Act scheme, as the case may require.

17. Save as otherwise expressly provided, nothing in these Regulations shall in any way affect, abridge or prejudice the exercise by the Minister of any powers vested in him by section 35 of the Act.

FIRST SCHEDULE.

Particulars to be recorded by local authorities in respect of contributory employees or local Act contributors:

Name of employee.
Date of birth.
Whether officer or servant.
Class or description.
Whether whole-time or part-time employment.
If part-time employment, what proportion of whole-time employment this represents.
Rate of contribution.
Details of remuneration on which contributions are payable.
Details of previous local government service of employee, showing each local authority by whom employed, dates of commencement and termination of each employment, whether whole-time or part-time employment, and, if the latter, what proportion of whole-time employment this represented, and in what manner the service is reckonable under the Act, or the local Act scheme, as the case may be.
Periods of sick leave after attaining the age of fifty-five years (or fifty years in the case of female nurses, midwives and health visitors).

SECOND SCHEDULE.

Form of Return of Contributory Employees.

Name of { Borough / Urban District / Rural District } . . . . . .

Name of County . . . . . .

PART A.*

Preliminary return to be made not later than June 30th, 1938.

Estimated number of persons in the employment of the above mentioned Council on October 1st, 1938, who will be contributory employees if they remain in the employment of the Council in the same posts until April 1st, 1939 – – – – – – – – – – – – –

Date . . . . . Signed . . . . . .
Clerk of the Council.

* Strike out Part A if inapplicable.

SUPER-ANNUATION

PART B.*

Return to be made not later than November 1st, 1938.

Number of persons in the employment of the above-mentioned Council on October 1st, 1938, who will be contributory employees if they remain in the employment of the Council in the same posts until April 1st, 1939 .

Statement as to position at October 1st, 1938, in regard to the Local Government and other Officers' Superannuation Act, 1922 :

(*a*)† The Council maintains a superannuation fund under the Act of 1922.

(*b*)† The Council are a constituent authority of a combination scheme under Section 5 (1) of the Act of 1922.

(*c*)† The Council have employees contributing to the superannuation fund of ..... under an admission agreement made in accordance with the provisions of section 5 (3) (*a*) of the Act of 1922.

(*d*)† The Council have made no arrangements under the Act of 1922.

Date . . . . . Signed .....
Clerk of the Council.

Given under the official seal of the Minister of Health this tenth day of June nineteen hundred and thirty-eight.

(L.S.)

H. W. S. FRANCIS,
Assistant Secretary,
Ministry of Health.

* Strike out Part B if inapplicable.
† Strike out this paragraph if inapplicable.

CIRCULAR 1758 S/14.

County Councils.
County Borough Councils.
Metropolitan Borough Councils.
County District Councils.
Joint Boards and Catchment Boards.
Assessment Committees.
Joint Committees.

MINISTRY OF HEALTH,
HOBART HOUSE,
GROSVENOR PLACE, S.W.1.
30th December, 1938.

LOCAL GOVERNMENT SUPERANNUATION ACT, 1937.

LOCAL GOVERNMENT SUPERANNUATION (SURRENDER OF SUPERANNUATION ALLOWANCE) RULES, 1938.

SIR,—I am directed by the Minister of Health to enclose a copy of the Rules made by him under section 9 of the above-mentioned Act. These Rules prescribe the conditions under which a married employee may surrender a part of the superannuation allowance to which he is entitled under section 8 (1) (*b*) or (*c*) of the Act (*a*) in order to secure the payment of a pension during the period, if any, in which the spouse survives the employee.

Tables from which the amount of the annual pension payable to the surviving spouse can be calculated have been prepared by the Government Actuary. A copy of the Tables which have been prepared in respect of retiring ages from 60 to 65 in the case of a man and 55 to 65 in the case of a woman is enclosed, but it is recognised that there may be cases where the retiring age is greater than those mentioned. Further Tables have accordingly been prepared to cover later retiring ages, but it has not been thought necessary to circulate these additional Tables. If an authority has such a case, sufficient extracts from the Tables to enable the necessary calculation to be made will be supplied if application is made to the Ministry stating the retiring age of the employee in question and the age of the spouse.

(*a*) *Ante*, p. 2067.

It will be noted that the Rules prescribe limits to the part of his superannuation allowance which an employee may surrender, and in order to assist him in submitting to the authority a notification within these limits it is suggested that, in forwarding to him a copy of the Rules and Tables, an offer should be made to inform him of the maximum and minimum amounts within which he may make a surrender if he notifies the authority of the age of the spouse.

Copies of the Rules and of the Tables for the time being in force, together with the necessary forms, have to be supplied by the appropriate administering authority to any employee not less than three months before the earliest date on which he may become entitled to a superannuation allowance, but it may be that the employee, although he will shortly have attained the age of sixty years and completed forty years' service, does not retire immediately. In such circumstances the authority will no doubt think it well to notify the employee at an appropriate time prior to his eventual retirement of any revision of the provisional estimate that may have become necessary.

The Rules are applicable only to contributory employees under the Act of 1937, and accordingly will not apply to any person in the employment of a local authority who retires before April 1st, 1939.

An additional copy of the Rules and the Tables is enclosed for the information of the Chief Financial Officer. Further copies of this circular and of the Rules and Tables may be purchased through any bookseller or directly from His Majesty's Stationery Office at the addresses shown thereon.

I am, Sir,
Your obedient Servant,
A. W. NEVILLE,
Assistant Secretary.

The Clerk to the Authority.

S. R. & O., 1938, No. 1509.

THE LOCAL GOVERNMENT SUPERANNUATION (SURRENDER OF SUPERANNUATION ALLOWANCE) RULES, 1938, DATED DECEMBER 13TH, 1938, MADE BY THE MINISTER OF HEALTH UNDER SECTION 9 OF THE LOCAL GOVERNMENT SUPERANNUATION ACT, 1937.

The Minister of Health, in exercise of the powers conferred on him by section 9 of the Local Government Superannuation Act, 1937, and of all other powers enabling him in that behalf, hereby makes the following Rules.

Short Title.

1. These Rules may be cited as the Local Government Superannuation (Surrender of Superannuation Allowance) Rules, 1938.

Interpretation.

2. The Interpretation Act, 1889, applies to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

3. In these Rules the following expressions have the respective meanings hereby assigned to them:—

"the Act" means the Local Government Superannuation Act, 1937;

"the Tables" means Tables prepared by the Government Actuary under section 9 of the Act.

Part of Superannuation allowance that may be surrendered and amount of pension.

4.—(1) Subject to the provisions of these Rules, a contributory employee who becomes entitled to a superannuation allowance under paragraph (*b*) or (*c*) of subsection (1) of section 8 of the Act (*a*) shall, in consideration of the grant of a pension to

(*a*) *Ante*, p. 2067.

SUPER-ANNUA-TION

the spouse of the employee, be allowed to surrender such part, not exceeding one-third, of the allowance as the employee may specify:

Provided that an employee shall not surrender—

(*a*) any such part as would make the amount of the reduced allowance payable to the employee less than the amount of the pension which might become payable to the spouse under these Rules; or

(*b*) a smaller part than would secure for the spouse a pension equal to one-fourth of the amount of the reduced allowance payable to the employee; or

(*c*) any part which is not an exact number of pounds:

Provided also that, subject as aforesaid, an employee in the calculation of whose superannuation allowance account is taken of such service under the Teachers Acts as is mentioned in subsection (1) of section 17 of the Act shall not surrender a larger part than an amount equivalent to a sum not exceeding one-third of the superannuation allowance after deduction therefrom of any annual sum which by virtue of that subsection and any Regulations for the time being in force thereunder will be required to be deducted from the amount receivable in any year in respect of superannuation allowance.

(2) The amount of pension payable in return for each £1 of a superannuation allowance surrendered by an employee shall be the amount, according to the age and sex of the employee and the age and sex of the spouse, shown in the Tables which are in force at the date on which the allowance becomes payable.

(3) The pension of the spouse shall be payable in arrear in the same manner as the superannuation allowance of the employee would have been payable.

Notification of desire to make a surrender.

5.—(1) Not less than three months before the date on which a contributory employee may become entitled to such a superannuation allowance as aforesaid, the appropriate administering authority shall furnish the employee with a copy of these Rules and of the Tables for the time being in force together with a provisional estimate of the amount of the superannuation allowance that may become payable to the employee and two copies of the form of notification of surrender of allowance set out in the Schedule to these Rules.

(2) Not less than two months before the appointed day, the local authority who will be the appropriate administering authority in relation to any employee who may become entitled to such a superannuation allowance as aforesaid on, or within two months after, the appointed day shall furnish that employee with the documents mentioned in paragraph (1) of this Article.

(3) Not less than one month nor more than two months before the date of ceasing to be employed, the employee may notify his desire to surrender a part of any allowance to which he may become entitled by completing the form provided for the purpose, and sending it to the appropriate administering authority, at the same time sending a copy of the document to the employing authority if that authority is not the administering authority.

(4) If at the date of receipt by the appropriate administering authority from an employee of such a notification as aforesaid there are in force Tables different from those which were furnished to the employee under this Article, the authority shall forthwith furnish him with a copy of the Tables in force for the time being.

Action to be taken prior to administering authority's decision in regard to notification.

6. On receipt from a contributory employee of a notification under the last preceding Rule—

(*a*) the employing authority, if they are not the administering authority, shall furnish the appropriate administering authority with a record of all the occasions on which the employee has been absent from duty owing to ill health (indicating in cases of absence for periods of seven or more consecutive days the nature of the illness) during the five years immediately preceding the date on which the employee will cease to be employed;

(*b*) the appropriate administering authority shall arrange for the employee to be examined by a registered medical practitioner nominated by them and to

obtain from him a report stating whether, in his opinion, the employee is in good health, regard being had to the age of the employee, and if the opinion stated in such report is that the employee is not in good health the administering authority shall notify him accordingly and offer him an opportunity of a further examination by some other registered medical practitioner nominated by them with a view to his reporting to them as to the state of health of the employee;

(c) the administering authority shall require the employee to furnish at his own expense a certificate of his birth except where the date of birth has been duly recorded by the authority and is not disputed and, with respect to the spouse, a birth certificate, a marriage certificate and any other information or evidence which the authority may consider necessary:

Provided that if for any reason a birth or marriage certificate cannot be supplied the authority may accept such other evidence of birth or marriage as they may think fit.

Fees for medical examination.

7.—(1) Any fee payable to a practitioner in respect of an examination and report under the last preceding Rule shall be paid by the employee at the time of the examination.

(2) If, in any case in which the administering authority have obtained a report that an employee is in good health, the date of retirement of the employee is postponed to a date more than three months after the date of the report, the authority may if they think fit require the employee to undergo such further medical examination as they may direct, but in that event the employee shall not be required to pay any fees in respect of such further examination.

Decision of administering authority in regard to notification.

8.—(1) Subject to the provisions of these Rules, unless the appropriate administering authority are of opinion, on a consideration of a report obtained by them under Rule 6, that the employee to whom the report relates is not in good health or they are of opinion that the evidence produced in regard to age or marriage is not satisfactory, they shall accept the surrender of such part of the superannuation allowance to which the employee becomes entitled as is specified in the employee's notification and as is in conformity with these Rules and shall grant to the spouse named in the notification a pension in accordance with the provisions of paragraph (2) of Rule 4.

(2) As soon as practicable after coming to a decision in regard to a notification given by an employee, the administering authority shall notify the employee that they have accepted his notification or that they have decided not to accept a surrender of any part of the superannuation allowance, as the case may be, and in addition they shall furnish the employee with a statement in the former case as to the amount of the pension to which the spouse may become entitled after the death of the employee and the amount of the superannuation allowance that may become payable to the employee, and in the latter case as to the grounds upon which they have decided not to act upon the notification of the employee.

Cancellation or amendment of notification.

9.—(1) An employee may cancel or amend a notification given by him by a notice in writing addressed to the administering authority in the form set out in the Schedule to these Rules and posted at any time before the day on which the employee ceases to be employed or left with the clerk to the authority at any time before 5 p.m. on that day.

(2) An amendment of a notification shall be disregarded if the notification as so amended does not comply with these Rules.

Validity and operation of notification.

10.—(1) A notification given by an employee shall become null and void if either the employee or the spouse dies before midnight on the day on which the employee ceases to be employed.

(2) Subject as aforesaid, a surrender of part of an allowance accepted in pursuance of a notification shall have effect as from the first day in respect of which the employee's superannuation allowance is payable.

SUPERANNUATION

Application to clerk of the peace and county council.

11.—(1) These Rules shall apply in relation to a superannuation allowance to which a clerk of the peace and county council becomes entitled under sub-paragraph (i) or (ii) of paragraph (*b*) of subsection (2) of section 9 of the Local Government (Clerks) Act, 1931 (*a*), as they apply in relation to a superannuation allowance to which a contributory employee becomes entitled under the Act.

(2) In their application to such a clerk in respect of the allowance to which he so becomes entitled these Rules shall have effect subject to the following modifications, namely—

(*a*) references to a contributory employee or an employee shall be construed as references to such a clerk and references to the appropriate administering authority or the administering authority shall be construed as references to the county council from whom the clerk will become entitled to the allowance; and

(*b*) paragraph (2) of Article 5 shall not apply.

SCHEDULE.

FORM OF NOTIFICATION OF SURRENDER.

The Appropriate Administering Authority... ....

PARTICULARS WITH REGARD TO THE EMPLOYEE.

1. Name in full.
(Surname in block capitals.)
2. Full address.
3. Date of birth.
4. Employing authority.
5. Office held.

PARTICULARS WITH REGARD TO THE SPOUSE.

6. Surname (in block capitals). Other names (in block capitals).
7. Usual address.
8. Date of birth. 9. Sex.
10. Date of marriage.
11. If the spouse is a female, state—
(*a*) her maiden name;
and
(*b*) whether she has been married more than once.
12. The spouse should write his or her usual signature in the space below, and in the presence of the employee.

Usual signature of spouse ....

I,*..... .....hereby declare that I desire to surrender £ of my superannuation allowance under the Local Government Superannuation (Surrender of Superannuation Allowance) Rules, 1938, in return for the grant of a pension to my spouse, payable in respect of the period, if any, for which my spouse survives me, and I declare that the foregoing particulars are true to the best of my knowledge and belief and that the above signature has been written in my presence by my spouse.

Signature ....

Private address .....

.....

Date ....

(*a*) 24 Halsbury's Statutes 247.

* Name in full.

Local Government Superannuation (Surrender of Superannuation Allowance) Rules, 1938.

Name of employee . . . . .

Signature of spouse . . . . . .

The above signature was written in my presence.

. . . . . .

Officer nominated by the Appropriate Administering Authority.

This form to be returned when completed to the

. . . . . .

at . . . . . .

A copy of the form to be sent to the Clerk of the Employing Authority where the Employing Authority are not the Administering Authority.

FORM OF NOTICE OF CANCELLATION.

The Appropriate Administering Authority . . . . . .

I,* . . . . . hereby cancel the notification of surrender given by me under the Local Government Superannuation (Surrender of Superannuation Allowance) Rules, 1938.

Signature . . . . . .
Date . . . . . .
Office held . . . . . .
Employing authority . . . . . .

This form to be returned when completed to the

. . . . . .

at . . . . . .

FORM OF NOTICE OF AMENDMENT.

The Appropriate Administering Authority . . . . . .

I,* . . . . . hereby amend the notification of surrender given by me under the Local Government Superannuation (Surrender of Superannuation Allowance) Rules, 1938, by substituting £ for £ as the amount of my superannuation allowance which I desire to surrender.

Signature . . . . . .
Date . . . . . .
Office held . . . . . .
Employing authority . . . . . .

This form to be returned when completed to the

. . . . . .

at . . . . . .

Given under the official seal of the Minister of Health this thirteenth day of December, nineteen hundred and thirty-eight.

(L.S.)

A. W. NEVILLE,
Assistant Secretary,
Ministry of Health.

* Name in full.

Local Government Superannuation Act, 1937, Section 9.

Tables prepared by the Government Actuary on the 24th day of December, 1937.

(*Enclosed with Circular* 1758/S/14 *of December* 30*th*, 1938.)

TABLE A.

(MALE EMPLOYEE.)

Table showing, according to the age of the employee and the age of his wife, the amount of annual pension payable to the wife as from the date of the death of the employee, if the employee dies before his wife, for each £1 of the annual superannuation allowance surrendered by him.

Age of wife (see note at foot of Table).	Age of employee (see note at foot of Table).						Age of wife (see note at foot of Table).
	60.	61.	62.	63.	64.	65.	
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
30	1 0 11	—	—	—	—	—	30
31	1 1 3	19 11	—	—	—	—	31
32	1 1 8	1 0 3	18 11	—	—	—	32
33	1 2 1	1 0 7	19 3	18 0	—	—	33
34	1 2 6	1 1 0	19 7	18 4	17 1	—	34
35	1 3 0	1 1 5	1 0 0	18 8	17 5	16 3	35
36	1 3 6	1 1 11	1 0 5	19 0	17 9	16 7	36
37	1 4 0	1 2 4	1 0 10	19 5	18 1	16 11	37
38	1 4 6	1 2 10	1 1 4	19 10	18 6	17 3	38
39	1 5 1	1 3 4	1 1 9	1 0 4	18 11	17 7	39
40	1 5 9	1 3 11	1 2 3	1 0 9	19 4	18 0	40
41	1 6 5	1 4 7	1 2 10	1 1 3	19 9	18 5	41
42	1 7 2	1 5 3	1 3 5	1 1 9	1 0 3	18 10	42
43	1 7 11	1 5 11	1 4 1	1 2 4	1 0 9	19 4	43
44	1 8 9	1 6 8	1 4 9	1 3 0	1 1 4	19 10	44
45	1 9 8	1 7 6	1 5 6	1 3 8	1 1 11	1 0 4	45
46	1 10 8	1 8 5	1 6 3	1 4 4	1 2 7	1 0 11	46
47	1 11 9	1 9 4	1 7 2	1 5 1	1 3 3	1 1 6	47
48	1 12 11	1 10 5	1 8 1	1 6 0	1 4 0	1 2 2	48
49	1 14 2	1 11 6	1 9 1	1 6 11	1 4 10	1 2 11	49

50	1 15 6	1 12 9	1 10 3	1 7 11	1 5 9	1 3 9	50
51	1 17 0	1 14 1	1 11 5	1 9 0	1 6 9	1 4 8	51
52	1 18 8	1 15 7	1 12 9	1 10 2	1 7 10	1 5 8	52
53	2 0 6	1 17 2	1 14 2	1 11 6	1 9 0	1 6 8	53
54	2 2 6	1 19 0	1 15 9	1 12 10	1 10 3	1 7 10	54
55	2 4 9	2 1 0	1 17 6	1 14 5	1 11 8	1 9 1	55
56	2 7 2	2 3 2	1 19 6	1 16 2	1 13 3	1 10 6	56
57	2 9 10	2 5 7	2 1 8	1 18 1	1 14 11	1 12 1	57
58	2 12 10	2 8 3	2 4 0	2 0 3	1 16 10	1 13 9	58
59	2 16 2	2 11 2	2 6 8	2 2 7	1 18 11	1 15 7	59
60	2 19 10	2 14 6	2 9 7	2 5 3	2 1 3	1 17 8	60
61	3 3 11	2 18 1	2 12 11	2 8 2	2 3 11	2 0 0	61
62	3 8 6	3 2 3	2 16 7	2 11 6	2 6 10	2 2 7	62
63	3 13 8	3 6 10	3 0 8	2 15 1	2 10 1	2 5 6	63
64	3 19 6	3 12 0	3 5 4	2 19 3	2 13 9	2 8 10	64
65	4 6 2	3 17 10	3 10 6	3 3 10	2 17 11	2 12 6	65
66	4 13 9	4 4 7	3 16 4	3 9 0	3 2 6	2 16 7	66
67	5 2 3	4 12 2	4 3 1	3 14 11	3 7 9	3 1 2	67
68	5 11 10	5 0 8	4 10 8	4 1 8	3 13 8	3 6 5	68
69	6 2 6	5 10 4	4 19 2	4 9 3	4 0 5	3 12 5	69
70	6 14 4	6 1 0	5 8 10	4 17 9	4 7 11	3 19 2	70
71	—	6 13 0	5 19 6	5 7 5	4 16 6	4 6 9	71
72	—	—	6 11 8	5 18 2	5 6 2	4 15 4	72
73	—	—	—	6 10 6	5 16 11	5 5 0	73
74	—	—	—	—	6 9 6	5 16 0	74
75	—	—	—	—	—	6 8 9	75

NOTE.—In this Table the expression "age," in relation to the employee means his age on the first day in respect of which his superannuation allowance will become payable, if that day is his birthday, or in any other case his age on his last birthday preceding that day; and, in relation to the wife, means her age on the first day in respect of which the employee's superannuation allowance will become payable, if that day is her birthday, or in any other case her age on her last birthday preceding that day.

TABLE B.

(FEMALE EMPLOYEE.)

Table showing, according to the age of the employee and the age of her husband, the amount of annual pension payable to the husband as from the of the death of the employee, if the employee dies before her husband, for each £1 of the employee's annual superannuation allowance surrendered by her.

Age of husband (see note at foot Table).	Age of employee (see note at foot of Table).																												Age of husband (see note at foot of Table).
	55.			56.			57.			58.			59.			60.			61.			62.			63.			64.			65.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	
25	1	18	8		—			—			—			—			—			—			—			—			—		25
26	1	19	7	1	17	1		—			—			—			—			—			—			—			—		26
27	2	0	6	1	18	0	1	15	7		—			—			—			—			—			—			—		27
28	2	1	6	1	18	10	1	16	5	1	14	1		—			—			—			—			—			—		28
29	2	2	7	1	19	10	1	17	3	1	14	11	1	12	7		—			—			—			—			—		29
30	2	3	9	2	0	11	1	18	3	1	15	9	1	13	5	1	11	2		—			—			—			—		30
31	2	5	0	2	2	1	1	19	4	1	16	8	1	14	3	1	11	11	1	9	9		—			—			—		31
32	2	6	4	2	3	3	2	0	5	1	17	8	1	15	1	1	12	9	1	10	6	1	8	4		—			—		32
33	2	7	9	2	4	7	2	1	6	1	18	9	1	16	1	1	13	7	1	11	3	1	9	1	1	7	0		—		33
34	2	9	4	2	6	0	2	2	10	1	19	10	1	17	2	1	14	6	1	12	1	1	9	10	1	7	8	1	5	8	—	34
35	2	11	0	2	7	6	2	4	3	2	1	2	1	18	3	1	15	6	1	13	0	1	10	7	1	8	5	1	6	4	1	4	4	35
36	2	12	9	2	9	1	2	5	9	2	2	6	1	19	5	1	16	7	1	14	0	1	11	5	1	9	2	1	7	0	1	5	0	36
37	2	14	8	2	10	10	2	7	3	2	3	11	2	0	9	1	17	9	1	15	0	1	12	5	1	9	11	1	7	9	1	5	8	37
38	2	16	9	2	12	9	2	9	0	2	5	5	2	2	1	1	19	0	1	16	2	1	13	5	1	10	11	1	8	6	1	6	5	38
39	2	19	0	2	14	9	2	10	10	2	7	1	2	3	8	2	0	4	1	17	4	1	14	6	1	11	11	1	9	5	1	7	2	39
40	3	1	6	2	17	0	2	12	9	2	8	11	2	5	3	2	1	10	1	18	8	1	15	8	1	12	11	1	10	5	1	8	0	40
41	3	4	2	2	19	5	2	15	0	2	10	10	2	7	1	2	3	6	2	0	1	1	17	0	1	14	1	1	11	5	1	8	11	41
42	4	7	1	3	2	0	2	17	4	2	13	0	2	8	11	2	5	3	2	1	9	1	18	5	1	15	4	1	12	6	1	9	11	42
43	3	10	3	3	4	11	2	19	11	2	15	4	2	11	0	2	7	1	2	3	5	2	0	0	1	16	9	1	13	9	1	11	0	43
44	3	13	8	3	8	1	3	2	9	2	17	10	2	13	4	2	9	1	2	5	2	2	1	8	1	18	3	1	15	1	1	12	2	44
45	3	17	5	3	11	5	3	5	11	3	0	7	2	15	9	2	11	4	2	7	2	2	3	4	1	19	10	1	16	6	1	13	5	45
46	4	1	6	3	15	1	3	9	2	3	3	9	2	18	6	2	13	9	2	9	5	2	5	3	2	1	6	1	18	0	1	14	9	46
47	4	6	0	3	19	2	3	12	11	3	7	0	3	1	7	2	16	5	2	11	9	2	7	5	2	3	5	1	19	8	1	16	3	47
48	4	10	11	4	3	8	3	16	11	3	10	8	3	4	10	2	19	4	2	14	4	2	9	9	2	5	6	2	1	7	1	17	11	48
49	4	16	4	4	8	7	4	1	5	3	14	9	3	8	5	3	2	7	2	17	2	2	12	3	2	7	9	2	3	8	1	19	9	49

50	5	2	5	4	14	0	4	6	4	3	19	2	3	12	6	3	6	3	3	0	5	2	15	1	50
51	5	9	1	5	0	1	4	11	8	4	4	0	3	16	10	3	10	3	3	4	0	2	18	3	51
52	5	16	5	5	6	9	4	17	8	4	9	3	4	1	8	3	14	7	3	7	11	3	1	9	52
53	6	4	6	5	14	1	5	4	4	4	15	4	4	6	11	3	19	4	3	12	3	3	5	7	53
54	6	13	4	6	2	2	5	11	8	5	1	11	4	12	10	4	4	7	3	16	11	3	9	10	54
55	7	3	0	6	11	1	5	19	10	5	9	3	4	19	5	4	10	5	4	2	2	3	14	6	55
56	7	13	9	7	0	11	6	8	9	5	17	5	5	6	9	4	16	11	4	7	11	3	19	8	56
57	8	5	9	7	11	8	6	18	7	6	6	3	5	14	11	5	4	2	4	14	4	4	5	4	57
58	9	19	2	8	3	9	7	9	5	6	16	3	6	3	9	5	12	3	5	1	6	4	11	8	58
59	9	14	3	8	17	4	8	1	8	7	7	1	6	13	9	6	1	2	5	9	7	4	18	10	59
60	10	11	1	9	12	8	8	15	5	7	19	6	7	4	9	6	11	2	5	18	6	5	6	10	60
61	11	9	10	10	9	10	9	10	11	8	13	6	7	17	4	7	2	5	6	8	6	5	15	8	61
62	12	10	8	11	8	11	10	8	4	9	9	0	8	11	5	7	15	0	6	19	9	6	5	9	62
63	13	13	9	12	10	2	11	7	8	10	6	8	9	7	0	8	9	1	7	12	3	6	16	11	63
64	14	19	4	13	13	9	12	9	1	11	6	2	10	4	7	9	4	9	8	6	5	7	9	4	64
65	16	7	6	14	19	11	13	12	11	12	7	8	11	4	2	10	2	3	9	2	0	8	3	4	65
66		—		16	8	8	14	19	8	13	11	9	12	5	11	11	1	10	9	19	8	8	18	11	66
67		—			—		16	9	6	14	19	1	13	10	4	12	3	10	10	19	3	9	16	9	67
68		—			—			—		16	10	0	14	18	2	13	8	8	12	1	5	10	16	4	68
69		—			—			—			—		16	9	10	14	16	11	13	6	7	11	18	7	69
70		—			—			—			—			—		16	9	3	14	15	3	13	4	0	70
71		—			—			—			—			—			—		16	8	3	14	13	0	71
72		—			—			—			—			—			—			—		16	6	5	72
73		—			—			—			—			—			—			—			—		73
74		—			—			—			—			—			—			—			—		74
75		—			—			—			—			—			—			—			—		75

NOTE.—In this Table the expression "age," *in relation to the employee, means her age on the first day* in respect of which her superannuation allowance will become payable, if that day is her birthday, or in any other case her age on her last birthday preceding that day; and, in relation to the husband, means his age on the first day in respect of which the employee's superannuation allowance will become payable, if that day is his birthday, or in any other case his age on his last birthday preceding that day.

SUPER-ANNUATION

S. R. & O., 1939, No. 52.

THE LOCAL GOVERNMENT SUPERANNUATION (ADDITIONAL CONTRIBUTORY PAYMENT) REGULATIONS, 1939, DATED JANUARY 21ST, 1939, MADE BY THE MINISTER OF HEALTH UNDER SECTION 8 (2) (*b*) (ii) OF THE LOCAL GOVERNMENT SUPERANNUATION ACT, 1937.

The Minister of Health, in exercise of the powers conferred on him by proviso (ii) to paragraph (*b*) of subsection (2) of section 8 of the Local Government Superannuation Act, 1937, and of all other powers enabling him in that behalf, hereby makes the following Regulations.

1. These Regulations may be cited as the Local Government Superannuation (Additional Contributory Payment) Regulations, 1939.

2.—(1) The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(2) In these Regulations the expression "the Act" means the Local Government Superannuation Act, 1937.

3. The sum to be paid by a contributory employee who desires to receive by way of superannuation allowance in respect of any year of non-contributing service—

(*a*) in any case to which the Act as amended by a local Act applies, an annual sum, being a fraction of his average remuneration larger than one one-hundred-and-sixtieth but not exceeding one-eightieth, and a lump sum, being a fraction of his average remuneration larger than one sixtieth but not exceeding one thirtieth; or

(*b*) in any other case, a fraction of his average remuneration larger than one one-hundred-and-twentieth but not exceeding one-sixtieth;

shall be calculated in accordance with the provisions contained in the Schedule to these Regulations.

4.—(1) Such sum may be paid—

(*a*) in a lump sum forthwith upon the contributory employee notifying the employing authority in writing within any such period mentioned in paragraph (5) of this Article as is applicable to his case that he intends to secure a title to any such superannuation allowance as aforesaid; or

(*b*) partly in a lump sum or not less than one-tenth of such sum forthwith upon for giving of such notice as aforesaid and as to the remainder, and subject as hereinafter provided, by such instalments as within three months after the date of such notification (hereinafter referred to as "the material date") may be agreed between the employee and the employing authority; or

(*c*) wholly, subject as hereinafter provided, by such instalments as aforesaid.

(2) If such sum is made payable, partly or wholly, by instalments, the instalments shall be of equal amounts spread over a period of not more than ten years after the material date, the first instalment to be paid within four months after the material date:

Provided that the whole of the instalments shall be payable before the date on which the employee will attain the age of compulsory retirement applicable in his case:

Provided nevertheless that—

(*a*) if he has completed, or can before attaining the age of compulsory retirement complete, forty years of service; or

(*b*) if, being a female nurse, midwife or health visitor in whose case the age of compulsory retirement is sixty years, she has completed, or can before attaining the age of compulsory retirement complete, thirty years of service;

the whole of the instalments shall be payable before the date on which the employee will complete, in the last [illegible]

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(3) If such sum is payable, partly or wholly, by instalments, then, while any instalment remains to be paid the following provisions shall have effect—

(*a*) interest shall be payable as from the material date upon the amount for the time being unpaid and shall be calculated at the rate of three per cent. per annum, with half-yearly rests;

(*b*) if the employee becomes entitled to a superannuation allowance under the Act, a deduction in respect of any amount due may be made from any payment on account of the superannuation allowance;

(*c*) if the employee dies without having become entitled to a superannuation allowance, all liability in respect of the balance of the debt shall cease;

(*d*) if the employee ceases to hold his employment without having become entitled to a superannuation allowance and is entitled to a return of contributions, then, at the expiration of twelve months, the employee shall cease to be entitled to any rights in respect of payments made by him on account of the debt, except any right to a return of the amount of such payments, and his liability in respect of the balance of the debt shall cease, unless within that period the employee has again become a contributory employee without having previously become a local Act contributor, in which event, subject as hereinafter provided, the right to receive the balance of the debt shall be deemed to be transferred to the employing authority whose employment the employee has entered and the employee shall pay to that authority an amount equal to any sum which may have been returned to him in respect of payments made by him on account of the debt.

(4) The provisions of sub-paragraphs (*d*) of paragraph (3) of this Article shall have effect subject to the following provisions—

(*a*) if after an employee has ceased to hold one employment and entered one other employment as a contributory employee, being a part-time employment, that employee, within twelve months after having ceased to hold his former employment but while retaining that part-time employment and without having ceased to hold any other employment as a contributory employee or local Act contributor which he may have held when he ceased to hold his former employment, enters the part-time employment of another local authority or of two or more other local authorities and becomes such an employee or contributor as aforesaid, the right to receive the balance of the debt and the liability of the employee to make payments to the employing authorities shall be apportioned in accordance with the provisions of sub-paragraph (*c*) of this paragraph as if he had simultaneously entered all the employments he holds, and any payments already made by him under the provisions of sub-paragraph (*d*) of paragraph (3) of this Article shall be adjusted accordingly;

(*b*) if the employee having ceased to be in the whole-time employment of a single employing authority has become a contributory employee in their part-time employment and a contributory employee in the part-time employment of another employing authority, the right to receive only such portion of the balance of the debt shall be deemed to be transferred to that other employing authority as bears the same proportion to the balance of the debt as the annual remuneration of the part-time employment he has entered under that other employing authority bears to the aggregate amount of the annual remuneration of the part-time employments, and the employee shall pay to that other employing authority an amount equal to a similar proportion of any sum which may have been returned to him in respect of payments made by him on account of the debt, the balance thereof being payable by him to the single employing authority aforesaid:

Provided that if the employee, within twelve months after having entered and while retaining the part-time employments aforesaid, has entered the part-time employment of another local authority or of two or more other local authorities and become a contributory employee or local Act contributor, the right to receive the balance of the debt and the liability of the employee to make payments to the employing

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succeeding sub-paragraph as if he had simultaneously entered all the employments he holds, and any payments already made by him under the preceding provisions of this paragraph shall be adjusted accordingly;

(c) if the employee having ceased to hold one employment has entered the employment of more than one local authority, the right to receive the balance of the debt shall be apportioned between the employing authorities—

(i) if none of the local authorities are local Act authorities, in the proportion which the annual remuneration of each part-time employment bears to the aggregate amount of the annual remuneration of the part-time employments;

(ii) if any of the local authorities are local Act authorities, in the proportion which the annual remuneration payable by each of the employing authorities bears to the aggregate amount of the annual remuneration payable by those authorities and any local Act authority;

and the liability of the employee to make payments to the employing authorities in respect of any sum which may have been returned to him in respect of payments made by him on account of the debt shall be similarly apportioned:

Provided that if within twelve months after ceasing to hold his former employment the employee, while retaining the employments he has entered and without having ceased to hold any other employment as a contributory employee or local Act contributor which he may have held when he ceased to hold his former employment, enters the employment of another local authority or of two or more other local authorities and becomes such an employee or contributor as aforesaid, the right to receive the balance of the debt and the liability of the employee to make payments to the employing authorities shall be re-apportioned in accordance with the foregoing provisions of this sub-paragraph as if the employee had simultaneously entered all the employments he holds, and any payments already made by him under those provisions shall be adjusted accordingly.

(5) A notification under paragraph (1) of this Article shall be given—

(a) in the case of a person who is a contributory employee on the appointed day, within twelve months thereafter;

(b) in the case of a person who becomes a contributory employee after the appointed day without having previously been such an employee, within three months after becoming such an employee;

(c) in the case of a person who, having ceased to be a contributory employee, again becomes such an employee after a disqualifying break of service, within three months after again becoming such an employee.

5. Any sum or sums payable by an employee under these Regulations shall be paid to the employing authority and on receipt shall be paid by the employing authority to the appropriate administering authority.

SCHEDULE.

DIRECTIONS FOR USE OF THE SUBJOINED TABLES.

1. The age and remuneration of an employee mean his age on the material date and the annual remuneration on which he is paying contributions on that date or, in the case of a person who is not required to contribute under subsection (1) of section 6 of the Act (*a*), his annual remuneration on that date:

Provided that if for the purposes of this definition account is required to be taken of any fees payable to the employee in respect of any service the amount thereof shall be taken to be the annual average of the fees payable to him in respect of that service rendered during the five years immediately preceding the material date or, if that service was of shorter duration, such shorter period.

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2. The amount shown in a Table in relation to an age which corresponds with that of the employee is an amount appropriate in respect of £100 of remuneration. A total amount is to be calculated proportionately by reference to the remuneration of the employee. Such total amount is the sum payable by the employee in order to secure in respect of one year of the non-contributing service which he is entitled to reckon on the material date a superannuation allowance at the rate of one-sixtieth of his average remuneration or a superannuation allowance consisting of an annual sum at the rate of one-eightieth of his average remuneration and a lump sum equal to one-thirtieth of his average remuneration.

3. The sum payable by an employee in order to secure in respect of one year of the non-contributing service which he is entitled to reckon on the material date a superannuation allowance at a fraction of his average remuneration larger than one one-hundred-and-twentieth but less than one-sixtieth or a superannuation allowance consisting of an annual sum at the rate of a fraction of his average remuneration larger than one one-hundred-and-sixtieth but less than one-eightieth and a lump sum equal to more than one-sixtieth of his average remuneration but less than one-thirtieth is that proportion of the amount calculated in accordance with the last-preceding paragraph which the difference between the fraction chosen and one one-hundred-and-twentieth or one one-hundred-and-sixtieth, as the case may require, bears to one one-hundred-and-twentieth or one one-hundred-and-sixtieth, as the case may be.

4. The sum payable by an employee in order to secure any such allowance as is mentioned in either of the last two preceding paragraphs in respect of more than one year of the non-contributing service which he is entitled to reckon on the material date is the amount calculated in accordance with paragraph 2 or 3 of these Directions, as the case may be, multiplied by the number of years of the said service which the employee desires to reckon.

Table I.—Officers (other than female nurses, midwives and health visitors in whose case the age of compulsory retirement is sixty years).

Age.	Amount for £100 of remuneration in respect of one year of non-contributing service.
	£ *s.* *d.*
Under age 35	6 10 0
35 and under 36	6 10 0
36 ,, ,, 37	6 10 0
37 ,, ,, 38	6 10 0
38 ,, ,, 39	6 11 0
39 ,, ,, 40	6 12 0
40 ,, ,, 41	6 13 0
41 ,, ,, 42	6 14 0
42 ,, ,, 43	6 15 0
43 ,, ,, 44	6 17 0
44 ,, ,, 45	6 19 0
45 ,, ,, 46	7 1 0
46 ,, ,, 47	7 3 0
47 ,, ,, 48	7 5 0
48 ,, ,, 49	7 8 0
49 ,, ,, 50	7 11 0
50 ,, ,, 51	7 14 0
51 ,, ,, 52	7 17 0
52 ,, ,, 53	8 1 0
53 ,, ,, 54	8 5 0
54 ,, ,, 55	8 9 0
55 ,, ,, 56	8 14 0
56 ,, ,, 57	9 0 0
57 ,, ,, 58	9 7 0
58 ,, ,, 59	9 15 0
59 ,, ,, 60	10 5 0
60 and over	£10 5*s.* 0*d.* less five shillings for each completed year by which the employee's age exceeds sixty.

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Table II.—Female nurses, midwives and health visitors in whose case the age of compulsory retirement is sixty years.

Table I shall apply subject to the modification that the amount shown in the Table in relation to an age which corresponds with that of the employee shall be increased by three shillings and sixpence for each completed year by which her age exceeds thirty but so that the addition shall not exceed four pounds four shillings:

Provided that if the age of the employee exceeds fifty-five the amount of the payment shall be twelve pounds eighteen shillings less seven shillings for each completed year by which her age exceeds fifty-five.

Table III.—Servants.

Age.	Amount for £100 of remuneration in respect of one year of non-contributing service.
	£ *s.* *d.*
Under 25	4 2 0
25 and under 26	4 2 0
26 ,, ,, 27	4 3 0
27 ,, ,, 28	4 4 0
28 ,, ,, 29	4 5 0
29 ,, ,, 30	4 6 0
30 ,, ,, 31	4 7 0
31 ,, ,, 32	4 9 0
32 ,, ,, 33	4 11 0
33 ,, ,, 34	4 13 0
34 ,, ,, 35	4 15 0
35 ,, ,, 36	4 17 0
36 ,, ,, 37	4 19 0
37 ,, ,, 38	5 1 0
38 ,, ,, 39	5 3 0
39 ,, ,, 40	5 5 0
40 ,, ,, 41	5 7 0
41 ,, ,, 42	5 10 0
42 ,, ,, 43	5 13 0
43 ,, ,, 44	5 16 0
44 ,, ,, 45	5 19 0
45 ,, ,, 46	6 2 0
46 ,, ,, 47	6 6 0
47 ,, ,, 48	6 10 0
48 ,, ,, 49	6 14 0
49 ,, ,, 50	6 18 0
50 ,, ,, 51	7 2 0
51 ,, ,, 52	7 7 0
52 ,, ,, 53	7 12 0
53 ,, ,, 54	7 17 0
54 ,, ,, 55	8 2 0
55 ,, ,, 56	8 8 0
56 ,, ,, 57	8 15 0
57 ,, ,, 58	9 3 0
58 ,, ,, 59	9 13 0
59 ,, ,, 60	10 5 0
60 and over	£10 5*s.* 0*d.* less five shillings for each completed year by which the employee's age exceeds sixty.

Given under the official seal of the Minister of Health this twenty-first day of January, nineteen hundred and thirty-nine.

(L.S.) F. SLATOR,

S. R. & O., 1939, No. 53.

SUPER-ANNUA-TION

THE LOCAL GOVERNMENT SUPERANNUATION (REDUCTION AND ADJUSTMENT OF SUPERANNUATION ALLOWANCE) REGULATIONS, 1939, DATED JANUARY 21ST, 1939, MADE BY THE MINISTER OF HEALTH UNDER SECTION 31 (2) OF THE LOCAL GOVERNMENT SUPERANNUATION ACT, 1937.

The Minister of Health, in exercise of the powers conferred on him by subsection (2) of section 31 of the Local Government Superannuation Act, 1937, and of all other powers enabling him in that behalf, hereby makes the following Regulations.

Short Title.

1. These Regulations may be cited as the Local Government Superannuation (Reduction and Adjustment of Superannuation Allowance) Regulations, 1939.

Interpretation.

2. The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3. In these Regulations the expression " the Act " means the Local Government Superannuation Act, 1937.

Reduction of superannuation allowance during re-employment.

4. A person entitled to any such superannuation allowance or allowances as are mentioned in subsection (1) of section 31 of the Act (*a*) shall not be entitled to receive in respect of any period during which he is employed by any local authority any greater sum in respect of superannuation allowance than the amount, if any, by which the emoluments of his employment for that period fall short of the remuneration of the employment or employments in relation to which he became entitled to the allowance or allowances, computed for a period of the same length, and the allowance or allowances shall be reduced accordingly, and in proportion, where there are two or more allowances, to the amounts thereof respectively:

Provided that if, concurrently with any employment or employments in relation to which he became entitled to such an allowance or allowances as aforesaid, he held any other employment under any local authority in relation to which he did not become entitled to such an allowance as aforesaid, then if either—

(*a*) he continues to hold that other employment; or

(*b*) he ceases to hold that other employment on or after the date on which he became entitled to the allowance or allowances and takes up a new employment under any local authority without having become in relation to that other employment entitled to such a superannuation allowance as aforesaid;

the allowance or allowances shall not be reduced by virtue of the foregoing provisions of this Article in relation to the emoluments of—

(i) that other employment; or

(ii) any new employment which he so takes up as aforesaid;

except to the extent, if any, by which the aggregate of the allowance or allowances and the emoluments of that other employment or the new employment, as the case may be, exceeds the aggregate of the remuneration of the employment or employments in relation to which he became entitled to the allowance or allowances and the emoluments of that other employment immediately before the date on which he became entitled to the allowance or allowances.

Adjustment of superannuation rights on cesser of further employment of employee entitled to superannuation allowance.

5.—(1) If any person entitled to any such superannuation allowance or allowances as are mentioned in subsection (1) of section 31 of the Act is re-employed by any local authority and is in his new employment a contributory employee or a local Act

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contributor, then, on his ceasing to hold that employment, the service in respect of which he became entitled to such allowance or allowances as aforesaid shall be reckoned as service for the purpose of ascertaining whether he is qualified for any superannuation allowance in respect of the new employment under Part I of the Act or under the local Act scheme and, if he is so qualified, he shall be entitled to receive at his option either that allowance in addition to the allowance or allowances to which he had already become entitled or alternatively a superannuation allowance calculated under Part I of the Act or under the local Act scheme, as the case may require, by reference both to service in his new employment and to the service taken into account in the calculation of the allowance or allowances aforesaid and by reference to the annual average of the remuneration or emoluments received by him in respect of such service rendered during the five years immediately preceding the day on which he ceased to hold his new employment:

Provided that—

(*a*) if any allowance to which he had already become entitled was an annuity calculated at the rate of one-eightieth of emoluments in respect of each year of service taken into account, together with a lump sum payment, then the allowance which he may elect to receive in respect of the whole of his service under the foregoing provisions shall be calculated in the same manner and the amount of the lump sum payment receivable by him shall be reduced by the amount of the lump sum payment received by him as part of the allowance to which he became entitled as aforesaid;

(*b*) in any other case, the allowance which he may elect to receive in respect of the whole of his service under the foregoing provisions shall be calculated in the manner prescribed by section 8 of the Act so, nevertheless, that any service which for the purpose of calculating the allowance to which he became entitled as aforesaid was reckoned at a fraction of remuneration larger than one one-hundred-and-twentieth but less than one-sixtieth in respect of each year of such service shall be reckoned for the purpose of calculating the allowance which he may elect to receive under the foregoing provisions as contributing service of such proportion only of the actual length of the service aforesaid as is obtained by multiplying the number of years of such service by sixty and dividing it by the denominator of the fraction at which that service was reckoned as aforesaid.

(2) Any superannuation allowance payable under this Article shall be paid in the case of a contributory employee out of the appropriate superannuation fund and in the case of a local Act contributor out of the superannuation fund maintained by the local Act authority.

(3) If a person to whom this Article applies elects to receive a superannuation allowance calculated by reference to the whole of his service under local authorities in manner provided by this Article any such superannuation allowance as aforesaid to which he has already become entitled shall cease to be paid and if, in relation to that allowance, he has taken advantage of the provisions of section 9 of the Act, no title to any pension shall accrue by reason thereof.

(4) If a person to whom this Article applies elects to receive such a superannuation allowance as is mentioned in the last-preceding paragraph and was in his new employment an employee of a different authority from the authority whose employment he ceased to hold on previously becoming entitled to any such superannuation allowance as is mentioned in subsection (1) of section 31 of the Act, then, unless the superannuation fund concerned is the same in the case of both employments—

(*a*) the authority maintaining the fund out of which the said allowance was payable shall in lieu thereof pay annually from that fund to the superannuation fund out of which the allowance which he has elected to receive is payable, by way of contribution towards that allowance so long as that allowance is payable, an amount equal to the annual amount of the allowance previously payable to him:

Provided that if, in relation to the last-mentioned allowance, he has taken advantage of the provisions of section 9 of the Act, the amount of the annual contribution to be made shall be the annual amount of the allowance which

would have previously been payable to him had he not taken advantage of those provisions; and

(*b*) upon the death of the person in the circumstances mentioned in paragraph (*b*) of subsection (3) of section 10 of the Act, the sum payable to his legal personal representatives under the provisions of the said subsection shall be apportioned between the authorities maintaining the superannuation funds concerned in such manner as may be agreed or, in default of agreement, determined by the Minister.

Given under the official seal of the Minister of Health this twenty-first day of January, nineteen hundred and thirty-nine.

(L.S.)

F. SLATOR,
Assistant Secretary,
Ministry of Health.

S. R. & O., 1939, No. 54.

THE LOCAL GOVERNMENT SUPERANNUATION (SUM IN LIEU OF TRANSFER VALUE) REGULATIONS, 1939, DATED JANUARY 21ST, 1939, MADE BY THE MINISTER OF HEALTH UNDER SECTION 12 (4) OF THE LOCAL GOVERNMENT SUPERANNUATION ACT, 1937.

The Minister of Health, in exercise of the powers conferred on him by subsection (4) of section 12 of the Local Government Superannuation Act, 1937 (*a*), and of all other powers enabling him in that behalf, hereby makes the following Regulations.

1. These Regulations may be cited as the Local Government Superannuation (Sum in Lieu of Transfer Value) Regulations, 1939.

2.—(1) The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(2) In these Regulations the expression "the Act" means the Local Government Superannuation Act, 1937.

3. These Regulations apply in relation to a person (hereinafter referred to as "the employee") who became a contributory employee on the appointed day and who immediately before that day was a designated employee paying by instalments a sum in lieu of transfer value pursuant to the provisions of subsection (2) of section 8 of the Act of 1922.

4. Subject as hereinafter provided, the service of the employee by reference to which the sum in lieu of transfer value which was payable by him was ascertained shall be taken into account for the purposes of section 12 of the Act (*a*) as non-contributing service:

Provided that if before he became a contributory employee he had paid all sums which had accrued due from him before the appointed day under the agreement by virtue of which he was paying by instalments the sum in lieu of transfer value, then, to the extent that the aggregate amount so paid by him, after deduction therefrom of any sum or sums included therein which represent the payment of interest by the employee, would, if it were paid, pursuant to the Regulations made by the Minister under proviso (ii) to section 8 (2) (*b*) of the Act and for the time being in force, by reference to the salary or wages of the employment in relation to which he became a contributory employee and to his age on the appointed day, enable him to receive a superannuation allowance calculated at the rate of one-sixtieth of such salary or wages in respect of each year of service, the whole number, or such lesser number as is requisite, of completed years of the service by reference to which the sum in lieu of transfer value was ascertained shall be reckonable as contributing service.

Given under the official seal of the Minister of Health this twenty-first day of January, nineteen hundred and thirty-nine.

(L.S.)

F. SLATOR,
Assistant Secretary,
Ministry of Health.

(*a*) *Ante*, p. 2073.

SUPER-ANNUATION

S. R. & O., 1939, No. 55.

THE LOCAL GOVERNMENT SUPERANNUATION (RECKONING OF SERVICE ON TRANSFER) REGULATIONS, 1939, DATED JANUARY 21ST, 1939, MADE BY THE MINISTER OF HEALTH UNDER SECTION 13 (1) (*b*) OF THE LOCAL GOVERNMENT SUPERANNUATION ACT, 1937.

The Minister of Health, in exercise of the powers conferred on him by section 13 (1) (*b*) of the Local Government Superannuation Act, 1937 (*a*), and of all other powers enabling him in that behalf, hereby makes the following Regulations.

1. These Regulations may be cited as the Local Government Superannuation (Reckoning of Service on Transfer) Regulations, 1939.

2.—(1) The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(2) In these Regulations the expression "the Act" means the Local Government Superannuation Act, 1937.

3. Where a local Act contributor under a local authority ceases to be employed by that authority but within twelve months after so ceasing becomes a contributory employee under another local authority, he shall, subject to the provisions of these Regulations, be entitled to aggregate with any service which he may become entitled to reckon as contributing service in relation to the employment as respect which he becomes such a contributory employee—

(*a*) all service which in relation to his former employment would have been reckonable as service or as a period of contribution for the purpose of calculating his superannuation allowance under the local Act scheme if at the date when he ceased to hold his former employment he had been entitled to a superannuation allowance thereunder; and

(*b*) all (if any) other previous service:

Provided that for all purposes of the Act other than those relating to eligibility for superannuation allowance account shall be taken of such service as is mentioned in sub-paragraph (*b*) of this paragraph as if the period of that service had been one-half its actual length.

4. If in relation to part (hereinafter referred to as the said service of any such previous service as is mentioned in paragraph (*a*) of the last preceding Article the employee pursuant to the provisions of the local Act scheme had been discharging but had not fully discharged a liability subsisting at the date when he ceased to hold his former employment to pay a sum by instalments to the superannuation fund maintained by the local Act authority as a condition of being entitled to reckon the said service for any of the purposes of the local Act scheme, then, for all purposes of the Act other than those relating to eligibility for superannuation allowance—

(*a*) account shall be taken of the said service as if the period thereof had been one-half its actual length; and

(*b*) to the extent that one-half the aggregate amount paid on account of the sum due in discharge of the liability aforesaid would, if it were paid, pursuant to the Regulations (*b*) made by the Minister under proviso (ii) to section 8 (2) (*b*) of the Act and for the time being in force, in relation to the emoluments of his former employment at the date when he ceased to hold that employment and to his age at such date, enable him to receive a superannuation allowance calculated at the rate of one-sixtieth of such emoluments in respect of each year of service, account shall also be taken of the remaining half of the actual length of the said service.

5. If in relation to part (hereinafter referred to as the said service) of any such previous service as is mentioned in paragraph (*a*) of Article 3 of these Regulations the employee pursuant to the provisions of the local Act scheme would, had he not ceased to hold his former employment, have been under a liability to make payments to the superannuation fund maintained by the local Act authority by way of a con-

(*a*) *Ante*, p. 2075.

(*b*) See the Local Government Superannuation (Additional Contributory Payment) Regulations, 1939 (S. R. & O., 1939, No. 52,), *ante*, p. 3822.

tribution of a percentage of emoluments additional to the percentage payable in respect of current service as a condition of being entitled to reckon the said service for any of the purposes of the local Act scheme, then, for all purposes of the Act other than those relating to eligibility for superannuation allowance, the provisions of paragraphs (*a*) and (*b*) of the last preceding Article shall apply in relation to the said service with the substitution for the reference in paragraph (*b*) to the sum due of a reference to additional percentage contributions.

Given under the official seal of the Minister of Health this twenty-first day of January, nineteen hundred and thirty-nine.

(L.S.)

F. SLATOR,
Assistant Secretary,
Ministry of Health.

S. R. & O., 1939, No. 56.

THE LOCAL GOVERNMENT SUPERANNUATION (MENTAL HOSPITAL, ETC., EMPLOYMENT) REGULATIONS, 1939, DATED JANUARY 21ST, 1939, MADE BY THE MINISTER OF HEALTH UNDER PARAGRAPHS 2 (1) (*a*) AND (*b*), 3 (2) (*a*) AND 4 OF PART V OF THE SECOND SCHEDULE TO THE LOCAL GOVERNMENT SUPERANNUATION ACT, 1937.

The Minister of Health, in exercise of the powers conferred on him by paragraphs 2 (1) (*a*) and (*b*), 3 (2) (*a*) and 4 of Part V of the Second Schedule to the Local Government Superannuation Act, 1937, and of all other powers enabling him in that behalf, hereby makes the following Regulations.

PART I.

INTRODUCTORY.

Short Title.

1. These Regulations may be cited as the Local Government Superannuation (Mental Hospital, etc., Employment) Regulations, 1939.

Interpretation.

2.—(1) The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(2) In these Regulations the following expressions have the respective meanings hereby assigned to them—

"the Act of 1937" means the Local Government Superannuation Act, 1937;

"the Act of 1909" means the Asylums Officers' Superannuation Act, 1909 (*a*), as extended by any subsequent enactment;

"established employee" means an established officer or servant within the meaning of the Act of 1909.

PART II.

ESTABLISHED EMPLOYEE BECOMING CONTRIBUTORY EMPLOYEE OR LOCAL ACT CONTRIBUTOR.

Reckoning of previous service.

3.—(1) A contributory employee to whom paragraph 2 of Part V of the Second Schedule to the Act of 1937 (*b*) applies shall be entitled—

(*a*) to reckon as contributing service in relation to the employment in respect of which he is such a contributory employee all service which immediately before the date on which he ceased to be an established employee would

(*a*) 11 Halsbury's Statutes 152. (*b*) *Ante*, p. 2109.

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have been treated as service for the purpose of computing a superannuation allowance under the Act of 1909;

(*b*) to reckon as non-contributing service in relation to the said employment all other service (if any) rendered by him before the date on which he became a contributory employee.

(2) A local Act contributor to whom paragraph 2 of Part V of the Second Schedule to the Act of 1937 applies shall be entitled to reckon as service for the purposes of the local Act scheme—

(*a*) all service rendered by him as an established employee before the date on which he ceased to be employed as such which immediately before that date would have been treated as service for the purpose of computing a superannuation allowance under the Act of 1909;

(*b*) all (if any) other previous service:

Provided that for all purposes of the scheme other than those relating to eligibility for superannuation allowance account shall be taken of such service as is mentioned in sub-paragraph (*b*) of this paragraph as if the period of that service had been one-half its actual length:

Provided also that previous service of which account is taken under the foregoing provisions shall be aggregated with current service of which account is taken pursuant to the provisions of the scheme, and if the service as so calculated includes a fraction of a year and the calculation of the superannuation allowance under the scheme is made by reference to completed years that fraction shall, if it amounts to or exceeds six months, be treated as a year, and in any other case be disregarded.

Contribution towards superannuation allowance.

4.—(1) If a contributory employee or local Act contributor to whom the last preceding Article applies becomes entitled to a superannuation allowance under Part I of the Act of 1937 or under a local Act scheme the annual contribution towards that allowance to be made by the body by which he was employed as an established employee before becoming a contributory employee or local Act contributor shall be an amount equal to the annual amount of the superannuation allowance under the Act of 1909 to which he would have been entitled had he been an officer or servant of the second class and had that Act provided that at the date when he ceased to be an established employee there should be payable to him thereunder an allowance the annual amount of which should be computed by reference to the number of years of service which he had then completed and the amount of his salary or wages and emoluments as an established employee calculated in accordance with the provisions of section 16 of the Act of 1909.

(2) If the fund out of which was paid the salary or wages as an established employee of a person in respect of whose superannuation allowance a contribution calculated as aforesaid becomes payable by the body under which he was an established employee is not the fund out of which superannuation allowances under the Act of 1909 are paid to established employees of that body, the contribution shall be made out of the superannuation or other fund out of which such allowances are paid.

PART III.

CONTRIBUTORY EMPLOYEE, LOCAL ACT CONTRIBUTOR OR DESIGNATED EMPLOYEE BECOMING ESTABLISHED EMPLOYEE.

Reckoning of previous service.

5.—(1) This Article applies to an established employee to whom sub-paragraph (2) of paragraph 3 of Part V of the Second Schedule to the Act of 1937 applies.

(2) An established employee to whom this Article applies by virtue of his having been a contributory employee shall, subject as hereinafter provided, be entitled to aggregate with any service which he may become entitled to reckon for the purposes of the Act of 1909 with the body under whom he first becomes an established employee all service which immediately before the date on which he ceased to be a contributory employee he was entitled to reckon as service for the purposes of the Act of 1937.

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(3) For all purposes of the Act of 1909 other than those relating to eligibility for superannuation allowance the period of any such service by a contributory employee as is mentioned in the last preceding paragraph which was non-contributing service shall—

(*a*) if under the Act of 1937 that service would have been reckonable for the purpose aforesaid at the rate of one one-hundred-and-twentieth of remuneration in respect of each such year of service or at some larger fraction not exceeding one-sixtieth, be reckoned at such proportion only of the actual length of that service as is obtained by multiplying the number of years of such service by sixty and dividing it by the denominator of the fraction at which that service would have been reckonable as aforesaid ;

(*b*) if under the Act of 1937 as amended by any local Act that service would have been reckonable for the purpose aforesaid at the rate of one one-hundred-and-sixtieth of remuneration in respect of each such year of service or at some larger fraction not exceeding one-eightieth, be reckoned at such proportion only of the actual length of that service as is obtained by multiplying the number of years of such service by eighty and dividing it by the denominator of the fraction at which that service would have been reckonable as aforesaid :

Provided that if as a condition of being entitled to reckon any non-contributing service at some fraction of remuneration larger than one one-hundred-and-twentieth or one one-hundred-and-sixtieth, as the case may be, a contributory employee had been discharging but had not fully discharged a liability subsisting when he ceased to be such an employee to pay a sum by instalments to the appropriate superannuation fund, then account shall be taken of the said service as if the period thereof had been one-half its actual length, and to the extent that one-half of the aggregate amount paid on account of the sum due in discharge of the liability aforesaid would, if it were paid, pursuant to the Regulations made by the Minister under proviso (ii) to section 8 (2) (*b*) of the Act of 1937 and for the time being in force, in relation to his remuneration at the date when he ceased to be a contributory employee and to his age at such date, enable him to receive a superannuation allowance calculated at the rate of one-sixtieth of such remuneration in respect of each year of service, account shall also be taken of the remaining half of the actual length of the said service :

Provided nevertheless that if on ceasing to be employed as an established employee a person to whom any of the preceding provisions of this Article have been applicable is an officer or servant of the first class the period of any previous service which is taken into account in accordance with the preceding provisions of this Article for the purpose of calculating any superannuation allowance to which he may be entitled shall be reckoned as if that period were reduced by one-sixth.

(4) An established employee to whom this Article applies, by virtue of his having been a local Act contributor shall, subject as hereinafter provided, be entitled to aggregate with any service which he may become entitled to reckon for the purposes of the Act of 1909 with the body under whom he first becomes an established employee all service which immediately before he ceased to be a local Act contributor he was entitled to reckon as service or as a period of contribution for the purposes of the local Act scheme :

Provided that if part (hereinafter referred to as the said service) of any such service as aforesaid was service in relation to which the established employee, before he ceased to be a local Act contributor, had been discharging but had not fully discharged a liability to pay a sum by instalments to the superannuation fund maintained by the local Act authority, or had been under a liability to make payments to that fund by way of a contribution of a percentage of emoluments additional to the percentage payable in respect of current service, as a condition of being entitled to reckon the said service for the purposes of the local Act scheme, then, for all purposes of the Act of 1909 other than those relating to eligibility for superannuation allowance, account shall be taken of the said service only to the extent that the aggregate amount paid on account of the sum due or of additional percentage contributions in discharge of the liability aforesaid would, if it were paid, pursuant to the Regulations made by the Minister under proviso (ii) to section 8 (2) (*b*) of the Act of 1937 and for the time being in force, in relation to his emoluments at the date when

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he ceased to be a local Act contributor and to his age at such date, enable him to receive a superannuation allowance calculated at the rate of one-sixtieth of such emoluments in respect of each year of service:

Provided nevertheless that if on ceasing to be employed as an established employee a person to whom any of the preceding provisions of this paragraph have been applicable is an officer or servant of the first class the period of any previous service which is taken into account in accordance with the provisions of this paragraph for the purpose of calculating any superannuation allowance to which he may be entitled shall be reckoned as if that period were reduced by one-sixth.

(5) An established employee to whom this Article applies by virtue of his having been a designated employee shall be entitled to aggregate with any service which he may become entitled to reckon for the purposes of the Act of 1909 with the body under whom he first becomes an established employee all service which immediately before the date on which he ceased to be a designated employee he was entitled to reckon as service for the purposes of the Act of 1922 in relation to the post in virtue of which he was such an employee:

Provided that for all purposes of the Act of 1909 other than those relating to eligibility for superannuation allowance—

(*a*) in the case of a person who when he ceases to be employed as an established employee is an officer or servant of the first class, the period of any such service which was contributing service under the Act of 1922 or which was non-contributing service that under the Act of 1922 as amended by any local Act would have been reckonable at the same rate as contributing service for the purpose of calculating his superannuation allowance had he become entitled to one thereunder at the date when he ceased to be a designated employee shall be reckoned as if that service had been five-sixths its actual length;

(*b*) in the case of any established employee, any such service which was non-contributing service under the Act of 1922, not being non-contributing service which would have been reckonable as aforesaid, shall be reckoned as if the period thereof had been one-half its actual length:

Provided nevertheless that if on ceasing to be employed as an established employee a person to whom the provisions of head (*b*) of the foregoing proviso have been applicable is an officer or servant of the first class the period of any previous service which is taken into account in accordance with the preceding provisions of this Article for the purpose of calculating any superannuation allowance to which he may be entitled shall be reckoned as if that period were reduced by one-sixth.

Fund to which transfer value in respect of previous service is to be paid.

6. If the fund out of which the salary or wages of an established employee to whom the last preceding Article applies is paid by the body under which he becomes such an employee is not the fund out of which superannuation allowances under the Act of 1909 are paid to established employees of that body any transfer value payable under paragraph 3 (2) (*b*) of Part V of the Second Schedule to the Act of 1937 shall be paid into the fund out of which such allowances are paid.

Given under the official seal of the Minister of Health this twenty-first day of January, nineteen hundred and thirty-nine.

(L.S.)

F. SLATOR,
Assistant Secretary,
Ministry of Health.

S. R. & O., 1939, No. 57.

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THE LOCAL GOVERNMENT SUPERANNUATION (SERVICE OF REGISTRATION OFFICERS) REGULATIONS, 1939, DATED JANUARY 21ST, 1939, MADE BY THE MINISTER OF HEALTH UNDER PARAGRAPH 2 (*b*) OF PART IV OF THE SECOND SCHEDULE TO THE LOCAL GOVERNMENT SUPERANNUATION ACT, 1937.

The Minister of Health, in exercise of the powers conferred on him by sub-paragraph (*b*) of paragraph 2 of Part IV of the Second Schedule to the Local Government Superannuation Act, 1937 (*a*), and of all other powers enabling him in that behalf, hereby makes the following Regulations.

Short Title.

1. These Regulations may be cited as the Local Government Superannuation (Service of Registration Officers) Regulations, 1939.

Interpretation.

2.—(1) The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(2) In these Regulations the expression " the Act " means the Local Government Superannuation Act, 1937.

Registration Officers first appointed since the 31st day of March, 1930, who in other capacities were transferred poor law employees subject to the Act of 1896.

3.—(1) A registration officer first appointed as such after the thirty-first day of March, 1930, and before the appointed day who—

(*a*) was at the date of such appointment subject to the Act of 1896 in some other capacity and having remained so subject was still so subject immediately before the appointed day; and

(*b*) having been in office as a registration officer immediately before the appointed day became as such a contributory employee on the appointed day;

shall, subject to the provisions of the Act, be entitled to reckon as contributing service in relation to the appointment in respect of which he so became a contributory employee any service rendered by him as a registration officer before the appointed day which immediately before that day would have been treated as service for the purposes of the Act of 1896:

Provided that if he has not made in respect of such service all the contributions which he would have been required to make under the Act of 1896 the provisions of the foregoing paragraph shall not apply in relation to him unless he pays to the appropriate administering authority to be by them credited to the appropriate superannuation fund such a sum as may be necessary to provide such contributions, and any such sum so paid shall be treated for the purposes of the Act as contributions made by him to that fund in relation to the employment in respect of which he so became a contributory employee as aforesaid to that fund.

(2) A registration officer first appointed as such after the thirty-first day of March, 1930, and before the appointed day who, by virtue of a special provision contained in a local Act in force immediately before the appointed day, became as such subject to the Act of 1896 and who being immediately before the appointed day still so subject became a contributory employee on the appointed day shall be entitled, subject to the provisions of the Act, to reckon as contributing service any service rendered by him as a registration officer before the appointed day which immediately before that day would have been treated as service for the purposes of the Act of 1896.

Registration Officers first appointed since the 31st day of March, 1930, who by virtue of local Act provisions were subject to the Act of 1922.

4. A registration officer first appointed as such after the thirty-first day of March, 1930, and before the appointed day who, by virtue of a special provision contained in a local Act in force immediately before the appointed day, became as such subject

(*a*) *Ante*, p. 2109.

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to the Act of 1922 and who being immediately before the appointed day still so subject became a contributory employee on the appointed day shall be entitled, subject to the provisions of the Act—

(*a*) to reckon as contributing service in relation to the appointment in respect of which he became a contributory employee any service rendered by him as a registration officer before the appointed day which immediately before that day would have been treated as contributing service for the purposes of the Act of 1922; and

(*b*) to reckon as non-contributing service in relation to the said appointment all other service (if any) so rendered by him before the appointed day which immediately before that day would not have been treated as contributing service for the purposes of the Act of 1922.

Registration Officers first appointed since the 31st day of March, 1930, who first became subject to provision for superannuation on or after the appointed day.

5.—(1) This Article applies to a registration officer first appointed as such after the thirty-first day of March, 1930, and before the appointed day who—

(*a*) being in office as a registration officer immediately before the appointed day but not having been as such subject to any provision for superannuation became as such officer a contributory employee or local Act contributor on the appointed day; or

(*b*) having ceased to hold office before the appointed day without having become subject to any provision for superannuation became a contributory employee or local Act contributor on re-appointment as a registration officer on or after the appointed day and within twelve months from the date on which he so ceased to hold office.

(2) Subject to the provisions of paragraph (8) of this Article, a registration officer to whom this Article applies, if he gives notice in writing to the employing authority or the local Act authority within one month after the appointed day or (as the case may be) after the date when he was re-appointed a registration officer as aforesaid (hereinafter referred to as "the material date") that he desires that his service as registration officer before the appointed day shall be reckonable as service for the purposes of the Act or the local Act scheme, shall be entitled, subject to the provisions thereof, to reckon such service as contributing service or as service in relation to the appointment in respect of which he became a contributory employee or local Act contributor and shall became liable to make the following payments to the employing authority or the local Act authority, namely—

(*a*) a sum equal to the amount of any additional remuneration received by him from any local authority in respect of any appointment held by him as registration officer before the appointed day on account of the fact that service in that appointment was not reckonable for the purposes of superannuation; and

(*b*) a sum calculated at the rate of five per cent. of the aggregate remuneration received by him in respect of any such appointment as aforesaid after deduction therefrom of any such additional remuneration as is mentioned in sub-paragraph (*a*) of this paragraph.

(3) The aggregate amount payable by a registration officer under paragraph (2) of this Article may be paid—

(*a*) in a lump sum forthwith; or

(*b*) partly in a lump sum of not less than one-fifth of such sum forthwith and as to the remainder by such instalments as may be agreed between him and the employing authority or the local Act authority; or

(*c*) wholly by such instalments as aforesaid.

(4) If such aggregate amount is made payable, partly or wholly, by instalments, not less than one-fifth thereof shall be payable within one year after the material date, and the whole of the instalments shall be payable within five years after that date, with interest upon the amount for the time being unpaid, calculated at the rate of three per cent. per annum, with half yearly rests as from the material date.

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(5) If such aggregate amount is payable, partly or wholly, by instalments, then, while any instalment remains to be paid the following provisions shall have effect—

(*a*) if the officer becomes entitled to a superannuation allowance under the Act, or the local Act scheme, a deduction in respect of any amount due may be made from any payment on account of the superannuation allowance;

(*b*) if the officer dies without having become entitled to a superannuation allowance, all liability in respect of the balance of the debt shall cease;

(*c*) if the officer ceases to hold office without having become entitled to a superannuation allowance and is entitled to a return of contributions, then, at the expiration of twelve months he shall cease to be entitled to any rights in respect of payments made by him on account of the debt, except any right to a return of the amount of such payments, and his liability in respect of the balance of the debt shall cease, unless within that period a transfer value under the Act becomes payable in respect of the officer, in which event the right to receive the balance of the debt shall be deemed to be transferred to the employing authority or the local Act authority whose employment the officer has entered and the officer shall pay to that authority an amount equal to any sum which may have been returned to him in respect of payments made by him on account of the debt.

(6) Any sums paid to the employing authority or the local Act authority by the officer under the foregoing provisions of this Article other than a payment made under sub-paragraph (*a*) of paragraph (2) of this Article shall be paid into the appropriate superannuation fund or the local Act superannuation fund and shall be treated as contributions made by him to that fund in relation to the employment as registration officer in respect of which he is a contributory employee or local Act contributor to that fund.

(7) In the computation, for the purposes of a superannuation allowance payable to the officer under the Act or the local Act scheme, of the remuneration of the officer in respect of such an appointment as is referred to in sub-paragraph (*a*) of paragraph (2) of this Article, account shall not be taken of any additional remuneration received by him in respect of service in that appointment.

(8) If such a registration officer as is mentioned in sub-paragraph (*a*) of paragraph (1) of this Article, being in some other capacity a transferred poor law employee subject to the Act of 1922, had been, and was immediately before the appointed day being, treated in virtue of his appointment as registration officer as being subject to the Act of 1922 by the employing authority in whose employment he became a contributory employee on the appointed day, he shall be entitled, subject to the provisions of the Act, to reckon service in that appointment as contributing service in relation to the appointment in respect of which he became a contributory employee and his contributions to a superannuation fund under the Act of 1922 in respect of the appointment in virtue of which he had been treated as being subject to that Act, shall be treated as contributions duly made by him to the appropriate superannuation fund in relation to the employment in respect of which he became a contributory employee, and

(*a*) if the whole of the contributions required by the Act of 1922 have been made at the rate prescribed by that Act, paragraphs (2) to (7) of this Article shall not apply in relation to him; or

(*b*) if the whole of such contributions have not been made or the contributions made were calculated at a rate less than the rate prescribed by the Act of 1922, the provisions of paragraphs (2) and (7) of this Article shall not apply in relation to him but he shall become liable to pay to the employing authority the difference between the aggregate amount of the contributions made and a sum calculated at the rate of five per cent. of the aggregate remuneration received by him in respect of the appointment in virtue of which he had been treated as being subject to the Act of 1922 and the provisions of paragraphs (3) to (6) of this Article shall, with the necessary modifications, apply in relation to the officer in respect of the amount so payable by him.

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Registration Officers who having been as such transferred poor law employees subject to the Act of 1896 *or the Act of* 1922 *ceased before the appointed day to be so subject.*

6.—(1) Subject to the provisions of paragraph (4) thereof, this Article applies to a registration officer who by virtue of the Local Government Act, 1929, remained subject as a registration officer to the Act of 1896, or became subject as such to the Act of 1922, but ceased before the appointed day to be so subject and who—

(*a*) being in office as a registration officer immediately before the appointed day but not having become as such subject to any provision for superannuation became as such officer a contributory employee on the appointed day; or

(*b*) becomes a contributory employee on re-appointment as a registration officer on or after the appointed day and within twelve months from the date on which he so ceased to be subject to the Act of 1896 or the Act of 1922 and without having in the interval become subject as a registration officer to any provision for superannuation.

(2) A registration officer to whom this Article applies, if he gives notice in writing to the employing authority within one month after the appointed day or, as the case may be, after the date when he is re-appointed a registration officer as aforesaid that he desires that his service as registration officer before the appointed day shall be reckonable as service for the purposes of the Act, shall be entitled, subject to the provisions of the Act, to reckon such service as contributing service in relation to the employment in respect of which he became a contributory employee and shall become liable to make the following payments to the employing authority, namely—

(*a*) a sum equal to the amount of any additional remuneration received by him from any local authority in respect of any appointment held by him as registration officer before the appointed day on account of the fact that service in that appointment was not reckonable for the purposes of superannuation; and

(*b*) a sum equal to the same percentage of the aggregate remuneration received by him in respect of any such appointment as aforesaid, after deduction therefrom of any such additional remuneration as is mentioned in subparagraph (*a*) of this paragraph, as the percentage of his remuneration which he was required to contribute while he was subject to the Act of 1896 or the Act of 1922, as the case may be.

(3) The provisions of paragraphs (3) to (7) of the last preceding Article shall, with the necessary modifications, apply in relation to a registration officer to whom this Article applies.

(4) This Article shall not apply in relation to a registration officer who on the date when he first became a contributory employee was as such officer a person to whom paragraph 9 of Part I of the Second Schedule to the Act applies, unless he makes the payment thereby prescribed.

Given under the official seal of the Minister of Health this twenty-first day of January, nineteen hundred and thirty-nine.

(L.S.)

F. SLATOR,
Assistant Secretary,
Ministry of Health.

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County Councils.
County Borough Councils.
Metropolitan Borough Councils.
County District Councils.
Joint Boards and Catchment Boards.
Assessment Committees.
Joint Committees.

MINISTRY OF HEALTH,
HOBART HOUSE,
GROSVENOR PLACE, S.W.1.
21*st March*, 1939.

LOCAL GOVERNMENT SUPERANNUATION ACT, 1937—LOCAL GOVERNMENT SUPERANNUATION (ENGLAND AND SCOTLAND) REGULATIONS, 1939.

SIR,—I am directed by the Minister of Health to enclose a copy of Regulations made by the Secretary of State and the Minister under section 38 of the above-mentioned Act and section 36 of the Local Government Superannuation (Scotland) Act, 1937, which will have effect in England and Wales as provisional rules (*a*).

These Regulations deal with the reckoning of previous service of an employee who transfers from the employment of a local authority in England to the employment of a local authority in Scotland and vice versa.

An additional copy of this Circular and of the Regulations is enclosed for the information of the Chief Financial Officer and further copies may be purchased from any bookseller or directly from His Majesty's Stationery Office at the addresses shown below.

I am Sir,
Your obedient Servant,
A. W. NEVILLE,
Assistant Secretary.

The Clerk to the Authority.

P. & S. R. & O., 1939, No. 283 S/26.

THE LOCAL GOVERNMENT SUPERANNUATION (ENGLAND AND SCOTLAND) REGULATIONS, 1939, DATED MARCH 8TH, 1939, MADE BY THE SECRETARY OF STATE AND THE MINISTER OF HEALTH UNDER SECTION 38 OF THE LOCAL GOVERNMENT SUPERANNUATION ACT, 1937, AND SECTION 36 OF THE LOCAL GOVERNMENT SUPERANNUATION (SCOTLAND) ACT, 1937.

The Secretary of State and the Minister of Health, acting jointly, hereby certify under section 2 of the Rules Publication Act, 1893, that on account of urgency the following Regulations should come into immediate operation, and, in exercise of the powers conferred on them by section 38 of the Local Government Superannuation Act, 1937 (*b*), and section 36 of the Local Government Superannuation (Scotland) Act, 1937, and of all other powers enabling them in that behalf, hereby make the following Regulations to come into operation forthwith as provisional rules in England and as statutory rules in Scotland.

PART I.

GENERAL.

Short Title.

1. These Regulations may be cited as the Local Government Superannuation (England and Scotland) Regulations, 1939.

(*a*) These regulations had not at the date of going to press been made substantive.
(*b*) *Ante*, p. 2093.

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Interpretation.

2.—(1) The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(2) In these Regulations the following expressions have the respective meanings hereby assigned to them—

"the English Act" means the Local Government Superannuation Act 1937;

"the Scottish Act" means the Local Government Superannuation (Scotland) Act, 1937;

"English contributory employee" means a contributory employee within the meaning of the English Act, "Scottish contributory employee" means a contributory employee within the meaning of the Scottish Act, and "English" or "Scottish," as the case may be, in relation to the expressions "designated employee" "local Act authority" "local Act contributor" "local authority" and other expressions similarly used have corresponding meanings;

"the appointed day" means in Part II of these Regulations the first day of April, 1939, and in Part III thereof the 16th day of May, 1939.

(3) Subject as aforesaid, references in these Regulations applicable in relation to a person in the employment of a local authority at a point of time when that person is or was serving in England shall, save as otherwise provided and unless the context otherwise requires, be construed in conformity with the provisions of the English Act, and a similar construction in relation to the Scottish Act shall be adopted in respect of references applicable in relation to a person in the employment of a local authority at a point of time when that person is or was serving in Scotland.

PART II.

RIGHTS AND LIABILITIES OF EMPLOYEES OF LOCAL AUTHORITIES SERVING IN SCOTLAND AFTER SERVICE IN ENGLAND, AND OF THE ENGLISH AND SCOTTISH LOCAL AUTHORITIES CONCERNED.

Reckoning of previous service.

3.—(1) Subject to the provisions of paragraph (6) thereof, this Article applies to—

(*a*) an English contributory employee or an English local Act contributor who ceases to be such an employee or contributor but within twelve months after so ceasing becomes a Scottish contributory employee or a Scottish local Act contributor; and

(*b*) an English designated employee who ceased before the appointed day to hold his employment under an English local authority and has not become an English contributory employee or English local Act contributor but who, within twelve months after so ceasing, becomes a Scottish contributory employee.

(2) If a person to whom this Article applies was an English contributory employee and is a Scottish contributory employee he shall be entitled to reckon as contributing service under the Scottish Act all service which in relation to his English employment he was entitled to reckon as contributing service under the English Act immediately before he ceased to hold that employment.

(3) If a person to whom this Article applies was an English local Act contributor and is a Scottish contributory employee he shall, in respect of the reckoning of previous service, enjoy rights and be subject to liabilities similar to those respectively conferred and imposed in relation to a Scottish local Act contributor who becomes a Scottish contributory employee by any Regulations made under section 13 (1) (*b*) of the Scottish Act and for the time being in force, and those Regulations shall apply accordingly with the necessary modifications.

(4) If a person to whom this Article applies was an English contributory employee or an English local Act contributor and is a Scottish local Act contributor he shall, in respect of the reckoning of previous service, enjoy rights and be subject to liabilities

similar to those respectively conferred and imposed, in relation to a Scottish contributory employee or a Scottish local Act contributor under a Scottish local authority who ceases to be such and becomes a Scottish local Act contributor under the Scottish local Act authority whose employment the person has entered, by the scheme made by that Scottish local Act authority under section 22 of the Scottish Act and for the time being in force, and that scheme shall apply accordingly, with the necessary modifications.

(5) If a person to whom this Article applies was an English designated employee and is a Scottish contributory employee he shall, in respect of the reckoning of previous service, enjoy rights and be subject to liabilities similar to those which he would have enjoyed and to which he would have been subject respectively had he been a Scottish designated employee in whose case the provisions of subsections (1) and (2) of section 33 of the Scottish Act have effect.

(6) This Article shall not apply in relation to any employee unless within three months of entering upon his new employment he informs the Scottish local authority whose employment he has entered that he has previously served in the employment of an English local authority, and unless on becoming a contributory employee or local Act contributor he pays to the authority maintaining the superannuation fund relating to the employment in respect of which he is such employee or contributor an amount equal to any sum which, on his ceasing to hold his employment under the English local authority, was paid to him by way of a return, whether with or without interest, of such contributions to or additional contributory payment into a superannuation fund as are mentioned in subsection (5) of section 10 of the English Act or of moneys which pursuant to any Regulations for the time being in force under that Act were treated as such contributions as aforesaid.

Payment of Transfer Values.

4. Where a person who was an English contributory employee or an English local Act contributor or an English designated employee has become a Scottish contributory employee or a Scottish local Act contributor in such circumstances that the last preceding Article is applicable in relation to him, a transfer value calculated in the manner prescribed by any Regulations for the time being in force under subsection (1) of section 24 of the Scottish Act or under subsections (1) and (2) of section 33 of that Act, as the case may require, shall be payable, as if the person had previously been a Scottish contributory employee or a Scottish local Act contributor, by the English local authority maintaining the superannuation fund out of which a transfer value would have been payable, had the employee become an English contributory employee or an English local Act contributor, to the Scottish local authority maintaining the superannuation fund relating to the employment which he has entered, to be by them paid into that fund, and the Regulations aforesaid shall apply accordingly, with the necessary modifications.

Contributions of certain employees.

5.—(1) In the case of a Scottish contributory employee or Scottish local Act contributor to whom Article 3 of these Regulations applies and who, had he become an English contributory employee or an English local Act contributor by virtue of the employment in respect of which he is a Scottish contributory employee or Scottish local Act contributor, would, by virtue of section 6 (1) (*a*) of the English Act or of any of the provisions of Part I of the Second Schedule to that Act or of such provisions contained in schemes made by English local Act authorities under subsection (1) of section 26 of the English Act as are mentioned in paragraph (*b*) of that subsection, have been required to contribute to the superannuation fund relating to his employment an amount not exceeding five per cent. of the remuneration or the emoluments of his employment, the percentage of the remuneration or emoluments of his Scottish employment which shall be payable by way of contribution to the superannuation fund relating to that employment shall be five per cent.:

Provided that in the case of a Scottish local Act contributor subject to a local Act scheme under which the percentage contribution payable is less than five per cent., the percentage contribution payable shall be such smaller percentage contribution.

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(2) A Scottish contributory employee to whom Article 3 of these Regulatio applies shall not be required to make any contribution to the Scottish appropria superannuation fund if, had he become an English contributory employee by virt of the employment in respect of which he is a Scottish contributory employee, would have been exempted from liability to contribute to the English appropria superannuation fund by virtue of the proviso to subsection (1) of section 6 of t English Act.

Return of contributions.

6.—(1) For the purposes of section 10 of the Scottish Act references to the aggr gate amount of an employee's contributions to a superannuation fund in su section (5) thereof, in relation to a person to whom Article 3 applies, shall be deem to include references to any such contributions or additional contributory payme paid or made by him to a superannuation fund as are mentioned in subsection (of section 10 of the English Act, and to moneys paid by him under any Regulatio for the time being in force under the English Act which pursuant thereto are to treated as such contributions as aforesaid.

(2) For the purposes of subsection (1) of section 12 of the Scottish Act the referen to contributions under the Scottish Act in the proviso thereto, in relation to such person as aforesaid, shall be deemed to include a reference to contributions under t English Act.

Teachers.

7. If any Scottish contributory employee to whom Article 3 of these Regulatio applies had been entitled as an English contributory employee to reckon und section 17 of the English Act any such service as is mentioned in that section, th service shall be deemed to be service to which section 15 of the Scottish Act appli as if in relation to that service—

(*a*) references therein to the Teachers Acts as therein defined or to the Teache Acts and Superannuation Scheme framed in pursuance thereof we references to the Teachers Acts as defined in the English Act ;

(*b*) there were substituted for the words " if any period which, in order to avo duplicate pensions, has not been reckoned as service for the purpose calculating his retiring allowance, had been so reckoned " the words " b for any deduction made by the Board of Education under section seven the Teachers (Superannuation) Act, 1925 " (*a*) ; and

(*c*) the provisions of subsection (2) of section 17 of the English Act formed pa of section 15 of the Scottish Act, with the substitution for the words " suc a contributory employee as is mentioned in the preceding subsection " of th words " a contributory employee who before becoming such an employe had been a person entitled to the benefit of subsection (1) of section 17 the Local Government Superannuation Act, 1937."

Female nurses, midwives and health visitors.

8. If any Scottish contributory employee to whom Article 3 of these Regulatio applies is a female nurse, midwife or health visitor who had been in a similar capacit an English contributory employee to whom section 16 of the English Act did nc apply, she shall be deemed for the purposes of the Scottish Act to be a person to whoi section 16 thereof does not apply.

Persons entering or leaving employment as mental hospital employees.

9. If—

(*a*) an English mental hospital employee ceases to be employed as such or s ceased before the appointed day ; or

(*b*) an English contributory employee or an English local Act contributor und an English local authority ceases to be employed as such by them ;

(*c*) an English designated employee ceased before the appointed day to h subject to the Act of 1922 ;

(*a*) 7 Halsbury's Statutes 324.

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but, on or after the appointed day and within twelve months after so ceasing, is employed by any Scottish body in such circumstances that, had the Scottish body been an English body, any of the provisions of Part V of the Second Schedule to the English Act would have had effect with respect to him, the English body shall be deemed to be a Scottish body for the purposes of the application in relation to him and the Scottish and English bodies concerned of the provisions of the Second Schedule to the Scottish Act and any Regulations made thereunder and from time to time in force.

Whole-time officers appointed in a temporary capacity.

10.—(1) An English contributory employee or an English local Act contributor who ceases to be employed as such and becomes such a whole-time officer of such a Scottish authority as is mentioned in subsection (1) of section 25 of the Scottish Act shall be deemed to have been a Scottish contributory employee or a Scottish local Act contributor for the purpose of the application in relation to him of the proviso to that subsection.

(2) Where such a whole-time officer of a Scottish local authority as is mentioned in subsection (2) of section 25 of the Scottish Act has on or after the appointed day been in the employment of any English authority specified in Part I of the First Schedule to the English Act, that authority shall be deemed to be an authority specified in Part I of the First Schedule to the Scottish Act for the purpose of the application in relation to him of that subsection.

(3) If such a whole-time officer of an English local authority as is mentioned in subsection (3) of section 30 of the English Act ceases to be employed by them on or after the appointed day, and within twelve months after so ceasing becomes a whole-time officer of an authority specified in Part I of the First Schedule to the Scottish Act but by virtue of subsection (1) of section 25 of the Scottish Act does not becomes a contributory employee or local Act contributor, then, if at that time or later he becomes, by virtue of subsection (2) of the said section or otherwise, a contributory employee or local Act contributor under that Scottish authority, such a transfer value as is mentioned in subsection (3) of the said section shall be payable in manner thereby prescribed as if the English authority had been a Scottish authority.

Regulations under proviso (ii) *to section* 8 (2) (*b*) *of the English Act.*

11.—(1) Where an English contributory employee who is in course of paying a sum by instalments under the Regulations made under proviso (ii) to section 8 (2) (*b*) of the English Act ceases to hold his employment and becomes a Scottish contributory employee in such circumstances that if the employment he holds were an English employment the provisions of paragraph 3 (*d*) of Article 4 of those Regulations would become applicable in relation to him, the corresponding provisions of the Regulations made under proviso (ii) to section 8 (2) (*b*) of the Scottish Act and for the time being in force shall apply in relation to him and to the Scottish employing authority as if he had previously been a Scottish contributory employee paying a sum by instalments under those Regulations.

(2) Where an English contributory employee who is in course of paying such a sum by instalments as is mentioned in the preceding paragraph ceases to hold his employment and becomes a Scottish local Act contributor, the provisions of the scheme made under section 22 of the Scottish Act by the Scottish local Act authority whose employment he has entered and for the time being in force relating to the reckoning of previous service by reference to the aggregate amount paid on account of a sum payable by instalments under Regulations made under proviso (ii) to section 8 (2) (*b*) of the Scottish Act by a person who having been a Scottish contributory employee has become subject to the local Act scheme administered by that Scottish local Act authority shall apply as if the scheme contained a similar provison in relation to such English contributory employee as aforesaid in terms applicable to the Regulations made under proviso (ii) to section 8 (2) (*b*) of the English Act.

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Service in Scotland after teaching service in England.

12. If a person who leaves the employment of an English local authority enters the employment of a Scottish local authority and then or subsequently becomes a Scottish contributory employee, whether by virtue of the Scottish Act or of that Act and these Regulations, in such circumstances that had he become an English contributory employee he would have been entitled to the benefit of subsection (1) of section 17 of the English Act in regard to the reckoning of such service as is mentioned in that subsection, Article 7 of these Regulations shall apply to him in respect of that service as it applies to a Scottish contributory employee to whom Article 3 of these Regulations applies.

Reduction of allowance during re-employment and adjustment of rights thereafter.

13.—(1) If a person entitled to a superannuation allowance under Part I of the English Act (other than an allowance payable to him in respect of service rendered whether in England or in Scotland as a designated employee and a contributory employee for a period of years during no part of which was he for a continuous period of more than twelve months not a contributory employee or local Act contributor in either country or subject to the Act of 1922) proposes to accept further employment with any Scottish local authority, he shall inform the authority that he is so entitled and, if he enters their employment, shall forthwith give notice in writing that he is so employed to the authority from whom he receives the allowance.

(2) In any such case as aforesaid the superannuation allowance shall be deemed to be an allowance to which subsection (2) of section 26 of the Scottish Act applies and any Regulations made thereunder shall apply accordingly as if references to a local authority or an authority included references to an English local authority or an English authority respectively, and as if references to any provision of the Scottish Act included references to the corresponding provision of the English Act.

PART III.

RIGHTS AND LIABILITIES OF EMPLOYEES OF LOCAL AUTHORITIES SERVING IN ENGLAND AFTER SERVICE IN SCOTLAND AND OF THE SCOTTISH AND ENGLISH LOCAL AUTHORITIES CONCERNED.

Reckoning of previous service.

14.—(1) Subject to the provisions of paragraph (6) thereof, this Article applies to—

(*a*) a Scottish contributory employee or a Scottish local Act contributor who ceases to be such an employee or contributor but within twelve months after so ceasing becomes an English contributory employee or an English local Act contributor; and

(*b*) a Scottish designated employee who ceased before the appointed day to hold his employment under a Scottish local authority and has not become a Scottish contributory employee or Scottish local Act contributor but who, within twelve months after so ceasing, becomes an English contributory employee.

(2) If a person to whom this Article applies was a Scottish contributory employee and is an English contributory employee he shall be entitled to reckon as contributing service under the English Act all service which in relation to his Scottish employment he was entitled to reckon as contributing service under the Scottish Act immediately before he ceased to hold that employment.

(3) If a person to whom this Article applies was a Scottish local Act contributor and is an English contributory employee he shall, in respect of the reckoning of previous service, enjoy rights and be subject to liabilities similar to those respectively conferred and imposed in relation to an English local Act contributor who becomes an English contributory employee by any Regulations made under section 13 (1) (*b*) of the English Act and for the time being in force, and those Regulations shall apply accordingly with the necessary modifications.

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(4) If a person to whom this Article applies was a Scottish contributory employee or a Scottish local Act contributor and is an English local Act contributor he shall, in respect of the reckoning of previous service, enjoy rights and be subject to liabilities similar to those respectively conferred and imposed, in relation to an English contributory employee or an English local Act contributor under an English local authority who ceases to be such and becomes an English local Act contributor under the English local Act authority whose enployment the person has entered, by the scheme made by that English local Act authority under section 26 of the English Act and for the time being in force, and that scheme shall apply accordingly, with the necessary modifications.

(5) If a person to whom this Article applies was a Scottish designated employee and is an English contributory employee he shall, in respect of the reckoning of previous service, enjoy rights and be subject to liabilities similar to those which he would have enjoyed and to which he would have been subject respectively had he been an English designated employee in whose case the provisions of subsections (1) and (2) of section 39 of the English Act have effect.

(6) This Article shall not apply in relation to any employee unless within three months of entering upon his new employment he informs the English local authority whose employment he has entered that he has previously served in the employment of a Scottish local authority, and unless on becoming a contributory employee or local Act contributor he pays to the authority maintaining the superannuation fund relating to the employment in respect of which he is such employee or contributor an amount equal to any sum which, on his ceasing to hold his employment under the Scottish local authority, was paid to him by way of a return, whether with or without interest, of such contributions to or additional contributory payment into a superannuation fund as are mentioned in subsection (5) of section 10 of the Scottish Act or of moneys which pursuant to any Regulations for the time being in force under that Act were treated as such contributions as aforesaid.

Payment of Transfer Values.

15. Where a person who was a Scottish contributory employee or a Scottish local Act contributor or a Scottish designated employee has become an English contributory employee or an English local Act contributor in such circumstances that the last preceding Article is applicable in relation to him, a transfer value calculated in the manner prescribed by any Regulations for the time being in force under subsection (1) of section 29 of the English Act or under subsections (1) and (2) of section 39 of that Act, as the case may require, shall be payable, as if the person had previously been an English contributory employee or an English local Act contributor, by the Scottish local authority maintaining the superannuation fund out of which a transfer value would have been payable, had the employee become a Scottish contributory employee or a Scottish local Act contributor, to the English local authority maintaining the superannuation fund relating to the employment which he has entered, to be by them paid into that fund, and the Regulations aforesaid shall apply accordingly, with the necessary modifications.

Contributions of certain employees.

16.—(1) In the case of an English contributory employee to whom Article 14 of these Regulations applies and who, had he become a Scottish contributory employee by virtue of the employment in respect of which he is an English contributory employee, would, by virtue of section 6 (1) (*a*) of the Scottish Act, have been required to contribute to the superannuation fund relating to his employment an amount equal to five per cent. of the remuneration of his employment, the percentage of the remuneration of his English employment which shall be payable by way of contribution to the superannuation fund relating to that employment shall be the same percentage thereof.

(2) An English contributory employee to whom Article 14 of these Regulations applies shall not be required to make any contribution to the English appropriate superannuation fund if, had he become a Scottish contributory employee by virtue of the employment in respect of which he is an English contributory employee, he would

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have been exempted from liability to contribute to the Scottish appropriate superannuation fund by virtue of the proviso to subsection (1) of section 6 of the Scottish Act.

Return of contributions.

17.—(1) For the purposes of section 10 of the English Act references to the aggregate amount of an employee's contributions to a superannuation fund in subsection (5) thereof, in relation to a person to whom Article 14 applies, shall be deemed to include references to any such contributions or additional contributory payment paid or made by him to a superannuation fund as are mentioned in subsection (5) of section 10 of the Scottish Act, and to moneys paid by him under any Regulations for the time being in force under the Scottish Act which pursuant thereto are to be treated as such contributions as aforesaid.

(2) For the purposes of subsection (1) of section 12 of the English Act the reference to contributions under the English Act in the proviso thereto, in relation to such a person as aforesaid, shall be deemed to include a reference to contributions under the Scottish Act.

Teachers.

18. If any English contributory employee to whom Article 14 of these Regulations applies had been entitled as a Scottish contributory employee to reckon under section 15 of the Scottish Act any such service as is mentioned in that section, that service shall be deemed to be service to which section 17 of the English Act applies as if in relation to that service—

(*a*) references therein to the Teachers Acts as therein defined were references to the Teachers Acts as defined in the Scottish Act or to the Teachers Acts as defined in the Scottish Act and the Superannuation Scheme framed in pursuance thereof as the case may require;

(*b*) there were substituted for the words "but for any deduction made by the Board of Education under section seven of the Teachers (Superannuation) Act, 1925" the words "if any period which, in order to avoid duplicate pensions, has not been reckoned as service for the purpose of calculating his retiring allowance, had been so reckoned."

Female nurses, midwives and health visitors.

19. If any English contributory employee to whom Article 14 of these Regulations applies is a female nurse, midwife or health visitor who had been in a similar capacity a Scottish contributory employee to whom section 16 of the Scottish Act did not apply, she shall be deemed for the purposes of the English Act to be a person to whom section 16 thereof does not apply.

Persons entering or leaving employment as asylum employees.

20. If—

(*a*) a Scottish asylum employee ceases to be employed as such or so ceased before the appointed day; or

(*b*) a Scottish contributory employee or a Scottish local Act contributor under a Scottish local authority ceases to be employed as such by them; or

(*c*) a Scottish designated employee ceased before the appointed day to be subject to the Act of 1922;

but, on or after the appointed day and within twelve months after so ceasing, is employed by any English body in such circumstances that, had the English body been a Scottish body, any of the provisions of the Second Schedule to the Scottish Act would have had effect with respect to him, the Scottish body shall be deemed to be an English body for the purposes of the application in relation to him and the English and Scottish bodies concerned of the provisions of Part V of the Second Schedule to the English Act and any Regulations made thereunder and from time to time in force.

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Whole-time officers appointed in a temporary capacity.

21.—(1) A Scottish contributory employee or a Scottish local Act contributor who ceases to be employed as such and becomes such a whole-time officer of such an English authority as is mentioned in subsection (1) of section 30 of the English Act shall be deemed to have been an English contributory employee or an English local Act contributor for the purpose of the application in relation to him of the proviso to that subsection.

(2) Where such a whole-time officer of an English local authority as is mentioned in subsection (2) of section 30 of the English Act has on or after the appointed day been in the employment of any Scottish authority specified in Part I of the First Schedule to the Scottish Act, that authority shall be deemed to be an authority specified in Part I of the First Schedule to the English Act for the purpose of the application in relation to him of that subsection.

(3) If such a whole-time officer of a Scottish local authority as is mentioned in subsection (3) of section 25 of the Scottish Act ceases to be employed by them on or after the appointed day, and within twelve months after so ceasing becomes a whole-time officer of an authority specified in Part I of the First Schedule to the English Act but by virtue of subsection (1) of section 30 of the English Act does not become a contributory employee or local Act contributor, then, if at that time or later he becomes, by virtue of subsection (2) of the said section or otherwise, a contributory employee or local Act contributor under that English authority, such a transfer value as is mentioned in subsection (3) of the said section shall be payable in manner thereby prescribed as if the Scottish authority had been an English authority.

Regulations under proviso (ii) *to section* 8 (2) (*b*) *of the Scottish Act.*

22.—(1) Where a Scottish contributory employee who is in course of paying a sum by instalments under the Regulations made under proviso (ii) to section 8 (2) (*b*) of the Scottish Act ceases to hold his employment and becomes an English contributory employee in such circumstances that if the employment he holds were a Scottish employment the provisions of paragraph 3 (*d*) of Article 4 of those Regulations would become applicable in relation to him, the corresponding provisions of the Regulations made under proviso (ii) to section 8 (2) (*b*) of the English Act and for the time being in force shall apply in relation to him and to the English employing authority as if he had previously been an English contributory employee paying a sum by instalments under those Regulations.

(2) Where a Scottish contributory employee who is in course of paying such a sum by instalments as is mentioned in the preceding paragraph ceases to hold his employment and becomes an English local Act contributor, the provisions of the scheme made under section 26 of the English Act by the English local Act authority whose employment he has entered and for the time being in force relating to the reckoning of previous service by reference to the aggregate amount paid on account of a sum payable by instalments under Regulations made under proviso (ii) to section 8 (2) (*b*) of the English Act by a person who having been an English contributory employee has become subject to the local Act scheme administered by that English local Act authority shall apply as if the scheme contained a similar provision in relation to such Scottish contributory employee as aforesaid in terms applicable to the Regulations made under proviso (ii) to section 8 (2) (*b*) of the Scottish Act.

Service in England after teaching service in Scotland.

23. If a person who leaves the employment of a Scottish local authority enters the employment of an English local authority and then or subsequently becomes an English contributory employee, whether by virtue of the English Act or of that Act and these Regulations, in such circumstances that had he become a Scottish contributory employee he would have been entitled to the benefit of section 15 of the Scottish Act in regard to the reckoning of such service as is mentioned in that section, Article 18 of these Regulations shall apply to him in respect of that service as it applies to an English contributory employee to whom Article 14 of these Regulations applies.

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Reduction of allowance during re-employment and adjustment of rights thereafter.

24.—(1) If a person entitled to a superannuation allowance under Part I of the Scottish Act (other than an allowance payable to him in respect of service rendered whether in England or in Scotland as a designated employee and a contributory employee for a period of years during no part of which was he for a continuous period of more than twelve months not a contributory employee or local Act contributor in either country or subject to the Act of 1922), proposes to accept further employment with any English local authority, he shall inform the authority that he is so entitled and, if he enters their employment, shall forthwith give notice in writing that he is so employed to the authority from whom he receives the allowance.

(2) In any such case as aforesaid the superannuation allowance shall be deemed to be an allowance to which subsection (2) of section 31 of the English Act applies and any Regulations made thereunder shall apply accordingly as if references to a local authority or an authority included references to a Scottish local authority or a Scottish authority respectively, and as if references to any provison of the English Act included references to the corresponding provision of the Scottish Act.

PART IV.

SETTLEMENT OF DISPUTES BETWEEN ENGLISH AND SCOTTISH LOCAL AUTHORITIES.

25. Any question which may arise between an English local authority and a Scottish local authority as to the rights and liabilities of either authority under these Regulations in relation to a person in the employment of a local authority within the meaning of the Scottish Act who has previously been in the employment of a local authority within the meaning of the English Act or a person in the employment of a local authority within the meaning of the English Act who has previously been in the employment of a local authority within the meaning of the Scottish Act shall be determined in the former case by the Secretary of State and in the latter case by the Minister of Health.

Given under the seal of the Secretary of State this 8th day of March, nineteen hundred and thirty-nine.

(L.S.)

DAVID MILNE,
Assistant Secretary.

Office of the Secretary of State for Scotland,
Edinburgh.

Given under the official seal of the Minister of Health this eighth day of March, nineteen hundred and thirty-nine.

(L.S.)

A. W. NEVILLE,
Assistant Secretary,
Ministry of Health.

CIRCULAR 1790 S/22.

County Councils.
County Borough Councils.
Metropolitan Borough Councils.
County District Councils.
Joint Boards and Catchment Boards.
Assessment Committees.
Joint Committees.

MINISTRY OF HEALTH,
HOBART HOUSE,
GROSVENOR PLACE, S.W.1.
21*st March*, 1939.

LOCAL GOVERNMENT SUPERANNUATION ACT, 1937.

LOCAL GOVERNMENT SUPERANNUATION (TEACHERS) REGULATIONS, 1939.

SIR,—I am directed by the Minister of Health to forward a copy of provisional Regulations (*a*) made under provisoes (*b*) and (*c*) to subsection (1) of Section 17 of

(*a*) These regulations had not up to the time of going to press been made substantive.

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the Local Government Superannuation Act, 1937. These Regulations prescribe the manner in which certain sums paid or payable under the Teachers (Superannuation) Acts are to be taken into account in computing the deductions to be made in appropriate cases from superannuation allowances under Part I of the Act of 1937.

An additional copy of this Circular and of the Regulations is enclosed for the information of the Chief Financial Officer and further copies may be purchased through any bookseller or directly from His Majesty's Stationery Office at the addresses shown below.

I am, Sir,
Your obedient Servant,
A. W. NEVILLE.
Assistant Secretary.

The Clerk to the Authority.

PROVISIONAL REGULATIONS, DATED MARCH 11TH, 1939, MADE BY THE MINISTER OF HEALTH UNDER PROVISOES (*b*) AND (*c*) TO SUBSECTION (1) OF SECTION 17 OF THE LOCAL GOVERNMENT SUPERANNUATION ACT, 1937.

The Minister of Health hereby certifies under section 2 of the Rules Publication Act, 1893, that on account of urgency the following Regulations should come into immediate operation, and in exercise of the powers conferred on him by provisoes (*b*) and (*c*) to subsection (1) of section 17 of the Local Government Superannuation Act, 1937, and of all other powers enabling him in that behalf, hereby makes the following Regulations to come into operation forthwith as provisional rules:

1. These Regulations may be cited as the Local Government Superannuation (Teachers) Regulations, 1939.

2.—(1) The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(2) In these Regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them—

"the Act of 1937" means the Local Government Superannuation Act, 1937;

"the Teachers Acts" means the Teachers (Superannuation) Acts, 1918 to 1937; and

"superannuation allowance" means superannuation allowance under Part I of the Act of 1937.

3.—(1) In computing the reduction in the amount receivable by any person in any year in respect of superannuation allowance to be made under subsection (1) of section 17 of the Act of 1937 (*a*) in respect of any sum paid or payable at any time under the Teachers Acts which was or is in the nature of a capital payment, or which represents a return of contributions in respect of a period of service which has been reckoned as contributing service in calculating the superannuation allowance, account shall be taken of that sum in manner following, that is to say—

(*a*) the amount of any sum paid under the Teachers Acts on or before the date on which the superannuation allowance is awarded or becoming payable thereunder at any time thereafter which was or is in the nature of a capital payment shall be divided by the factor shown in the Schedule to these Regulations in relation to the class of the person and to his age at the date on which the sum was paid or becomes payable, and the resulting amount shall be treated as a sum receivable by him by virtue of the Teachers Acts in any year;

(*b*) the amount representing any balance of his contributions under the Teachers Acts which he has become entitled to be repaid at the date on which the superannuation allowance is awarded in respect of a period of service

(*a*) *Ante*, p. 2078.

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which has been reckoned as contributing service in calculating the superannuation allowance shall be divided by the factor shown in the Schedule to these Regulations in relation to the class of the person and to his age at the date on which the superannuation allowance is awarded, and the resulting amount shall be treated as a sum receivable by him by virtue of the Teachers Acts in any year;

(*c*) the amount representing any balance of his contributions under the Teachers Acts which he may become entitled to be repaid after the date on which the superannuation allowance is awarded in respect of a period of service which has been reckoned as contributing service in calculating the superannuation allowance shall be divided by the factor shown in the Schedule to these Regulations in relation to the class of the person and to his age at the date on which he so becomes entitled to be repaid that balance of his contributions, and the resulting amount shall be treated as a sum receivable by him by virtue of the Teachers Acts in any year:

Provided that if, after the provisions of either sub-paragraph (*b*) or (*c*) of this paragraph have become applicable in relation to any person, superannuation allowance under the Teachers Acts is granted to him, then—

(i) if the aggregate amount of the deductions made from his superannuation allowance by reason of the previous operation of those provisions is equal to or exceeds the amount granted to him by way of lump sum under the Teachers Acts those provisions shall cease to have any further effect in relation to him, the amount granted to him by way of lump sum under the Teachers Acts shall be deemed not to be a payment in the nature of a capital payment within the meaning of sub-paragraph (*a*) of this paragraph, and the amount, if any, by which the aggregate amount aforesaid exceeds the amount granted by way of lump sum aforesaid shall be divided by the factor shown in the Schedule to these Regulations in relation to the class of the person and to his age at the date on which the superannuation allowance under the Teachers Acts is granted to him and the resulting amount shall be applied in reduction of the deduction to be made in any year under subsection (1) of section 17 of the Act of 1937 in respect of the amount granted to him by way of an annual sum under the Teachers Acts;

(ii) if such aggregate amount as is mentioned in head (i) of this proviso is less than the amount granted to him by way of lump sum under the Teachers Acts such latter amount for the purpose of the application of sub-paragraph (*a*) of this paragraph shall be deemed to be the difference between that amount and such aggregate amount as aforesaid and sub-paragraphs (*b*) and (*c*) of this paragraph shall cease to have any further effect in relation to him.

(2) If, after the provisions of either sub-paragraph (*b*) or (*c*) of the preceding paragraph of this Article have become applicable in relation to any person, a repayment of the amount representing the balance of that person's contributions under the Teachers Acts is made to him, those provisions shall, in respect of the amount so repaid, continue to apply in the same manner as they have previously applied in relation to him for the purpose of computing the reduction to be made in his superannuation allowance in any year under subsection (1) of section 17 of the Act of 1937 and no further account for that purpose shall be taken of that amount.

(4) If a contributory employee in the calculation of whose superannuation allowance account is taken of such service under the Teachers Acts as is mentioned in subsection (1) of section 17 of the Act of 1937 surrenders or has surrendered in accordance with rules made by the Board of Education under subsection (1) of section 1 of the Teachers (Superannuation) Act, 1937, part of the annual sum granted to him by way of superannuation allowance under the Teachers Acts, the annual sum receivable by him in any year by virtue of the Teachers Acts shall for the purposes of subsection (1) of section 17 of the Act of 1937 be deemed to be the annual sum which would have been receivable by him in that year but for the surrender.

SCHEDULE.

Age.	Factor.			
	Men.		Women.	
	A.	B.	A.	B.
Under 60 years	10	—	12·5	—
60 years but under 61 years	10	11·6	12·5	13·4
61 ,, ,, ,, 62 ,,	10	11·2	12·5	13
62 ,, ,, ,, 63 ,,	10	10·8	12·5	
63 ,, ,, ,, 64 ,,	10	10·4	12·1	
64 ,, ,, ,, 65 ,,	10		11·7	
65 ,, ,, ,, 66 ,,	9·7		11·2	
66 ,, ,, ,, 67 ,,	9·3		10·8	
67 ,, ,, ,, 68 ,,	8·9		10·3	
68 ,, ,, ,, 69 ,,	8·5		9·9	
69 ,, ,, ,, 70 ,,	8·1		9·5	
70 ,, ,, ,, 71 ,,	7·7		9	

A. Applicable to pensioners who retired under the provisions of section 8 (1) (a).
B. Applicable to pensioners who retired under the provisions of section 8 (1) (b) or 8 (1) (c).

Given under the official seal of the Minister of Health this eleventh day of March nineteen hundred and thirty-nine.

(L.S.)

A. W. NEVILLE,
Assistant Secretary,
Ministry of Health.

S. R. & O., 1939, No. 329.

THE LOCAL GOVERNMENT SUPERANNUATION (TRANSFER VALUE) REGULATIONS, 1939, DATED MARCH 18TH, 1939, MADE BY THE MINISTER OF HEALTH UNDER SECTIONS 29, 30 (3), 39 (1), (2) AND PARAGRAPH 3 (2) (*b*) OF PART V OF THE SECOND SCHEDULE TO THE LOCAL GOVERNMENT SUPERANNUATION ACT, 1937.

The Minister of Health, in exercise of the powers conferred on him by section 29, subsection (3) of section 30, subsections (1) and (2) of section 39 of and paragraph 3 (2) (*b*) of Part V of the Second Schedule to the Local Government Superannuation Act, 1937, and of all other powers enabling him in that behalf, hereby makes the following Regulations (*a*).

PART I.

GENERAL.

Short Title.

1. These Regulations may be cited as the Local Government Superannuation (Transfer Value) Regulations, 1939.

Interpretation.

2.—(1) The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(2) In these Regulations the expression " the Act " means the Local Government Superannuation Act, 1937.

(*a*) In connection with these regulations, see note (*d*) on s. 29 of the Act of 1937, *ante*, p. 2087.

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PART II.

TRANSFER VALUES UNDER SECTION 29 OF THE ACT.

3.—(1) The transfer value payable under subsection (1) of section 29 of the Act in respect of a person who has ceased to hold one employment under a local authority and has entered one other employment under another local authority shall be calculated in accordance with the provisions contained in the First Schedule to these Regulations.

(2) The transfer value payable under subsection (1) of section 29 of the Act in respect of a person who has ceased to hold one employment and has entered the part time employment of two or more other local authorities shall be calculated in accordance with the provisions contained in the Second Schedule to these Regulations.

(3) The transfer value payable under subsection (2) of section 29 of the Act shall be calculated in accordance with the provisions contained in the Third Schedule to these Regulations.

PART III.

TRANSFER VALUES UNDER SECTION 30 (3) OF THE ACT.

4. The transfer value payable under subsection (3) of section 30 of the Act shall be calculated in accordance with the provisions contained in the Fourth Schedule to these Regulations.

PART IV.

TRANSFER VALUES UNDER SECTION 39 (1) AND (2) OF THE ACT.

5. The transfer value payable under subsections (1) and (2) of section 39 of the Act shall be calculated in accordance with the provisions contained in the Fifth Schedule to these Regulations.

PART V.

TRANSFER VALUES UNDER PARAGRAPH 3 (2) (*b*) OF PART V OF THE SECOND SCHEDULE TO THE ACT.

6. The transfer value payable under paragraph 3 (2) (*b*) of Part V of the Second Schedule to the Act shall be ascertained in accordance with the provisions contained in the Sixth Schedule to these Regulations.

FIRST SCHEDULE.

PROVISIONS FOR THE CALCULATION OF TRANSFER VALUES AND DIRECTIONS FOR THE USE OF THE SUBJOINED TABLES IN CONNECTION THEREWITH.

General.

1. In this Schedule, the following expressions, unless the context otherwise requires, have the respective meanings hereby assigned to them—

"the material date" in relation to any employee in respect of whom a transfer value is being calculated means the date upon which the employee ceased to hold his former employment;

"age" in relation to any employee means his age on the material date;

"remuneration" in relation to any employee means the annual remuneration of his former employment on which contributions were payable by him to a superannuation fund on the material date or in the case of an employee exempted from liability to contribute the annual remuneration of his former employment on the material date or in the case of an employee who had been a local Act contributor the annual amount by which his former employment was remunerated and on which contributions were payable by him to a superannuation fund on the material date

Provided that if, for the purposes of the foregoing definition, account is required to be taken of any fees payable to the employee in respect of any service, the amount thereof shall be taken to be the annual average of the fees payable to him in respect of that service rendered during the five years immediately preceding the material date or, if that service was of shorter duration, such shorter period:

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Provided also that the remuneration of an employee by whom reduced contributions were payable under a scheme in force by virtue of subsection (3) of section 28 of the Widows', Orphans' and Old Age Contributory Pensions Act, 1936, or the corresponding provisions of any Act repealed by that Act, shall, so far as it is attributable to the period of contributing service in respect of which reduced contributions were payable, be taken to be the amount of the reduced annual remuneration on which such contributions were payable on the material date or, if the scheme provides for a reduction of contributions by reference directly to contributions which would otherwise be payable, the remuneration of the employee as hereinbefore defined, less twenty times the difference between the aggregate contributions payable by him in respect of the year immediately preceding the material date and the aggregate contributions which would have been so payable by him had no reduction been made:

Provided further that references in the foregoing definition to contributions payable by an employee shall include references to contributions which would have been payable by him but for any reduction or suspension of remuneration by reason of his absence from duty owing to ill-health or injury;

"service" does not include such service as is mentioned in subsection (1) of section 17 of the Act other than such service as is mentioned in proviso (*a*) to that subsection or in relation to a person who before he became in his former employment a contributory employee or local Act contributor had at any time been an established officer or servant within the meaning of the Asylums Officers' Superannuation Act, 1909, as extended by any subsequent enactment to whom any Regulations for the time being in force under Part V of the Second Schedule to the Act had been applicable, service prior to his entry into that former employment other than service in respect of which a transfer value was paid on his entry into that former employment and in relation to a person who in his former employment was in the whole-time employment of a single local authority means, in respect of any period of previous part-time employment, whole-time service for a proportionately reduced period:

Provided that the provision in the foregoing definition relating to part-time employment followed by whole-time employment shall not apply in the case of a transferred poor law employee who in his former employment was subject to a local Act scheme with the benefit of such provisions as are mentioned in paragraph (*b*) of subsection (1) of section 26 of the Act or was a contributory employee with the benefit of any of the following provisions namely paragraphs 3, 5 or 8 of Part I of the Second Schedule to the Act;

"contributing service" in relation to a person who has ceased to be a contributory employee having any non-contributing service which, in relation to his former employment, would have been reckonable for the purpose of calculating his superannuation allowance under Part I of the Act or under the Act as amended by any local Act, if on the material date he had been entitled to a superannuation allowance thereunder, at the rate of some fraction larger than one one-hundred-and-twentieth but not exceeding one-sixtieth of remuneration in respect of each such year of service or at the rate of some fraction larger than one one-hundred-and-sixtieth but not exceeding one-eightieth of remuneration in respect of each such year of service, as the case may be, includes such proportion of the actual length of that non-contributing service as is obtained by multiplying the number of years of such service by sixty or eighty, as the case may be, and dividing it by the denominator of the fraction at which that service would have been reckonable as aforesaid:

Provided that if as a condition of being so entitled to reckon the said non-contributing service or any part thereof the person had been discharging but had not fully discharged a liability to pay a sum by instalments and is not in the employment he has entered a contributory employee, such service shall be treated as if the period thereof had been one-half its actual length;

"contributing service" in relation to a person who has ceased to be employed under a local Act authority means service which, in relation to his former employment, would have been reckonable as service or as a period of contribution for the purpose of calculating his superannuation allowance under the local Act scheme if on the material date he had been entitled to a superannuation allowance thereunder:

Provided that if in the case of any such employee any such service as aforesaid was service in relation to which the employee pursuant to the provisions of the local Act scheme, as a condition of being entitled to reckon the said service for any purposes of the local Act scheme, had been discharging but had not fully discharged a liability to pay a sum by instalments to the superannuation fund maintained by the local Act authority or had been under a liability to make payments to that fund by way of a contribution of a percentage of emoluments additional to the percentage payable in respect of current service, the said service shall be treated as if the period thereof

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had been one-half its actual length unless in the employment he has entered he is a mental hospital employee, in which case the said service shall be disregarded;

"non-contributing service" in relation to a person who has ceased to be a contributory employee does not include any such service as is mentioned in the preceding definition of contributing service in relation to such a person.

2. The transfer value payable in respect of any employee shall be the aggregate of the sums respectively calculated in accordance with the following provisions by reference to his contributing service, if any, and by reference to his non-contributing service, if any:

Provided that such aggregate sum shall—

(*a*) be reduced by—

(i) an amount equal to any sum together with any interest on any sum which, when the employee ceased to hold the employment in relation to which the transfer value is payable, was paid to him by way of a return of such contributions to or additional contributory payment into a superannuation fund as are mentioned in subsection (5) of section 10 of the Act or of moneys which, pursuant to any Regulations for the time being in force under the Act, were treated as such contributions as aforesaid; and

(ii) an amount equal to the balance of any debt the right to receive which is, pursuant to any such Regulations as aforesaid, deemed to be transferred to the local authority whose employment the employee has entered;

(*b*) if in relation to the employment which the employee has ceased to hold he had been making any such payments to the superannuation fund concerned as are mentioned in either of the provisos to the definitions of contributing service contained in paragraph 1 of this Schedule, be increased, unless in the employments which he has respectively ceased to hold and entered he was and is a contributory employee, by an amount equal to the aggregate amount so paid, after deduction therefrom of any sum which may have been returned to the employee in respect of such payments as aforesaid.

3. If after a transfer value has been paid out of a superannuation fund relating to the former employment of a person in respect of his entry into one other employment, being a part-time employment under a local authority, that person, within twelve months after the material date, while retaining that part-time employment and without having ceased to hold any other employment which he may have held on the material date as a contributory employee or local Act contributor, enters the part-time employment of another local authority or of two or more other local authorities and becomes such an employee or contributor as aforesaid, the transfer values payable shall be calculated under the provisions of this Schedule as if the person had simultaneously entered all the employments he has entered on or after the material date and as if his remuneration in relation to each part-time employment he has entered were such proportion of his annual remuneration on the material date as the annual remuneration or emoluments of that part-time employment bears to the aggregate amount of the annual remuneration or emoluments of the part-time employments, and the transfer value already paid shall be adjusted accordingly

Contributing Service.

4.—(1) The sum to be calculated by reference to an employee's contributing service shall be ascertained in accordance with the provisions of this paragraph.

(2) The amounts shown in columns (2) and (3) of the relative Table in relation to an age which corresponds with that of the employee are to be multiplied respectively by the numbers of years, and of months aggregating less than one year, of contributing service completed on the material date.

(3) The sum of the two products aforesaid is an amount appropriate in respect of £100 of remuneration.

(4) A total amount is to be calculated proportionately by reference to the remuneration of the employee.

Non-contributing Service.

5.—(1) The sum to be calculated by reference to an employee's non-contributing service shall be ascertained in accordance with the provisions of this paragraph.

(2) The amount shown in column (4) of the relative Table in relation to an age which corresponds with that of the employee is to be multiplied by the number of years of non-contributing service completed on the material date, a fraction of a year, if it amounts to or exceeds six months, being treated as a year, any other fraction being disregarded.

(3) The product aforesaid is an amount appropriate in respect of £100 of remuneration.

(4) A total amount is to be calculated proportionately by reference to the remuneration of the employee.

Table I.—Officers (other than female nurses, midwives and health visitors in whose case the age of compulsory retirement is sixty years).

Age.	Amount for £100 of remuneration in respect of each completed period of		
	Contributing Service.		Non-contributing Service.
	Year.	Month.	Year.
1	2	3	4
	£ s. d.	£ s. d.	£ s. d.
Under 35 . . .	11 8 0	0 19 0	5 0 0
35 and under 36 . .	11 8 0	0 19 0	5 0 0
36 ,, ,, 37 . .	11 8 0	0 19 0	5 0 0
37 ,, ,, 38 . .	11 8 0	0 19 0	5 0 0
38 ,, ,, 39 . .	11 9 0	0 19 0	5 1 0
39 ,, ,, 40 . .	11 11 0	0 19 0	5 2 0
40 ,, ,, 41 . .	11 13 0	0 19 0	5 3 0
41 ,, ,, 42 . .	11 15 0	1 0 0	5 4 0
42 ,, ,, 43 . .	11 17 0	1 0 0	5 5 0
43 ,, ,, 44 . .	11 19 0	1 0 0	5 6 0
44 ,, ,, 45 . .	12 2 0	1 0 0	5 8 0
45 ,, ,, 46 . .	12 6 0	1 1 0	5 10 0
46 ,, ,, 47 . .	12 10 0	1 1 0	5 12 0
47 ,, ,, 48 . .	12 14 0	1 1 0	5 14 0
48 ,, ,, 49 . .	12 19 0	1 2 0	5 17 0
49 ,, ,, 50 . .	13 4 0	1 2 0	6 0 0
50 ,, ,, 51 . .	13 10 0	1 3 0	6 3 0
51 ,, ,, 52 . .	13 16 0	1 3 0	6 6 0
52 ,, ,, 53 . .	14 3 0	1 4 0	6 9 0
53 ,, ,, 54 . .	14 10 0	1 4 0	6 13 0
54 ,, ,, 55 . .	14 17 0	1 5 0	6 17 0
55 ,, ,, 56 . .	15 5 0	1 5 0	7 1 0
56 ,, ,, 57 . .	15 14 0	1 6 0	7 6 0
57 ,, ,, 58 . .	16 4 0	1 7 0	7 12 0
58 ,, ,, 59 . .	16 16 0	1 8 0	7 18 0
59 ,, ,, 60 . .	17 8 0	1 9 0	8 4 0
60 and over . . .	18 0 0	1 10 0	8 10 0

Table II.—Female nurses, midwives and health visitors in whose case the age of compulsory retirement is sixty years.

Table I shall apply subject to the following modifications, namely:

(*a*) the amount shown in column (2) in relation to an age which corresponds with that of the employee is to be increased by six shillings and threepence for each completed year by which her age exceeds thirty, with a maximum addition of seven pounds ten shillings;

(*b*) for the amount shown in column (3) in relation to such age there shall be substituted an amount equal to one-twelfth of the amount ascertained under sub-paragraph (*a*) of this paragraph; and

(*c*) the amount shown in column (4) in relation to such age shall be increased by three shillings and threepence for each completed year by which the age of the employee exceeds thirty, with a maximum addition of three pounds eighteen shillings:

Provided that in the case of an employee whose age is fifty-five or over, the increased amounts under sub-paragraphs (*a*) and (*c*) of this paragraph shall not in any event exceed twenty-two pounds fifteen shillings and ten pounds nineteen shillings respectively.

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Table III.—Servants.

Age. 1.	Amount for £100 of remuneration in respect of each completed period of		
	Contributing Service.		Non-contributing Service.
	Year. 2.	Month. 3.	Year. 4.
	£ s. d.	£ s. d.	£ s. d.
Under 25 . . .	7 10 0	0 12 0	3 3 0
25 and under 26 . .	7 10 0	0 12 0	3 3 0
26 ,, ,, 27 . .	7 11 0	0 13 0	3 4 0
27 ,, ,, 28 . .	7 13 0	0 13 0	3 5 0
28 ,, ,, 29 . .	7 15 0	0 13 0	3 6 0
29 ,, ,, 30 . .	7 17 0	0 13 0	3 7 0
30 ,, ,, 31 . .	7 19 0	0 13 0	3 8 0
31 ,, ,, 32 . .	8 2 0	0 14 0	3 9 0
32 ,, ,, 33 . .	8 5 0	0 14 0	3 10 0
33 ,, ,, 34 . .	8 8 0	0 14 0	3 12 0
34 ,, ,, 35 . .	8 11 0	0 14 0	3 14 0
35 ,, ,, 36 . .	8 14 0	0 15 0	3 16 0
36 ,, ,, 37 . .	8 17 0	0 15 0	3 18 0
37 ,, ,, 38 . .	9 1 0	0 15 0	4 0 0
38 ,, ,, 39 . .	9 5 0	0 15 0	4 2 0
39 ,, ,, 40 . .	9 9 0	0 16 0	4 4 0
40 ,, ,, 41 . .	9 13 0	0 16 0	4 6 0
41 ,, ,, 42 . .	9 17 0	0 16 0	4 8 0
42 ,, ,, 43 . .	10 1 0	0 17 0	4 10 0
43 ,, ,, 44 . .	10 5 0	0 17 0	4 12 0
44 ,, ,, 45 . .	10 9 0	0 17 0	4 14 0
45 ,, ,, 46 . .	10 14 0	0 18 0	4 16 0
46 ,, ,, 47 . .	11 0 0	0 18 0	4 19 0
47 ,, ,, 48 . .	11 7 0	0 19 0	5 2 0
48 ,, ,, 49 . .	11 14 0	0 19 0	5 6 0
49 ,, ,, 50 . .	12 1 0	1 0 0	5 10 0
50 ,, ,, 51 . .	12 9 0	1 1 0	5 14 0
51 ,, ,, 52 . .	12 17 0	1 1 0	5 18 0
52 ,, ,, 53 . .	13 6 0	1 2 0	6 2 0
53 ,, ,, 54 . .	13 15 0	1 3 0	6 7 0
54 ,, ,, 55 . .	14 5 0	1 4 0	6 12 0
55 ,, ,, 56 . .	14 15 0	1 5 0	6 18 0
56 ,, ,, 57 . .	15 6 0	1 6 0	7 4 0
57 ,, ,, 58 . .	15 18 0	1 7 0	7 10 0
58 ,, ,, 59 . .	16 12 0	1 8 0	7 17 0
59 ,, ,, 60 . .	17 7 0	1 9 0	8 4 0
60 and over . . .	18 0 0	1 10 0	8 10 0

SECOND SCHEDULE.

1. The transfer value payable in any case to which this Schedule applies shall be calculated in accordance with the provisions of the First Schedule to these Regulations except paragraph 3 thereof, and those provisions shall apply accordingly but subject to the following provisions of this Schedule.

2. The expression " remuneration " as defined in the First Schedule to these Regulations shall, in relation to each of the part-time employments which an employee has entered, be

construed as meaning such proportion of his annual remuneration on the material date as the annual remuneration or emoluments of that part-time employment bears to the aggregate amount of the annual remuneration or emoluments of the part-time employments.

3. If after a transfer value has been paid out of the superannuation fund relating to the former employment of a person in respect of his entry into the part-time employments of two or more local authorities, that person, within twelve months after the material date, while retaining those part-time employments and without having ceased to hold any other employment which he may have held on the material date as a contributory employee or local Act contributor, enters the part-time employment of another local authority or of two or more other local authorities and becomes such an employee or contributor as aforesaid, the transfer values payable shall be calculated under the preceding paragraphs of this Schedule as if the person had simultaneously entered all the employments he has entered on or after the material date, and the transfer value already paid shall be adjusted accordingly.

THIRD SCHEDULE.

1. The transfer value payable in any case to which this Schedule applies shall be calculated in accordance with the provisions of the First Schedule to these Regulations except paragraph 3 thereof and those provisions shall apply accordingly, but subject to the following provisions of this Schedule.

2. The expression " remuneration " as defined in the First Schedule to these Regulations shall be construed as meaning such proportion of the annual remuneration of an employee on the material date in the whole-time employment of the single local authority whose part-time employment he has entered as the annual remuneration or emoluments of the part-time employment he has also entered under another local authority bears to the aggregate amount of the annual remuneration or emoluments of the part-time employments.

3. If after a transfer value has been paid out of the superannuation fund relating to the former whole-time employment under a single local authority of a person in respect of his entry into the part-time employment of another local authority, that person, within twelve months after the material date and while retaining the part-time employments he has entered, enters the part-time employment of another local authority or of two or more other local authorities and becomes a contributory employee or local Act contributor, the transfer values payable shall be calculated under the provisions of the Second Schedule to these Regulations except paragraph 3 thereof, as if the person had simultaneously entered all the employments he has entered on or after the material date, and the transfer value already paid shall be adjusted accordingly.

FOURTH SCHEDULE.

The transfer value payable in any case to which this Schedule applies shall be a sum calculated by reference to the employee's non-contributing service in the employment of the local authority by whom he was last employed and ascertained in accordance with the provisions of the First Schedule to these Regulations except paragraph 3 thereof, and those provisions shall apply accordingly subject to the modifications that the expression " remuneration " as therein defined shall be construed as meaning the annual remuneration of the employee, or in the case of a person who had been an employee of a local Act authority his annual emoluments, on the material date and that the following provision shall be substituted for sub-paragraph (2) of paragraph 5, namely " (2) One twelfth of the amount shown in column (4) of the relative Table in relation to an age which corresponds with that of the employee is to be multiplied by the number of months of non-contributing service completed on the material date."

FIFTH SCHEDULE.

The transfer value payable in any case to which this Schedule applies shall be calculated in accordance with the provisions of the First Schedule or the Second Schedule to these Regulations, as the case may require, and the appropriate provisions shall apply accordingly, subject to the following and any other necessary modifications, that is to say—

(*a*) the references to annual remuneration of his former employment and to annual remuneration on the material date in the definitions of " remuneration " shall be construed as references to annual salary or wages within the meaning of the Act of 1922 of his former employment and to annual salary or wages within the meaning of the Act of 1922 on the material date respectively ;

(*b*) the expressions " contributing service " and " non-contributing service " respectively shall be construed as meaning service which immediately before the date

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on which the employee ceased to be subject to the Act of 1922 he was entitled to reckon as contributing service and non-contributing service respectively for the purposes of that Act in relation to the employment which he then ceased to hold under a local authority.

SIXTH SCHEDULE.

1. Any transfer value which falls to be ascertained in accordance with the provisions of this Schedule shall, if it is payable in respect of a contributory employee or local Act contributor who has ceased to be employed as such by a local authority, be calculated in accordance with the provisions of the First Schedule to these Regulations except paragraph 3 thereof.

2. Any transfer value which falls to be ascertained in accordance with the provisions of this Schedule shall, if it is payable in respect of a designated employee who had ceased before the appointed day to be subject to the Act of 1922, be calculated in accordance with the provisions of the Fifth Schedule to these Regulations.

Given under the official seal of the Minister of Health this eighteenth day of March, nineteen hundred and thirty-nine.

(L.S.)

A. W. NEVILLE,
Assistant Secretary,
Ministry of Health.

S. R. & O., 1939, No. 330.

THE LOCAL GOVERNMENT SUPERANNUATION (ADMINISTRATION) REGULATIONS, 1939,* DATED MARCH 18TH, 1939, MADE BY THE MINISTER OF HEALTH UNDER SECTION 36 (6) OF THE LOCAL GOVERNMENT SUPERANNUATION ACT, 1937.

The Minister of Health, in exercise of the powers conferred on him by subsection (6) of section 36 of the Local Government Superannuation Act, 1937, and of all other powers enabling him in that behalf, hereby makes the following Regulations.

PART I.

INTRODUCTORY.

1. These Regulations may be cited as the Local Government Superannuation (Administration) Regulations, 1939.

2.—(1) In these Regulations the expression "the Act" means the Local Government Superannuation Act, 1937.

(2) The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

PART II.

RELATIONS AND FINANCIAL ARRANGEMENTS BETWEEN ADMINISTERING AUTHORITIES AND OTHER LOCAL AUTHORITIES INTERESTED IN THE SUPERANNUATION FUNDS MAINTAINED BY ADMINISTERING AUTHORITIES.

Payments by employing authorities to administering authorities.

3.—(1) Every employing authority, not being an administering authority, shall pay to the appropriate administering authority, in addition to any other sums which the employing authority may, under or in pursuance of the provisions of the Act, become liable to contribute to the appropriate superannuation fund—

(*a*) all amounts from time to time deducted from the remuneration of their contributory employees under subsection (3) of section 6 of the Act (*a*);

* These Regulations supersede provisional regulations dated the twenty-second day of June, 1938.

(*a*) *Ante*, p. 2065.

(*b*) such annual sum payable during such period not exceeding forty years from the date as at which any valuation of the appropriate superannuation fund is made by an actuary under section 22 of the Act (*a*) as may be agreed between the employing authority and the administering authority or in default of agreement be determined by the Minister to be necessary in order that any amount certified by the actuary in his report on that valuation to be payable by the employing authority may be paid into the appropriate superannuation fund by means of annual payments having the same capital value as the amount aforesaid; and

(*c*) a contribution towards the cost of the administration of the appropriate superannuation fund of such annual amount as may be agreed between the employing authority and the administering authority or in default of agreement as may be determined by the Minister:

Provided that sub-paragraphs (*a*) and (*c*) of this paragraph shall not apply in relation to an employing authority being a constituent authority of a joint superannuation committee.

(2) Payment of any sum payable under paragraph (1) of this Article shall be made at such intervals, not being longer than twelve months, as the appropriate administering authority may determine.

(3) The payment by an employing authority of any sum due under paragraph (1) (*a*) of this Article shall be accompanied by a statement showing—

(*a*) the names and respective remuneration of the contributory employees in relation to whom the payment is made;

(*b*) the amounts comprised in the payment which represent deductions from the remuneration of each of those employees and the periods in respect of which such deductions were made;

(*c*) details of any remuneration of those employees from or in respect of which deductions have not been made, and

(*d*) the names of any contributory employees from whose remuneration no deductions have been made:

Provided that any appropriate administering authority may dispense with the requirements of this paragraph and in lieu thereof direct the employing authorities interested in the appropriate superannuation fund to furnish the information provided for in this paragraph in such form and at such intervals, not being longer than twelve months, as they may specify.

(4) If any sum due under the provisions of this Article remains unpaid beyond a period of one month after the date on which it becomes due, the sum shall bear interest at the rate of 5 per cent. per annum as from the expiration of that period.

Transmission of documents and information by employing authorities to administering authorities.

4.—(1) Every employing authority, not being an administering authority, shall forthwith upon receipt transmit to the appropriate administering authority every statement rendered to them by any contributory employee under subsection (4) of section 6 of the Act, together with the statutory declaration accompanying the statement.

(2) Every such employing authority shall from time to time furnish the appropriate administering authority with such information as that authority may reasonably require for the purpose of discharging their functions under the Act in relation to any of the contributory employees of the employing authority or any person claiming under him.

(3) References in paragraph (2) of this Article applicable to employing authorities, administering authorities and contributory employees shall be construed as including references to authorities or employees who will or may become such authorities or employees on the appointed day.

(*a*) *Ante*, p. 2082.

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Actuary's certificates and valuation of superannuation fund.

5.—(1) Forthwith upon receipt of any certificate, valuation or report under section 22 of the Act, an administering authority shall send copies thereof to any other local authority interested in the superannuation fund maintained by the administering authority.

(2) Not less than one month before submitting any scheme to the Minister under subsection (6) of section 22 of the Act the administering authority shall send a copy of the scheme to each such other local authority as aforesaid, and upon the submission of the scheme to the Minister any such local authority may make representations thereon to him.

(3) This article shall not apply to a joint superannuation committee in relation to any constituent authority of such committee.

Local Government and Civil Service (Superannuation) Rules, 1936 (a).

6.—(1) An employing authority, not being an administering authority, to whom the Treasury has directed that the Local Government and Civil Service (Superannuation) Rules, 1936, shall apply shall forthwith in writing notify the appropriate administering authority of the direction.

(2) In the event of a contributory employee of any such employing authority becoming as an established Civil Servant an officer to whom Part II of those Rules apply—

(*a*) the authority shall forthwith furnish the appropriate administering authority with a copy of any notice received by them from the employee under Rule 7;

(*b*) before making any record in their minutes or issuing any notification under paragraph (1) of Rule 10 in relation to the officer, the authority shall obtain the written approval of the appropriate administering authority to the terms of the record proposed to be made and of the notification proposed to be issued;

(*c*) the authority shall authorise the appropriate administering authority to conduct on their behalf any proceedings instituted under Rule 5 or paragraph (2) of Rule 10, and if the Minister determines any question raised by such proceedings, the appropriate administering authority shall furnish the authority with a copy of the Minister's announcement of the determination;

(*d*) the authority shall furnish the appropriate administering authority with a copy of any notice received by them under paragraph (3) of Rule 10 in relation to the officer;

(*e*) any sum which may become payable under the Rules to the officer by way of superannuation allowance or return of contributions and interest (if any) shall be paid by the appropriate administering authority out of the appropriate superannuation fund, but any extra charge resulting from any resolution passed by the authority under Rule 9 (1) (*a*) shall be repaid to the fund by the authority.

(3) In the event of an established Civil Servant becoming as a contributory employee of the authority an officer to whom Part III of the Rules apply—

(*a*) the authority shall forthwith furnish the appropriate administering authority with a copy of any notification received by them under Rule 16 in relation to the officer;

(*b*) if it becomes the duty of the authority to give any notification under Rule 20 in relation to the officer, the appropriate administering authority shall on the application of the authority furnish them with the information necessary to enable them to do so.

(4) This article shall not apply to any constituent authority of a joint superannuation committee.

(*a*) S. R. & O., 1936, No. 651, *ante*, p. 3795.

Accounts and audit.

7.—(1) As soon as may be after any audit of the superannuation fund maintained by them, every administering authority shall furnish to any other local authority interested therein copies of the revenue account and balance sheet of the fund and of any report of the auditor on his audit of the fund.

Settlement of disputes.

8. Any question which may arise between an administering authority and any local authority interested in the superannuation fund maintained by the administering authority relating to the construction of these Regulations or to the rights and obligations of either body thereunder shall be determined by the Minister.

PART III.

EXCHANGE BETWEEN LOCAL AUTHORITIES OF INFORMATION WITH REGARD TO THE SERVICE, ETC., OF CONTRIBUTORY EMPLOYEES AND LOCAL ACT CONTRIBUTORS IN CASES OF TRANSFER.

9.—(1) A local authority, when paying a transfer value to another local authority in accordance with section 29 of, or paragraph (3) (2) (*b*) of Part V of the Second Schedule to, the Act in respect of a contributory employee or local Act contributor who has ceased to be employed as such, shall furnish the person and the authority to whom the transfer value is paid with a statement containing the following particulars, namely—

(*a*) date of person's birth;
(*b*) whether he was an officer or servant;
(*c*) his class or description;
(*d*) whether his employment was whole-time or part-time, and, if the latter, what proportion of whole-time employment this represented;
(*e*) the rate of his contribution;
(*f*) details of his previous service, showing each local authority by whom he has been employed, dates of commencement and termination of each employment, whether whole-time or part-time employment, and, if the latter, what proportion of whole-time employment this represented, the remuneration or emoluments received by him in respect of service rendered during each of the five years immediately preceding the day on which he ceased to hold his previous employment, and in what manner the service was reckonable under the Act, or the local Act scheme, as the case may be, to which the person was last subject before transfer;
(*g*) details of the amount (if any) which, on his ceasing to be subject to the Act or the local Act scheme, as the case may be, would have been returnable to him in respect of such contributions to or additional contributory payment into a superannuation fund as are mentioned in subsection (5) of section 10 of the Act or of moneys which pursuant to any Regulations for the time being in force under the Act are to be treated as such contributions as aforesaid; and
(*h*) details of the sum (if any) which was paid to him by way of a return of such contributions or payment or moneys as aforesaid on his ceasing to be subject to the Act or the local Act scheme, as the case may be.

(2) A local authority, when paying a transfer value in respect of any person in accordance with subsections (1) and (2) of section 39 of, or paragraph (3) (2) (*b*) of Part V of the Second Schedule to, the Act in respect of a designated employee who had ceased before the appointed day to be subject to the Act of 1922, shall furnish similar information by reference to the Act of 1922 to that provided for in paragraph (1) of this Article, which shall apply accordingly in that case, with any necessary modifications.

(3) Where an administering authority receiving a transfer value in respect of any person are not the employing authority, they shall furnish that authority with a copy of the statement received by them under this Article.

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PART IV.

NOTIFICATION TO THE MINISTER OF CONDITION OF SUPERANNUATION FUND MAINTAINED BY THE COUNCIL OF A COUNTY DISTRICT.

10. If the number of contributory employees entitled to participate in the benefits of the superannuation fund maintained by an administering authority who are the council of a county district is on the appointed day or becomes at any time thereafter less than one hundred the authority shall forthwith notify the Minister to that effect.

Given under the official seal of the Minister of Health this eighteenth day of March, nineteen hundred and thirty-nine.

(L.S.)

A. W. NEVILLE,
Assistant Secretary,
Ministry of Health.

CIRCULAR 1798 S/25.

County Councils.
County Borough Councils.
Metropolitan Borough Councils.
County District Councils.
Joint Boards and Catchment Boards.
Assessment Committees.
Joint Committees.

MINISTRY OF HEALTH,
HOBART HOUSE,
GROSVENOR PLACE, S.W.1.
27th March, 1939.

LOCAL GOVERNMENT SUPERANNUATION ACT, 1937.

LOCAL GOVERNMENT SUPERANNUATION (ACTUARIAL VALUATION) REGULATIONS, 1939.

SIR,—I am directed by the Minister of Health to forward for the information of the Authority a copy of the Provisional Regulations (*a*) made by him in the exercise of the powers conferred upon him by the Local Government Superannuation Act, 1937, in regard to the actuarial valuation of superannuation funds maintained under the Act and the form of the report to be made by an actuary after any valuation of a fund. An additional copy of the Provisional Regulations and of this Circular are enclosed for the information of the Chief Financial Officer.

Further copies of the Provisional Regulations and of this Circular may be purchased through any bookseller or directly from His Majesty's Stationery Office at the addresses shown thereon.

The reports made on the superannuation funds maintained under the Local Government and other Officers' Superannuation Act, 1922, were of a very varied nature and as no standard forms were laid down for use in connection therewith the results were not capable of satisfactory aggregation. The adoption of a standard form of valuation report and the accompanying statistical information will secure that in every case a reasonable amount of information is given regarding the basis adopted in the particular valuation, and the statistics will be of great assistance in any general review of the financial structure of the Act which may be undertaken in the future.

The Regulations provide that the Authority shall supply the actuary with all the information required within three months of the date at which the fund is being valued, and that the valuation shall be completed within one year following that date. It is evident that if no arrangements were made in advance to prepare the information required by the actuary, it would probably be found impracticable, in many cases, to comply with these requirements. It is suggested accordingly that the Authority should consult the actuary whom they employ with a view to the

(*a*) These regulations had not at the date of going to press been made substantive.

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institution forthwith of suitable forms of record for producing the valuation statistics provided for in the Regulations and that arrangements should be made to keep these records continuously up-to-date as a matter of normal routine. The Authority should then experience no difficulty in providing the actuary with all the information required within a comparatively short period after the date at which the fund is being valued.

There is an important difference between the Act of 1937 and the Act of 1922, which will have a considerable effect on the valuation of a superannuation fund under the new conditions. Under the Act of 1922 an authority maintaining a fund were required, subject to a dispensing power in the Minister, to obtain from an actuary a certificate as to the estimated liability of the fund on each occasion on which an employee's post was designated and the report on the periodical valuation made under Section 19 (1) of that Act recorded the condition of the fund as a whole. Under the Act of 1937 the certification of intervaluation liabilities is not required, the extent of such additional liabilities being left to be estimated at the time the fund is being valued. As moreover there will in many instances be several authorities interested in the same fund it will be necessary for the respective interests and liabilities of the several employing authorities to be considered by the actuary and dealt with in his report.

It is essential that, in order to secure that each Authority should pay its proper charges, the report, before recording the result of the valuation and any consequential variations required in existing charges, should indicate clearly any additional liabilities imposed on the fund in respect of the employees of each of the interested Authorities who have become superannuable in the fund since the appointed day or since the date as at which the fund was last valued whichever is later. Article 6 of the Provisional Regulations is accordingly designed to secure that proper provision may be made for such liabilities before the ascertainment of the surplus or deficiency in the fund as a whole. The actuary may have received instructions to investigate the possibility of additional liabilities having arisen from causes other than those specified in that Article for which, also, special provision ought properly to be made. The certificate to be given under Article 6 may include such liabilities, provided that the reason therefor is stated.

Where, after account has been taken of all unsecured liabilities which the actuary estimates to have been imposed as a result of the causes specified, there is found to be a surplus or a deficiency, the actuary should, in accordance with Article 8, consider all the circumstances which have contributed to this result before making his recommendation for the division of such part (if any) of the surplus as he may certify to be disposable or for making good the deficiency, and he should include therein sufficient details of the incidence of benefit and burden as between the various authorities interested in the fund to enable the administering authority to proceed forthwith to make a scheme under Section 22 (6) of the Act.

A disposable surplus should normally be applied:

Firstly, to reduce the amount of any existing deficiency charge over its outstanding term, or to reduce its outstanding term, or to reduce both;

Secondly, if a balance of disposable surplus then remains, to reduce the equivalent contributions of any authority or authorities by a constant annual sum or sums over a period of forty years from the valuation date or such shorter period as is reasonable, regard being had to the amount of surplus thus to be disposed of.

A deficiency should normally be liquidated by increasing any existing deficiency charge over its outstanding term or by a new annual charge payable over a specified period not exceeding forty years from the valuation date.

While the Regulations prescribe the essential matters and statistics which are to be included in the report, it should be distinctly understood that the actuary may, and should, if he considers it necessary, give further observations and statistics.

I am, Sir,
Your obedient Servant,
A. W. NEVILLE,
Assistant Secretary.

The Clerk to the Authority.

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PROVISIONAL REGULATIONS, DATED MARCH 18TH, 1939, MADE BY THE MINISTER OF HEALTH UNDER SUBSECTION (3) OF SECTION 22 OF THE LOCAL GOVERNMENT SUPERANNUATION ACT, 1937.

The Minister of Health hereby certifies under section 2 of the Rules Publication Act, 1893, that on account of urgency the following Regulations should come into immediate operation, and, in exercise of the powers conferred on him by subsection (3) of section 22 of the Local Government Superannuation Act, 1937, and of all other powers enabling him in that behalf, hereby makes the following Regulations to come into operation forthwith as provisional rules:

PART I.

GENERAL.

Short Title.

1. These Regulations may be cited as the Local Government Superannuation (Actuarial Valuations) Regulations, 1939.

Interpretation.

2.—(1) The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(2) In these Regulations the expression "the Act" means the Local Government Superannuation Act, 1937.

PART II.

PERIOD WITHIN WHICH ACTUARIAL VALUATION AND REPORT TO BE OBTAINED AND PARTICULARS TO BE FURNISHED TO ACTUARY.

3.—(1) An actuarial valuation of, and a report on, the assets and liabilities of the superannuation fund maintained by any administering authority which is required to be made by subsection (3) of section 22 of the Act (*a*) shall be obtained by the administering authority within one year after the date as at which the fund is in accordance with the provisions of that subsection to be valued by an actuary, or within such extended period as the Minister may allow.

(2) The administering authority shall within three months after the date aforesaid furnish the actuary who is to consider the condition of the fund with the necessary information to enable him to do so, including such particulars relating to the fund as are specified in the First Schedule to these Regulations.

(3) Each administering authority, immediately after each latest date on which the condition of the fund maintained by them is required by subsection (3) of section 22 of the Act to be submitted to an actuary, shall inform the Minister whether the requirement is being complied with.

PART III.

FORM OF AND INFORMATION TO BE CONTAINED IN REPORT ON ACTUARIAL VALUATION.

Preliminary—Accounts and Statistics.

4.—(1) The first part of the report of an actuary on any valuation made under section 22 of the Act shall indicate the date (hereinafter referred to as "the valuation date") as at which the valuation was made and acknowledge the receipt from the administering authority of the documents referred to in the First Schedule to these Regulations, all of which documents shall be appended to the report.

(2) There shall also be appended to the report—

(*a*) particulars in the form set out in Form D in the Second Schedule to these Regulations of changes in membership of the fund and of the membership of the fund on the valuation date;

(*b*) particulars in the form set out in Form E in the Second Schedule to these Regulations of pensioners of the fund during the accounting period; and

(*c*) supplementary particulars in the form set out in Form F in the Second Schedule to these Regulations of persons who became pensioners of the fund during the period commencing two years before the beginning of the accounting period and ending two years before the valuation date.

(*a*) *Ante*, p. 2082.

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(3) If a modified scheme under subsection (3) of section 28 of the Widows', Orphans, and Old Age Contributory Pensions Act, 1936 (*a*), or the corresponding provisions of any Act repealed by that Act, is in force, the first part of the report shall close with a general description of the modified scheme and a statement showing the number of employees subject to it.

5. The second part of the report shall contain the following information, namely—

(*a*) general observations regarding the experience during the accounting period as to mortality, withdrawal and retirement from service and progression of salaries;

(*b*) description of the mortality rates and all other rates used, specimen rates to be shown in an appendix to the report in the manner indicated in the form set out in Form G in the Second Schedule to these Regulations;

(*c*) the average rate of interest realised by the assets of the fund, whether invested or uninvested, during the accounting period;

(*d*) the rate of interest assumed in the calculations for the purpose of the valuation;

(*e*) a statement indicating—

(i) whether and how it has been secured that the estimated net liability in respect of any employee is not negative;

(ii) the amounts of and the reasons for any special reserves which have been set up.

Liabilities arising from certain causes.

6.—(1) The third part of the report shall contain a statement certifying the amount of any estimated liabilities which have been imposed in the superannuation fund during the accounting period and for which provision is not being made therein in respect of the employees of each of the authorities interested in the fund, tabulated under the following headings, namely—

(*a*) employees of that authority, not being officers who became contributory employees by virtue of section 30 (2) of the Act, who had not been subject to any provision for superannuation before becoming contributory employees of that authority, or who became contributory employees after disqualifying breaks of service or in such circumstances that any transfer values receivable in respect of them related to part only of the previous service which they became entitled to reckon as service;

(*b*) persons who ceased to be employees of that authority and became, by virtue of section 30 (2) of the Act, contributory employees of other authorities in such circumstances that transfer values became payable in respect of them or would have become so payable but for the fact that the authorities in whose employment they became contributory employees are also interested in the superannuation fund;

(*c*) officers who became contributory employees of that authority by virtue of section 30 (2) of the Act, but—

(i) in respect of whom transfer values were not receivable and, in cases in which such officers had previously been employed by authorities also interested in the superannuation fund, would not have been receivable apart from that fact;

(ii) in respect of whom any transfer values receivable related to part only of the previous service which they became entitled to reckon as service;

(iii) in respect of whom any transfer values which would have been receivable but for the fact that the authorities by whom such officers had been previously employed are also interested in the superannuation fund would have related to part only of the previous service which they became entitled to reckon as service;

(*d*) employees who became contributory employees of that authority as—

(i) officers or servants entitled to contribute at rates lower than 6 per cent. or 5 per cent. respectively;

(ii) female nurses, midwives or health visitors to whom section 16 applies;

(*a*) 29 Halsbury's Statutes 1220.

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(e) contributory employees of that authority affected by any amendment or revocation of a scheme made under section 28 (3) of the Widows', Orphans' and Old Age Contributory Pensions Act, 1936, or the corresponding provisions of any Act repealed by that Act;

(f) causes other than those specified in the preceding sub-paragraphs of this paragraph for which special provision ought properly to be made.

(2) In the report on the first valuation made under the Act, the statement referred to in paragraph (1) of this Article shall be supplemented by a statement—

(a) certifying as respects each of the authorities interested in the fund—

(i) the amount (if any) of the estimated liabilities which were imposed on any fund maintained under the Act of 1922 and for which no provision was made therein in respect of persons who became designated employees of that authority between the date when such fund was last valued under the Act of 1922 or, if there was no such valuation thereunder, the date on which that fund was established and the appointed day;

(ii) in a case in which no action was taken under section 22 (2) of the Act, what part (if any) of any estimated liability which would have been included in a certificate under the subsection had one been obtained is not included in the liabilities certified under paragraph (1) of this Article;

(iii) the amount (if any) of the estimated liabilities which have been imposed on the superannuation fund and for which provision is not being made therein in respect of persons who became contributory employees on or within twelve months after the appointed day having been within twelve months before so becoming contributory employees subject to the Act of 1896 or the Act of 1922 and who are entitled by virtue of a determination by that authority under section 12 (6) of the Act to reckon as non-contributing service any periods during which they had previously been employed in the personal service of officers of local authorities;

(b) in a case to which paragraph 4 (c) of Part II B of the Second Schedule to the Act applies, certifying such a sum as is mentioned in that provision.

(3) This part of the report shall close with a recommendation as to the aggregate annual amount which should be paid into the fund during a period not exceeding forty years from the valuation date by each authority interested in the fund to meet such estimated liabilities as are certified under paragraphs (1) and (2) (a) of this Article to have been imposed on funds.

Valuation Results.

7. There shall be appended to the report a Valuation Balance Sheet which shall be in the form set out in Form H in the Second Schedule to these Regulations.

8.—(1) The following information shall be furnished in the fourth part of the report—

(a) if a surplus is disclosed in the Valuation Balance Sheet, a statement indicating generally the factors which have caused the surplus and certifying the amount (if any) which may properly be regarded as disposable;

(b) if a disposable surplus is certified, a recommendation for the division of the disposable surplus between the authorities interested in the superannuation fund, indicating the basis adopted for the proposed division and the manner in which it should be effected;

(c) if a deficiency is disclosed, a statement indicating generally the factors which have caused the deficiency and a recommendation for the allocation of the deficiency among the authorities interested in the superannuation fund, indicating the basis adopted for the proposed allocation and the manner in which the deficiency should be liquidated.

(2) Should it be impracticable to furnish any of the information provided for in paragraph (1) of this Article, the reason should be stated and a recommendation added as to any steps that might be taken with a view to the ascertainment of the information.

9. The report may close with any further observations the actuary may wish to offer on the valuation.

PART IV.

SUPPLEMENTARY.

Forms.

10. Any information required by these Regulations to be furnished in a prescribed form may be furnished in a form as near thereto as circumstances admit.

FIRST SCHEDULE.

Particulars to be furnished to Actuary.

1. A Consolidated Revenue Account of the superannuation fund in the form set out in Form A in the Second Schedule to these Regulations for the period down to the date (hereinafter called " the valuation date ") as at which the fund is to be valued—

(*a*) in the case of the first valuation to be made under the Act, if the administering authority were maintaining a fund or funds under the Act of 1922—

(i) from the date as at which that fund, or the earliest date as at which any of those funds, was last valued under the Act of 1922; or

(ii) if there has been no such valuation under the Act of 1922, from the date on which that fund, or the earliest date on which any of those funds, was established;

(*b*) in the case of the first valuation to be made under the Act, if the administering authority were not maintaining a fund under the Act of 1922, from the appointed day; and

(*c*) in the case of all subsequent valuations, from the date as at which the superannuation fund was last valued under the Act.

2. A statement in the form set out in Form B in the Second Schedule to these Regulations relating to certain contributory employees who have ceased to hold their employment without becoming entitled to superannuation allowances showing the incidence of burden in respect of the payment of transfer values or the return of contributions in their cases.

3. A list of the assets of the superannuation fund on the valuation date in the form set out in Form C in the Second Schedule to these Regulations.

4. A Balance Sheet of the fund on the valuation date certified correct by the Chief Financial Officer.

SECOND SCHEDULE.

FORM A.

Consolidated Revenue Account.

for the period from .. . to ... .

	£		£
Amount of the superannuation fund at the beginning of the period .		Superannuation allowances . .	
Contributions by employees—		Pensions to spouses	
£		Returns of contributions on death or withdrawal †	
Officers		Transfer values paid . . .	
Servants		Other expenditure (to be specified) .	
		Amount of the superannuation fund at the end of the period . . .	
Equivalent contributions by authorities interested in the superannuation fund less reductions under schemes made under Section 22 (6) for disposing of a surplus . .			
Annual charges *			
Additional annual charges under schemes made under Section 22 (6) for making good a deficiency .			
Transfer values received . .			
Additional contributory payments .			
Interest (including income tax refunds)			
Other income (to be specified) .			

Dated . . . .

Certified correct.

Signed . . . .

Chief Financial Officer.

For notes * and † see next page.

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FORM B.

Statement ‡ regarding employees who ceased to hold their employment without becoming entitled to superannuation allowances either in the last year of the previous accounting period or in the last year of the present accounting period, showing the incidence of burden in respect of the payment of transfer values or the return of contributions in their cases.

Class.	1. Number of employees who retired in the last year of the previous accounting preiod.	2. Number of those referred to in column 1 in respect of whom payments were made during the present accounting period by way of :—		3. Number of employees who retired in the last year of the present accounting period and in respect of whom no payments of the type referred to in column 2 fell due to be made during that period.
		Transfer Values.	Returns of Contributions.	
(1) Male Officers .				
(2) Female Officers (other than those specified at (3))				
(3) Female Nurses, Midwives and Health Visitors to whom Section 16 applies				
(4) Male Servants .				
(5) Female Servants				
Totals .				

Certified Correct.

Dated ..... Signed.....

Chief Financial Officer.

Notes.—* It should be indicated whether the charges are payable under—

(*a*) Section 21 (1);
(*b*) Section 22 (1);
(*c*) Section 22 (2);
(*d*) a combination scheme under subsections (1) and (2) of Section 2;
(*e*) an admission agreement made under subsection (1) or subsections (1) and (5) of Section 5; or
(*f*) any Regulations under the Act.

† This should include the amount reserved to meet any liabilities that may subsequently accrue in respect of employees who ceased to hold their employment in the last year of the accounting period and in respect of whom payments by way either of transfer value or return of contributions were not due to be made during that period. An appropriate adjustment in respect of the amounts paid should be made in the next succeeding account.

‡ *Note.*—Persons in whose case Section 24 of the Act has become applicable and employees to whom Section 9 of the Superannuation Act, 1935, or any corresponding enactment, applies, are not to be included in this statement.

FORM C.

ASSETS OF THE SUPERANNUATION FUND AS AT THE VALUATION DATE.

A. *Loans.*

Name of Borrower.	Nature of Security.	Original amount of loan.	Date.	Method of repay-ment.	Rate of Interest.	Amount out-standing on the valuation date.	Date or out-standing period of repay-ment.

B. *Stock Exchange Securities.*

Security.	Date of Redemption.	Nominal Amount.	Rate of Interest.	Market Value as at the valuation date.	Book Value.*

C. *Other Assets* (to be specified).

Certified correct.

Dated..... Signed.....

Chief Financial Officer.

* *Note.*—If the book value differs from the market value (excluding accrued interest) the book value should be entered in this column and a statement should be added showing how it has been arrived at.

FORM D.

STATISTICS RELATING TO THE MEMBERS* OF THE FUND WHO WERE IN EMPLOYMENT AT ANY TIME DURING THE ACCOUNTING PERIOD FROM..... TO.....

Age Group.†	Number of Members at the beginning of the period.	Number of Entrants.			Number of persons who have ceased to be Members.				Number of Members at the end of the period.	Exposed to risk.¶	Total Annual Remuneration of persons who are members at the end of the period.
		Without previous service ranking for superannuation.	With previous service ranking for superannuation.		Transfers to other Funds.§	Withdrawals.‖		Deaths.	Retirements on allowances.			
			Transfer values received or receivable.	No Transfer values receivable.		(a)	(b)					
Under age 20 . .											
20 and under age 25											
25 ,, ,, 30											
30 ,, ,, 35											
35 ,, ,, 40											
40 ,, ,, 45											
45 ,, ,, 50											
50 ,, ,, 55‡											

Age 55 . . .													
„ 56 .													
„ 57 . . .													
„ 58 . . .													
„ 59 . . .													
„ 60 . . .													
„ 61 . . .													
„ 62 . . .													
„ 63 . . .													
„ 64 . . .													
„ 65 . . .													
Over age 65 . .													
Totals . .													

Notes.—* Separate tables are to be provided for the following Classes :—

(*a*) Male Officers.
(*b*) Female Officers (other than those specified at (*c*)).
(*c*) Female Nurses, midwives and health visitors to whom Section 16 applies.
(*d*) Male Servants.
(*e*) Female Servants.

If there are no members of one or more of these Classes, the Class or Classes of which there are no members should be stated. If in any case the numbers are small, the table may, if desired, be replaced by a list giving all relevant particulars in respect of each employee.

† The method adopted in calculating the ages should be stated.

‡ In the case of the Class mentioned at (*c*) in note *, statistics should be given at individual ages between 50 and 55.

§ Employees who ceased to hold their employment but who under Section 9 of the Superannuation Act, 1935, or any corresponding enactment, retained contingent rights to superannuation benefits from the fund should be included among transfers. The total number so included, and the total number on the books of the fund at the end of the period, should be stated in a footnote.

‖ Withdrawals from the Fund should be subdivided between (*a*) employees who ceased to hold their employment during the year preceding the valuation date and who are not known to have transferred to other local government service (employees who ceased to hold their employment during that year and are known to have transferred are included in the preceding column), and (*b*) employees who ceased to hold their employment and had their contributions returned to them or forfeited their right to any return.

¶ The number to be entered here is the total number by reference to which the numbers of deaths, withdrawals and retirements show the respective probabilities of death during employment, withdrawal and retirement from the service, in a year.

FORM E.

STATISTICS RELATING TO THE PENSIONERS * OF THE FUND IN THE ACCOUNTING PERIOD FROM..... .....TO.....

Age group. †	Number of Pensioners at beginning of period.		Number entered on pension during period.		Number of Deaths of Pensioners during period.		Number of Pensioners at end of period.		Exposed to Risk. §	
	Ill-health. ‡	Age. ‡	Ill-health.	Age.	Ill-health.	Age.	Ill-health.	Age.	Ill-health.	Age.
Under age 35 . . .										
35 and under 40 . .										
40 ,, 45 . .										
45 ,, 50 . .										
50 ,, 55 . .										
55 ,, 60 . .										
60 ,, 65 . .										
65 ,, 70 . .										
70 and under 75 and thereafter in quinquennial groups.										
Total . . .										

Notes.—* Separate tables are to be provided for the following classes :—

(*a*) Male Officers.
(*b*) Female Officers (other than those specified at (*c*)).
(*c*) Female nurses, midwives and health visitors to whom Section 16 applies.
(*d*) Male Servants.
(*e*) Female Servants.
(*f*) Pensioners who have availed themselves of the provisions of Section 9—(i) Males ; (ii) Females.
(*g*) Incumbent beneficiaries under Section 9—(i) Males ; (ii) Females.

If there are no members of one or more of these Classes, the Class or Classes of which there are no members should be stated. If in any case the numbers are small, the table may, if desired, be replaced by a list giving all relevant particulars in respect of each employee.

† The method adopted in calculating the ages should be stated.

‡ The columns headed Ill-health and Age refer respectively to pensioners who retired under the provisions of Section 8 (1) (*a*), and Section 8 (1) (*b*) and (*c*). If desired, the particulars regarding these respective groups may be given on separate forms.

§ The number to be entered here is the total number by reference to which the number of deaths shows the probability of death in a year.

FORM F.

STATISTICS RELATING TO CERTAIN PENSIONERS.

(1) Particulars of pensioners* who retired in the period commencing two years before the beginning of the accounting period and ending two years before the valuation date.

Age at retirement. †	Number who		
	Retired.	Died after retirement in the	
		First year following retirement.	Second year following retirement.
Ill-health ‡—			
Under age 40 . .			
40 and under 50 .			
50 ,, 60 § .			
60 § and over . .			
Age ‡—			
60 § and over . .			
Total . . .			

(2) Total number of retirements on pension in each of the years included in (1) and in each of the two years preceding the valuation date.

Year.	No. of retirements.	
	Ill-health.	Age.
Total . .		

Notes.—* Separate tables are to be provided for :—

Classes (*a*) Male Officers.
(*b*) Female Officers (other than those specified at (*c*))
(*c*) Female Nurses, midwives and health visitors to whom Section 16 applies.
(*d*) Male Servants.
(*e*) Female Servants.

If there are no members of one or more of these Classes, the Class or Classes of which there are no members should be stated. If in any case the numbers are small, the table may, if desired, be replaced by a list giving all relevant particulars in respect of each employee.

† The method adopted in calculating the ages should be stated.

‡ The headings Ill-health and Age refer respectively to pensioners who retired under the provisions of Section 8 (1) (*a*), and Section 8 (1) (*b*) and (*c*).

§ In the case of the class mentioned at (*c*) in Note *, " 55 " should be substituted for " 60."

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FORM G.

SUMMARY * OF THE DECREMENT RATES † AND THE SALARY SCALE ADOPTED IN THE VALUATION AS AT . . .

Age.	Active Staff.				Pensioners.	
	Assumed Rate of			Assumed salary scale.	Assumed Rate of Mortality.	
	Withdrawal.	Death.	Retirement. §		Ill-health. ‖	Age. ‖
20						
25						
30						
35						
40						
45						
50						
55‡						
60						
61						
62						
63						
64						
65						
70						
75						
80						
85						

Notes.—* Separate tables are to be provided for the following Classes :—

(*a*) Male Officers.
(*b*) Female Officers (other than those specified at (*c*)).
(*c*) Female Nurses, midwives and health visitors to whom Section 16 applies.
(*d*) Male Servants.
(*e*) Female Servants,

If there are no members of one or more of these Classes, the Class or Classes of which there are no members should be stated.

† If any published table or tables have been used, it will be sufficient to state the name of the table or the names of the tables, and the modifications (if any) which have been made therein.

‡ In the case of the class mentioned at (*c*) in Note *, the rates should be stated at individual ages between 55 and 60.

§ If special methods have been adopted to provide for the retirement at age 60 and over of employees who entered the service under age 25, a description of the methods should be given.

‖ The columns headed Ill-health and Age refer respectively to the rates assumed for pensioners who retired under the provisions of Section 8 (1) (*a*), and Section 8 (1) (*b*) and (*c*). If special methods have been adopted in the valuation, and rates in the form stated are not available, a description of these methods should be given.

FORM H.

VALUATION BALANCE SHEET AS AT.....

	Officers.			Servants.		Total.		Officers.			Servants.		Total.
	Males.	Females.	Female Nurses, etc. (Sec. 16).	Males.	Females.			Males.	Females.	Female Nurses, etc. (Sec. 16).	Males.	Females.	
LIABILITIES.	£	£	£	£	£	£	ASSETS.	£	£	£	£	£	£
Active Staff.													
Value of future superannuation allowances in respect of—							Value of future contributions by—						
(*a*) Past service . .							(i) Employees . .						
(*b*) Future service . .							(ii) Authority . .						
Value of return of contributions on death or withdrawal.							Value of future payments of annual charge of £ per annum for years.						
Contingent liability remaining with Fund in respect of..... employees who have transferred to other employment.							Value of any deficiency or other special charge.						
							Value of estimated total liabilities to be made good by authorities interested in the fund (Article 6).						
Pensioners.													
Value of existing superannuation allowances to retired employees.							Amount of Fund . .						
Value of pensions to spouses of retired employees.													
(*a*) contingent . .													
(*b*) incumbent . .													
Surplus							Deficiency						

SUPER-ANNUA-TION

Given under the official seal of the Minister of Health this eighteenth day of March nineteen hundred and thirty-nine.

(L.S.)

A. W. NEVILLE,
Assistant Secretary,
Ministry of Health.

TOWN AND COUNTRY PLANNING.

CIRCULAR 1305.

Local Authorities and
Joint Town Planning Committees.
(England and Wales.)

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
4th March, 1933.

TOWN AND COUNTRY PLANNING ACT (*a*).

SIR,—I am directed by the Minister of Health to inform you that a statement will be sent to you within a few days summarising the principal provisions of the new Act. Section 34 of the Act, which gives certain powers to Authorities and owners to enter into agreements, came into operation on the passing of the Act. The remainder of the Act will come into operation on April 1st next, and as from that date the Town Planning Act of 1925 will be repealed and also the provisions in Local Acts extending planning powers, except certain provisions expressly preserved.

Extension of Powers.

The new Act extends materially the planning powers of Local Authorities and places new opportunities within their reach. The gains to the community will depend on how the powers are exercised. Town and country planning is a means by which individual activities may be directed towards larger benefits and economies may be effected, for the individual and for the community. It is not primarily a means by which the Local Authority itself undertakes services, since the principal object of a scheme is to provide a plan within which initiative and enterprise, whether private or public may be exercised to the best advantage.

Contents of Schemes.

Schemes should not enter into more detail than is fully warranted at the time. What is primarily needed is a broad framework for guiding and regulating development. By keeping to the principal requirements, schemes can be more quickly put forward, the necessity for revision is reduced, and attention will be concentrated on the matters which count most for securing a good scheme.

There will be the less reason for including in schemes provisions for the detailed regulation of development, unless the time is ripe for them, because the Act provides means for filling details into the general framework of a plan. In the case of regional schemes, supplementary schemes may be made for this purpose, and in the case of all schemes, supplementary orders may be prepared. Provisions which may be desirable for regulating details of development can, therefore, be put forward when the measures likely to prove best in the general interest can be better foreseen. There has, for instance, been a tendency in some schemes to lay down the lines of new roads too much in advance of the time when the siting of them is either necessary or useful.

Provisions in schemes should, of course, be based on sound understanding of, and be closely adapted to, local conditions, prospects and interests. Vague recommendations, however admirable in intention, only waste time and cause irritation. A scheme must above all be practical.

(*a*) That is, the Town and Country Planning Act, 1932, which came into operation (apart from section 34, mentioned at the beginning of this Circular) on April 1st, 1933. See the Act and notes, *ante,* pp. 1879 *et seq.*

Regional Schemes.

One of the most significant developments of recent years has been the growth of Regional Committees. They are a response to the pressure of current conditions. Where neighbouring districts have common interests or where they form one economic unit, there is obvious advantage in having one master plan for the whole unit providing at least for the large matters of regional importance, with freedom to each Local Authority, if that be the general wish, to fit into the master plan, by supplementary schemes or orders, matters which are primarily of local concern.

The prosperity of each district will depend largely upon the prosperity of the region of which it forms part, and any sectional advantage is dearly bought if the price be lessened efficiency of the region as a whole, whether as a unit for the production of goods or as a unit within which amenities are to be preserved. Differences between Authorities are far more readily composed where joint committees are established. The smaller Authorities need not fear that co-operation may be a prelude to absorption by larger neighbours.

The better practice is to appoint an executive Regional Committee, with powers to prepare an operative master plan. There may, however, be local reasons why it may be expedient to rest content with an Advisory Committee as, for instance, where some Authorities within the region have already proceeded far with local schemes or where a sufficient body of support cannot be obtained for an executive committee. Whichever course is adopted, there should be systematic means for consultation with important interests not represented on the committee.

County Councils.

The range of functions now exercised by County Councils renders imperative their active co-operation in preparing schemes. Except the London County Council, they are not themselves planning Authorities unless powers are relinquished to them or conferred on default, but they have the right to participate in Joint Committees and are expressly enabled to assist in the preparation of schemes. They may also be made Responsible Authorities for particular proposals in schemes.

A number of County Councils have already taken a leading part in preparing proposals. The Minister hopes that County Councils will not hesitate to take advantage of the opportunities which are available to them and that other Authorities will not fail to make full use of their assistance. With the inter-locking of functions between County Councils and other Authorities, the best schemes can be obtained only in this spirit.

Planning is of first importance for County Councils for their own work. It is only by the exercise of informed foresight, the fruits of which can be embodied in schemes, that they can hope to carry out their duties to the best advantage of the community and with the largest measure of economy. By timely negotiation with owners, compensation in such matters as the lines of new streets or building or improvement lines can be avoided or kept within narrow limits.

Built Areas.

Local Authorities will now be empowered to prepare schemes for areas already developed and will thus be enabled to deal with difficulties which have confronted them. The Act provides, in the case of any land already built upon, that the Minister shall not approve a resolution to prepare a scheme unless he is satisfied " that public improvements are likely to be made, or other development is likely to take place, within such a period of time and on such a scale as to make the inclusion of the land in a scheme expedient, or that the land comprises buildings or other objects of architectural, historic, or artistic interest, or that the land is so situate that the general object of the scheme would be better secured by its inclusion." The object of this limitation is to exclude from the powers of planning what have been described as " static areas," that is, areas where such changes are not to be expected as to justify the making of schemes for them. In deciding whether " development is likely to take place within such a period of time and on such a scale as to make the inclusion of the land in a scheme expedient," it will be right, of course, to take account not only of development which has already occurred or is contemplated in the area, but also what has happened in areas similarly situated. Development as defined in section 53 of the Act includes, with certain specified exceptions, " any use of the land

or any building thereon for a purpose which is different from the purpose for which the land or building was last being used."

As regards the last part of the provision quoted from the Act ("land . . . so situate that the general object of the scheme would be better secured by its inclusion "), this will enable areas to be included where such development is not so likely as to justify the preparation of a scheme for the areas as independent units, but where there are reasons for the efficiency of the scheme why they should be included—where, for example, areas of land would be left uncovered by the scheme in the midst of other areas, or where the area contains special features, such as open spaces, which should be preserved as part of the general plan, or, in the general case, where an area in which new development is taking place or is likely is being planned and there is another area on its borders and the extension of planning provisions to that area is necessary for the efficient planning of the first area, as, for instance, a residential area in proximity to an industrial or business area for which provision is made in the scheme.

These extensive new powers, as indeed all the other powers of the Act, will, of course, have to be exercised with care. Local Authorities should confine their proposals to what is not only desirable but reasonably practicable, not attempting to secure what might have been feasible if the land had not already been developed but may, in view of the existing development, be beyond available public means or unfair to existing interests.

In the case of some areas, and certainly for many parts of areas covered by schemes, more may not be required than zoning and the preservation of existing amenities—provisions relating to the use and kinds of buildings which may be erected, space about buildings, preservation of open spaces and the like. In other cases it will be advisable also to provide for street improvements by laying down the lines of contemplated widenings or of new streets. Any new works would not, of course, be carried out until the time is opportune (as when private redevelopment takes place) and means are available, and they can then be carried out more easily and at less cost because of the provision made in the scheme.

When a new building has to be set back in order to provide for a future street improvement which is not likely to be carried out for some time, measures should be adopted, wherever practicable, for reducing the cost, as by arranging with the owner that the business premises, at least on the ground floor, may be brought out to the line of the existing street by means of a temporary front. Arrangements satisfactory to the owner and to the Local Authority can usually be effected.

Special safeguards are contained in the Act to protect the interests of the owners of existing buildings. These are set out in pages 7 and 12 of the summary of the Act (*a*).

Country Planning.

A large amount of rural land is now included in schemes as land likely to be developed, particularly because of modern transport facilities. The Act extends the powers. As with land already built upon, so in the case of rural land there is a limitation on the kind of land which may be included in schemes, the general object being the same, to exclude from schemes "static areas" where changes are not so likely as to justify the preparation of a scheme. The Act provides that the Minister shall not approve a resolution to prepare a scheme unless he is satisfied "in the case of land which is neither already built upon nor in course of development, nor likely to be developed, that the land is so situated in relation to land which is already built upon, or in course of development, or on which development is likely to take place, as to make its inclusion in a scheme expedient, or that it comprises objects or places of natural interest or beauty."

The object of this provision is to define land for which the protection of a scheme may be desirable for preserving rural amenities, quite independently of any development which has taken place or may be taking place or be likely to take place. Broadly speaking, it enables a scheme to be prepared for any rural land which is so much within the sphere of influence of land already built upon or being developed or likely to be developed that either there may be a threat to rural amenities or that special measures for protecting rural amenities may be warranted because of the importance of preserving them by reason of that proximity.

(*a*) The references are to the Summary at p. 3888, *post*, corresponding to pp. 3892, 3895, *post*.

With modern transport, this power will obviously extend, for example, to a wide area of rural land outside any large town. The Minister wishes to emphasise that this special power can be exercised for preserving amenities, apart from control of prospective development. Land which is in course of development or on which development is likely to take place can, of course, be included in schemes in virtue of that fact, whether the district be rural or urban.

The power to prepare schemes also extends to land which "comprises objects or places of natural interest or beauty." This power enables schemes to be prepared not only for the objects or places themselves and their immediate surroundings, but also for adjoining areas of land the protection of which may reasonably be held to be an integral part of protecting the objects or places of natural interest or beauty.

Schemes for rural areas where development of an urban character is not to be anticipated may be expected to be directed chiefly to protecting rural amenities, to securing, so far as reasonably practicable, grouped instead of scattered development where the development is substantial, or preventing development in areas where insanitary conditions would be likely to ensue or where the cost of providing the necessary public services would be prohibitive, or in so regulating the development as to avoid these consequences.

The Act gives additional opportunities of preventing unsightly and wasteful ribbon development, both in rural areas and in the neighbourhood of towns. There is a general demand that more should be done to prevent this kind of development, in the interest of economy no less than of amenity. The object must be achieved with fairness to owners. This may be possible, for instance:

(*a*) By grouped development adjoining but off the arterial road, care being taken to avoid too numerous side streets into that road. Instances will occur where grouped development can be encouraged by concessions which reduce the cost of street works where an estate is developed as a whole and the future use of the streets is fixed by the development;

(*b*) Where development abutting on the road cannot reasonably be prevented, by securing that buildings shall be erected with direct access not to the arterial road but to a service road parallel with the arterial road and communicating with it at suitable intervals. In this way not only may serious reduction in the traffic value of the arterial road be avoided but the amenity and value of buildings, especially residences, may be increased, by siting them some distance away from the noise and bustle of the main road;

(*c*) By use of the powers to which reference is made in the next section.

When submitting for the approval of the Minister a resolution to prepare a scheme under the Act (after the Act comes into operation all resolutions, other than those relating to supplementary or varying schemes, will require approval), Authorities will be required to set out the grounds on which they are satisfied that the area covered by the resolution comes within the terms of the Act and to forward, with their comments, copies of any suggestions which may have been deceived and not met or withdrawn for including or excluding land.

General Development Orders.

Many complaints have been made in recent years of sporadic development, apart from ill-considered ribbon development. Some sporadic development has been so lacking in modern decencies as to be scarcely credible in this country in the twentieth century.

In addition, there is often waste and injury from development which is not undertaken in an orderly fashion, probably much more in the aggregate than from development which is definitely bad. Public services may have to be provided, for instance, long before they will be largely used; they may have to be on a scale sufficient also for intervening development, which may not occur for many years. The Act contains provisions which should help materially in dealing with this problem. A scheme may specify areas where general building development is not permitted until an Order has been issued. By general building development is meant building development which may take place as a matter of course if it complies with conditions laid down in the scheme or order, in contrast with particular development for which express permission is required, as provided by the Act.

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The interests of owners are safeguarded by the Act, which provides that an application for particular development may be refused only if certain specified conditions prevail which make refusal reasonable and fair.

The object of these new powers is to prevent development which is likely to lead to insanitary conditions without public services which it would be too costly and unfair to other ratepayers to provide at the time or which would be likely seriously to injure the amenities of the locality. Provisions applying the powers must be reasonable. It is not intended to prevent development in new areas until partially developed areas have been filled. Reasonable elasticity must be permitted and due regard paid to the interests of owners.

It will be expedient that the scheme itself should lay down the kind of general development which may take place in a restricted area when a General Development Order is issued if this can then be done with assurance, but not if to do so would be premature.

Design and External Appearance.

Schemes may include provisions for regulating the design and external appearance of buildings, subject to a right of appeal. The powers cover control of materials, but only as part of control of design or external appearance. Taste is not a matter for dogmatism. The powers should be used for preventing what may reasonably be regarded as "outrages," buildings out of keeping with their surroundings and an offence to the neighbourhood. Much can be achieved by education and friendly guidance.

As indicated in a previous circular, the Royal Institute of British Architects and the Council for the Preservation of Rural England have appointed voluntary panels of architects up and down the country, and these panels are prepared to advise Local Authorities and private developers. There are still many places where use has not been made of these panels. In some places simple leaflets have been issued for the help and guidance of builders, and, in some, arrangements have been made with the local representative group of architects for the preparation of a number of designs of buildings suitable for the locality, the designs being obtainable at a moderate price.

It should be well known by this time that well-designed buildings should not usually cost more than those ill-designed; on the contrary, they are likely to be cheaper. There are instances where builders at first resented criticisms of their plans, but have since become convinced from practical experience of the value of help and guidance, and have become among the most vigorous in maintaining standards. An ugly building, out of keeping with its surroundings, may be not only an eyesore and injurious to local amenities, but may reduce the value of neighbouring property.

Local Authorities should bear in mind that for new public buildings of importance the advice of the Royal Fine Art Commission* is available. The Commission are also prepared, if invited, and if they think their intervention likely to be in the public interest, to offer advice on questions of principle which may arise in the case of new private buildings of special importance for the locality.

Preservation of Special Buildings.

County Councils and Borough and Urban and Rural District Councils are empowered to make orders, subject to the approval of the Minister, for preventing the demolition of buildings of special architectural or historic interest. The powers are limited to areas for which resolutions have taken effect. Compensation may be claimed where an order has come into operation.

These new powers supplement those of the Ancient Monuments Acts, and the Minister is required to consult the Commissioners of Works before approving orders. The exercise of the two sets of powers can thus be kept in line. It may be mentioned that the Minister is also required to consult with the Commissioners of Works where it is represented to him that a provision in a proposed scheme will involve the removal, pulling down, or alteration of a building of special architectural or historic interest. Provisions may still be included in schemes for preserving buildings.

* Communications should be addressed to the Secretary, Royal Fine Art Commission, 6, Burlington Gardens, W.1.

The powers should be used only where there is a strong case. Orders will not prove of service unless the buildings will be maintained. Before putting forward orders, Authorities should satisfy themselves so far as practicable what their liabilities are likely to be and should do their utmost to come to satisfactory arrangements with the owners.

Compensation.

The right to claim compensation continues broadly as under the existing Act. It is expressly provided that, in the case of property on which a trade or business or profession is carried on, the claim for compensation may include the amount of any resulting damage to that trade, business or profession. Reference is made later to claims that may be made in respect of injurious affection due to interim decisions.

The periods within which claims may be made are specified in the Act. Special provision is made for cases where a building line is fixed in the scheme for land on which there is already a building or on which there was a building within two years before the material date.

Substantial changes have been made in the provisions relating to the exclusion of compensation. The vague term "character" of buildings has been dropped, and in its place the subjects which it covers have been expressly enumerated—design, external appearance and use of buildings. Compensation may be excluded in respect of some additional matters, which are set out in the summary of the Act (pages 10 to 12). There are provisions to secure that the right to exclude compensation shall not be unfairly exercised.

The Act also provides that the exclusion of compensation in respect of specified provisions in a scheme shall be contained in the scheme itself, instead of in a declaration of the Minister, so that interested parties will have full opportunity of making representations.

Betterment.

The law as to betterment is materially changed. The percentage of increased value which may be claimed has been raised from 50 to 75. Any person on whom a claim for betterment is made has the right to have it deferred until the increased value is realised in one of the ways specified in the Act (see page 13 of the summary), unless he has made a claim for compensation for injurious affection which is not immediately suffered. Where a claim is deferred, the value of the land for determining the amount of the increase in value will be the value at the time when the fresh claim is made.

Parliamentary Procedure.

Under the Town Planning Act of 1925 a scheme comes into operation as soon as it has been approved by the Minister. Under the new Act, every scheme has to be laid before each House of Parliament, with power to either House within twenty-one sitting days to pass a resolution that the scheme, or any particular provision in the scheme, ought not to come into operation.

If such a resolution is passed, the Minister may then treat the scheme as though it were a scheme which had not been approved by him. This procedure is necessary because amendments consequential on and additional to those made by Parliament may be required by reason of those amendments. The Authority who submitted the scheme and any interested parties will be consulted in due course if additional amendments are proposed. Any scheme so amended has then to be submitted again to Parliament. The same procedure may be adopted if the Minister considers it expedient to withdraw from Parliament a scheme after it has been submitted.

Further, any provision in a scheme which suspends a statutory enactment is not valid until it has been passed by both Houses by affirmative resolutions, unless the enactment is one of those excepted by the Act.

Legal Validity.

The new Act provides a simple procedure by which the legal validity of a scheme or any provision in it may be determined. Proceedings for this purpose may be taken within six weeks after the publication of a notice that the scheme has passed through the Parliamentary procedure required by the Act. The period of six weeks should

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afford ample time, because the provisions of a scheme will have been before the public for a long time before it has passed through Parliament.

After the expiration of that period the legal validity of any provision in a scheme cannot be questioned. Finality is essential since owners who have undertaken development in reliance on the scheme cannot fairly be left in uncertainty. The scheme cannot become operative until the expiration of the six weeks during which its validity may be questioned.

Interim Development.

The relatively small number of appeals made in past years against interim decisions indicates that Local Authorities have generally exercised their powers with discretion. The further fact that a large proportion of these appeals have been settled to the satisfaction of both parties shows that there are not many cases where agreement cannot be reached by negotiation.

The Act contains a number of new provisions important for interim applications. In the first place, in order to avoid delay, an application is to be deemed to have been granted if it is not decided within two months, unless the applicant has agreed to extend this time. Applications must be decided as soon as possible after receipt; the two months is a limit. Where another Authority may be concerned in a decision, arrangements should be made so that decision may be reached well within the limit of time. Local Authorities are required to state their reasons where an application is refused, or granted subject to conditions.

Secondly, Authorities are empowered to contribute towards any loss or damage suffered by an applicant by an interim decision. The Minister cannot compel an Authority to make a contribution, but in deciding an appeal he is required to consider any offer which has been made. Cases have occurred where the Minister has considered that the reasons for the decision of the Local Authority have been good, but he has not felt able to uphold it because of undue hardship to the applicant without some contribution, which Authorities at present have no power to make. They will now be able to provide equitably for any such case.

Attention is drawn to the new provisions in the Act giving a right to claim compensation in certain classes of cases in respect of interim decisions, and to the provision giving the owner in certain circumstances the right to require purchase of land proposed to be preserved for a public open space where permission for interim development is refused (see pages 3, 6 and 10 of the summary).

As stated on previous occasions, Authorities cannot expect to regulate development as closely during the interim period as when a scheme is in force (which is one reason why the preparation of schemes should not be delayed after a resolution has been passed), and there must be a reasonable spirit of give and take in dealing with applications consistently with the interests of other owners.

At present interim control extends only to the development of estates and building operations. Under the Act, the control may also cover use of land (other than agricultural use), whether or not buildings are to be erected. It will probably be wise ordinarily to limit any control of this kind to preventing uses likely to be dangerous to health or detrimental to the neighbourhood or likely to involve the ratepayers in unreasonable expense.

The effect of interim control continues to be the same. The erection of buildings or the use of land cannot be prohibited, provided the byelaws and other like requirements are complied with. But an owner who develops on land covered by a resolution without the permission of the Authority does so subject to this risk, that if the development is not in conformity with the scheme as it comes into operation, the Responsible Authority can bring it into conformity at his cost and without compensation. On the other hand, he is protected if he has obtained permission, and, should the permitted development not conform with the scheme (which would be exceptional), as in the case of existing buildings and uses, conformity could be required only subject to a right to claim compensation.

It has been represented to the Minister that in some cases formal written permission has not been granted when applications have been made, and that informal assurances that the proposed development can proceed have been considered sufficient and have been accepted by applicants. It is right that an applicant should have the

protection of a formal permission in every case where the development is permitted, and this should always be given, in writing.

Time Limits.

Local Authorities should take particular note of the time limits provided in the Act. Where a resolution to prepare a scheme under the Act has been approved, the Minister is required by the Fourth Schedule of the Act to provide in regulations that—

(1) Where a Preliminary Statement is prepared, the Statement shall be submitted within not more than eighteen months of the approval of the resolution and the draft scheme within not more than a further eighteen months of the approval of the Preliminary Statement; and

(2) Where the Authority proceed immediately to the preparation of a draft scheme (without a Preliminary Statement), the draft scheme shall be submitted within not more than three years of the approval of the resolution.

The Minister is authorised to extend these periods only where satisfied that there are special circumstances to warrant an extension, and he will require to be assured that the Authority has a reasonable prospect of complying with the time limits before he approves a resolution. Resolutions should not be passed until the Authority are satisfied that they can comply with the time limits, barring unforeseen circumstances.

In the past, a long time has usually elapsed between the passing of the resolution and the submission of proposals. The Minister is well aware of the various circumstances which have prevented Authorities from preparing schemes more speedily, many of them beyond the control of the Authorities. He is well aware also of the time which is taken up in the necessary consultations and negotiations with owners, and that delays occur for which the Authorities are in no way responsible. Allowing, however, for these facts, in many cases sufficient effort has not been made to bring proposals to a head. Authorities must so arrange their work as to comply with the time limits. A definite time-programme should be settled, with a margin for contingencies. If all that is desired cannot be included in schemes within the period, then proposals should be put forward, after the necessary consultations, covering as much as is practicable, leaving outstanding matters to be dealt with by supplementary schemes or orders. Authorities should concentrate from the outset on matters of essential importance, thus making sure of the main framework of the scheme.

It will generally be necessary that Authorities should do more preliminary work before resolutions are passed. It may be objected that difficulties may occur if proposals are disclosed before a resolution has been passed. But a good deal of preliminary work, including the survey of local conditions, general consultation with owners and negotiations with other Authorities, can be undertaken without disclosing proposals, and progress will be greatly facilitated if this work is well done before a resolution is passed.

General Procedure.

Local Authorities will usually find it convenient to delegate the work of preparation, and of dealing with interim applications and other incidental matters, to a Committee appointed for the purpose. The Committee should preferably be small, and be given ample powers. A scheme is of such supreme importance for the future of the district that too much care cannot be taken in appointing a suitable body for its preparation. The scheme itself must always be adopted by the Council (or Joint Committee) as a whole, at a meeting of which special notice has been given that the business will be considered.

It is important also that applications for development shall be considered and decided by a body of persons who are familiar with the considerations of which account should be taken and that, so far as practicable, all applications shall be dealt with by the same persons, so as to secure uniformity. The considerations which arise will be primarily of an administrative nature, but all applications must be decided in a judicial spirit.

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Notices.

One cause of delay in the past, and of expense, has been the onerous burden of "referencing," of ascertaining individual owners and of serving notices on them. This procedure will be replaced by a simpler system, which is described in pages 3 and 4 of the summary. Briefly, public advertisement will have to be issued as soon as a resolution has taken effect. Individual notices will afterwards have to be served on owners and occupiers in the area whose names appear in the assessments to income tax; a period of six months after the date on which the resolution comes into effect is allowed for this purpose, the object being to enable the Authority to send out the notices with the Rate Demand Notes if they so desire. Further, opportunity is given for owners and associations representing owners or business or industry to be registered, and those registered are then to receive individual notice at each stage of the scheme of which public notice has to be given. This register will have to be kept with care to ensure that notice is sent to every owner and association entitled to it.

The Act provides that where, for instance, under a scheme an Authority other than that by which the scheme was prepared becomes the Responsible Authority for part of the area, the scheme may provide for the transfer of the relative portion of the register to that other Authority. The register should be so kept as to facilitate the transfer.

The new system of notices will be not only simpler and cheaper but will also have the advantage that owners will receive individual notice at the earliest stage of the scheme instead of, as now, at a late stage.

Resolutions now in force.

Resolutions passed under the Act of 1925 or previous Acts continue in force. The Minister proposes to issue an order to bring the procedure in these cases into general conformity with that under the new Act, with a saving for cases where action has already been taken.

Where a Local Authority or Joint Committee propose to prepare one scheme for an area for which a resolution is already in force and for an area for which a resolution is passed under the new Act, it will not be necessary to rescind the first resolution because the Act provides that a scheme may be prepared for areas covered by two or more resolutions or any part of those areas. The "material date" for any area will depend, of course, on the date on which the resolution for that area came into effect.

Schemes should be submitted with all reasonable despatch in the many cases where resolutions have already been passed, consistently with the circumstances of the present time. The reduced amount of public work which is now being carried out may provide an opportunity in a number of places of pressing forward with planning schemes already in hand, because little expenditure is involved and the future savings may be large.

Aerodromes.

The reservation of land for areodromes is expressly included in the Second Schedule of the Act as one of the purposes for which a scheme may provide. The growth of air travel has necessitated increased attention to the subject. Reservation of land for this purpose needs to be timely, otherwise suitable land may be difficult to obtain. The Air Ministry wish to stress the importance of reserving land convenient of access and free of instructions in the vicinity dangerous to flying, such as electric cables. It is necessary also to arrange with owners that neighbouring development which would interfere with the use of the aerodrome shall be avoided, and that buildings and other structures in the immediate vicinity shall be kept comparatively low. These and other precautions are best ensured if land is set aside for the aerodrome before much development has taken place in the neighbourhood.

The Air Ministry advise that planning Authorities will as a rule find it desirable to obtain the advice of an aerodrome consultant as to suitable land, its general lay-out and the safeguards desirable in neighbouring development. A list of consultants approved by that Ministry can be obtained from them.

Agreements with Owners.

Section 34 of the Act (this section came into force on the passing of the Act) enables owners to enter into agreements with Authorities, including County Councils, for the planning, development or use of land permanently or for a specified period. Many agreements of this nature have been made in the past, but most of them have depended for their validity on inclusion in the scheme. Under the Act an agreement of the kind can be made before the scheme has come into operation. It may be convenient to incorporate in the scheme agreements made in advance of it, or to schedule them to the scheme, in order that the latter may give a complete picture of the arrangements made for the development of the area.

There is advantage in entering into definite agreements wherever possible. In deciding on proposed agreements, Authorities should have careful regard to the interests of neighbouring owners. Agreements under the section must be entered in the Local Land Charges Register. Local Authorities will probably find it convenient and economical, in addition, to keep for their own use a readily available record of agreements, as of interim decisions or other interim arrangements. Where an Authority other than that preparing a scheme proposes to enter into an agreement for land within the area of the proposed scheme, they should consult with that Authority, and should afterwards notify them of any agreement made.

Crown Lands.

A scheme is not enforceable in respect of land in the occupation of the Crown, but it is desirable that, so far as reasonable, such land should be developed in harmony with the scheme, and the Act enables Government Departments to enter into agreements with planning Authorities for this purpose.

As with private owners so also with Government Departments, Planning Authorities should enter into negotiations at the very earliest stages of the preparation of a scheme, before proposals are definitely formulated. There is everything to be gained by so doing. Crown land in the occupation of, for example, a Defence Department or the Post Office, will probably have been acquired for a specific purpose and the use of the land for that purpose may crucially affect the right planning of neighbouring lands. On the other hand, Crown lands under the management of the Commissioners of Crown Lands may be intended for general development, and the Commissioners will be desirous of co-operating with Local Authorities in securing the best use of the land. By timely negotiations, and by appreciating national, as well as local, needs, there should be few cases, if any, where satisfactory arrangements cannot be made. Land includes foreshore. The larger part of the foreshore belonging to the Crown is under the management of the Board of Trade. The Board of Trade are also responsible for safeguarding the public right of navigation, which extends over all foreshore, irrespective of ownership.

Enquiries with regard to lands owned by Service Departments should be addressed to the Admiralty, War Office or Air Ministry and not to Local Commands or units. In respect of Territorial Army Association properties enquiries should be addressed to the Secretary of the County Association, who will receive general instructions to consult the War Office in all cases.

Mention may be made that for many places the Postmaster-General can give advanced indication where new telephone exchanges may be located. This information is useful for planning. Enquiry should be made of the Post Office Superintending Engineer, whose address may be obtained from the local Post Office or Telephone Exchange. Any information provided will be intended solely to assist in preparing plans and must be treated as strictly confidential.

Model Clauses.

A new set of model clauses is being prepared, to bring them into line with the new Act. The Minister will be glad to receive any suggestions on the subject from Local Authorities or Joint Committees or their officials.

Experience indicates that, with the help of the model clauses, Authorities should now often be able readily to proceed without undue delay to the draft scheme, without a Preliminary Statement. There is advantage in reaching finality as soon as reasonably practicable, and the Minister hopes that an increasing number of Authorities will follow this procedure.

TOWN AND COUNTRY PLANNING

Authorities should not often find it necessary to depart from the model Preliminary Statement or the model clauses, which are periodically revised in the light of the latest experience. The Minister will be glad if they will always indicate where they do propose to depart from the models, with the reasons, and thus facilitate decision.

Advisory Committee.

In the course of the discussion on the Bill, the Minister stated that he intended to appoint an Advisory Committee to assist in the carrying out of the work under the Act. He proposes that the Committee shall contain persons from the local government associations, from bodies representatives of the interests of owners and of business and industry and from bodies concerned with planning and with amenities.

Elasticity.

The Ministry have always insisted on reasonable elasticity in schemes. A scheme has to fit conditions and should not be more rigid than the conditions permit. Needless difficulties will arise if unreasonable rigidity is attempted.

Reasonable elasticity, however, does not involve either uncertainty of what is intended or absence of definite proposals. Elasticity both in detailed planning and in zoning can the more readily be secured under the Act, without incurring the dangers of indefiniteness, because of the provisions enabling supplementary schemes or orders to be made to add to or to modify in an orderly and well-considered manner the provisions embodied in the scheme. For example, an area zoned for residential purposes might be ruined by the casual erection of some other type of building. On the other hand, its erection as part of a well-considered detailed plan, allocating immediately adjacent land to suitable purposes, may leave the residential character of the remainder of the land uninjured.

Elasticity is especially desirable in zoning. To reserve an area of land solely for any one class of buildings, rigidly excluding others, will usually be justified only if it is clear that the land will be so used at an early date or if there are special reasons, such as scarcity of other suitable land for the purpose. Industrial and commercial development covers a wide range of activities, some of which can be carried on in areas which are predominantly residential, under suitable conditions, and may indeed have to be carried on in or near such areas if they are to prosper. In all proposals, the wishes of the owners of the land as well as the general interest must be fully considered.

Every scheme should be periodically reviewed, say once every five years, to see whether any changes are necessary, changes being effected, of course, only if really required. Proper account must be taken also of any interests which have grown up in reliance on the scheme, and, it should not be changed except for fully adequate reasons. The need for revision will be reduced where schemes are reasonably elastic and where they do not contain details in advance of the appropriate time, these being left, as already indicated, to supplementary schemes or orders so far as that is expedient.

Consultation of Interests.

The Act requires that schemes shall be prepared in co-operation with persons interested in the land proposed to be included in the scheme. The Ministry have always emphasised that the closest co-operation of this kind is essential for the best results.

The Minister wishes to stress that the consultation should be undertaken from the very earliest stages, before proposals are publicly formulated. It will generally be advisable that, before owners are consulted, the local committee or officials shall have prepared sketch outlines of a plan, but any outline at that stage should be wholly provisional and should not be made public either by any formal issue or through discussions in council or committee. It is usually neither fair nor sensible to publish proposals before owners have been consulted, and the atmosphere conducive to friendly negotiation is not promoted if owners first hear through the Press or otherwise, before they have been consulted, of proposals which may closely affect them. On the other hand, if frank consultation is undertaken right from the outset in a reasonable spirit of give and take, experience shows that proposals can usually be

formulated satisfactory to the public and to the owner, and the preparation and fulfilment of schemes thus be materially facilitated. Furthermore, in this way questions of compensation may be wholly removed or much reduced; broadly, the measure in which a scheme is good is also the measure in which questions of compensation are removed, except where land is reserved or acquired for public purposes.

In putting forward proposals reasonable regard should be paid to commitments already entered into by owners. Agreements with owners should be reduced to writing; it is not enough to assume agreement, as is sometimes done, simply because objection is not raised or vague general concurrence expressed.

The Authority preparing a scheme should also ascertain the views of other bodies in their districts who are concerned in planning. Steps should be taken to ascertain any proposals which are likely materially to affect development. It is important to ascertain, for instance, the views and intentions of statutory undertakers, and in this connection attention is drawn to section 31, by which statutory undertakers are empowered to indemnify planning Authorities in respect of provisions inserted in a scheme for their benefit. Thus, a new railway line or a new station may crucially affect the development of the neighbouring area; where any provision of this kind can be foreseen the scheme should be formulated with this prospect in mind, and, where desired, suitable arrangements can be made with the railway company for reserving the necessary land.

It is well that Authorities should let the general public, as well as owners and others directly concerned, know what they are aiming to do in their proposals. Regional reports have been useful in spreading this information. Leaflets which have been prepared by some Authorities have proved of much service. The local Press can be more used. A Preliminary Statement or a scheme is in itself unavoidably a rather dry document to the ordinary man. Authorities through the Press and otherwise should show the living purpose behind them.

Industry and Commerce.

More consultation is needed with representatives of industry and commerce. A scheme is above all a business proposition: this cannot be too strongly emphasised. It stands or falls according to the measure in which it contributes to the prosperity of the district, the measure in which it facilitates the activities on which that prosperity depends, whether industrial or commercial, and preserves and develops local amenities.

A good scheme is as much the concern of local business interests as of the public authority. For instance, it is to the gain of industry that well-planned industrial sites should be provided, conveniently situated with the best facilities for transport, by road, rail and, where available, water. The costs of production can thus be reduced, and also a material contribution made towards solving transport problems. Appropriate provisions in schemes, determined after consultation and in co-operation with the interests concerned, can facilitate the development of such sites by private enterprise. In this connection it is necessary also to bear in mind the advantage of providing housing sites within ready reach of industrial sites, and in this way helping to reduce the waste which too often occurs in long journeys to and from work. Endeavour should be made so far as practicable to secure well-planned units of development, with industrial, commercial and residential areas existing or prospective all in proper relationship so as to facilitate business, convenience and amenity.

Help and Guidance to Developers.

There are other directions in which developers may be helped. By reason of the many plans which come before them and from knowledge of what is done elsewhere, local officials should become a rich storehouse of experience. Authorities should not be content with an attitude of negation aimed at preventing what is injurious to the community and other owners, but should be constructive, ready to help developers with suggestions how land may be put to better use. There are numerous instances where advice has been tendered to developers which has enabled them to develop their land not only with more amenity but with less cost, to the benefit of the private owner and of the community.

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There is advantage if sketch plans are available at the local office for areas which are ripe for general development, not necessarily plans formally embodied in schemes or supplementary orders but suggestions available for private developers. At the same time it is necessary to avoid stereotyping any particular form of development. A drab uniformity even of what is in itself good may be depressing. If progress is to be maintained, individual initiative must have plenty of scope and the aim of Local Authorities should be to help and to stimulate, not to impose more than is essential.

Copies of this Circular and of the Summary referred to in paragraph 1 have been placed on sale and may be obtained from the Stationery Office at any of the addresses shown below.

I am, Sir,
Your obedient Servant,
I. G. GIBBON,
Assistant Secretary.

The Clerk to the Authority.

SUMMARY REFERRED TO IN MINISTRY OF HEALTH CIRCULAR 1305.

TOWN AND COUNTRY PLANNING ACT.

Summary of Provisions.

This summary is not intended to be more than a general indication of what the Act provides, and it is not exhaustive. The terms of the Act itself must be consulted for the precise effect of its provisions (*a*).

Sec. 1: *Scope.*

A scheme may be made for any land, whether there are or are not buildings upon it.

The general objects for which a scheme may be made are—to control development; to secure proper sanitary conditions, amenity and convenience; to preserve existing buildings or other objects of architectural, historic or artistic interest and places of natural interest or beauty; and generally to protect existing amenities.

These powers are subject to the limitations set out in section 6.

Sec. 2: *Authorities.*

The Local Authorities for the purposes of the Act are:—in the City of London, the Common Council; in the County of London, the London County Council; elsewhere, Borough and Urban District and Rural District Councils.

Any County District Council may relinquish its powers and duties, or some of them, to the County Council, on such conditions and for such time as may be agreed. Where such an agreement is made, or is rescinded or varied, the County Council has to send a copy to the Minister.

Sec. 3: *Joint Committees.*

Two or more Authorities, including County Councils, may form a Joint Committee for the exercise of such powers and duties in connection with the preparation or adoption of schemes as may be agreed, but not the powers of borrowing money or of levying a rate.

Every appointed member of the Committee must be a member of one or other of the Authorities, but the same person may represent two or more Authorities. He may be appointed for so long as he remains a member of one of the Authorities or for a shorter term.

A Joint Committee may co-opt members, but three-fourths of the members must be "appointed members," that is, members appointed as representatives of constituent Authorities. The Joint Committee may appoint sub-committees, consisting

(*a*) See the Act printed *ante*, p. 1879.

wholly or partly of members of the Joint Committee, but three-fourths of the members of a sub-committee must be "appointed members" of the Joint Committee.

The expenses of a Joint Committee may be defrayed by one or more constituent Authorities as may be agreed or, failing agreement, determined by the Minister.

The accounts of Joint Committees are subject to Government audit except where none of the constituent Authorities is under Government audit.

Sec. 4: Compulsory Combinations.

The Minister may by Order constitute a Joint Committee of two or more Authorities (including County Councils), at the request of one or more of them. He must hold a local inquiry before he does so, unless all the Authorities assent to the proposal. The Order may dissolve any existing Joint Committee, if that appears to the Minister to be necessary.

Sec. 5: Joint Committees: Right to Join.

The County Council has the right to become a member of any Joint Committee of which any County District Council in the County is a member.

The Minister may add to a Joint Committee any Local Authority whose district adjoins that of any constituent Authority of the Joint Committee.

Sec. 6: Resolutions.

A Local Authority or Joint Committee may resolve to prepare a scheme for any land in, or in the neighbourhood of, their area, or may adopt a scheme proposed by all or any of the owners of such land. A resolution (other than a resolution to prepare a varying or supplementary scheme) is not to take effect unless approved by the Minister.

Land which may be planned.

The Minister is not to approve a resolution unless satisfied—

(*a*) "in the case of any land already built upon, that public improvements are likely to be made, or other development is likely to take place, within such a period of time and on such a scale as to make the inclusion of the land in a scheme expedient, or that the land comprises buildings or other objects of architectural, historic or artistic interest, or that the land is so situate that the general object of the scheme would be better secured by its inclusion;

(*b*) in the case of land which is neither already built upon nor in course of development, nor likely to be developed, that the land is so situated in relation to land which is already built upon, or in course of development, or on which development is likely to take place, as to make its inclusion in a scheme expedient, or that it comprises objects or places of natural interest or beauty."

These limitations do not apply to any scheme proposed by the owners of not less than two-thirds of the land to be planned and approved by not less than three-fourths of the owners.

An Authority before passing a resolution must consult with other Authorities affected where the resolution covers land outside their district or for which a resolution or scheme by another Authority is in force.

Revocation of Resolution.

An Authority may revoke a resolution, with the approval of the Minister; or the Minister may revoke a resolution, after a local inquiry if an inquiry is requested.

A resolution is not to be revoked except subject to the condition that compensation may be claimed, if compensation could have been claimed had a scheme been made, in respect of any (*a*) injurious affection of property by reason of an interim decision on appeal, (*b*) expenditure incurred to comply with conditions imposed on an interim application and rendered abortive by the revocation, provided that the decision has been given or the expenditure incurred since the commencement of the Act.

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Area of Scheme.

One scheme may be prepared for two or more areas covered by resolutions; a conversely more than one scheme for the area covered by one resolution.

Sec. 7: Notices.

Where a resolution has taken effect, notice must be—

(*a*) published, within fourteen days, in the *London Gazette* and in a local new paper, the notice in the latter twice, once during each of two successi weeks, with six clear days between each publication;

(*b*) served, within six months, on each owner and occupier of any hereditame in the area of the resolution as shown by the latest assessment to incor tax under Schedule A of the Income Tax Act. The Surveyor of Tax may be required to supply the names and addresses on payment.

These notices have to contain the information specified in the section.

Any owner of property in the area and any association of owners or represe tative of business or industry in the district of the Authority may register with t Authority; and any registered owner or association is then entitled to receive in vidually at each stage of the preparation of the scheme a copy of any public noti which has to be given. It is the duty of the Authority to maintain the register. the end of three years after registration, the Authority may ask the owner (or associ tion) whether he still desires to be registered and may remove the name from t register if he does not reply that he does so desire.

Sec. 8 and First Schedule: Validity of Schemes.

Any scheme is subject to the approval of the Minister. He may approve wi modifications, but he must inform the Local Authority (or Joint Committee) of t modifications and must hold a local inquiry if requested by them.

Any scheme prepared by a Local Authority (or Joint Committee) must be pass by the Local Authority (or Joint Committee), not by a committee of the Loc Authority (or Joint Committee), at a meeting of which special notice of the busine has been given to each member.

Parliament.

Each scheme has to be laid before Parliament. Two different procedures are la down—

(1) for provisions in a scheme which suspend a statutory enactment, whether in general or local Act, other than certain enactments mentioned below; ar

(2) other provisions of a scheme.

Under the first procedure, suspensory provisions require to be approved affirmative resolutions of both Houses of Parliament.

Under the second procedure, either House of Parliament is empowered with twenty-one sitting days to pass a resolution that the scheme, or some provision of ought not to come into operation.

If the necessary affirmative resolutions are passed under the first procedure and resolution to annul is passed under the second procedure, the scheme goes forwa and becomes "capable of coming into operation."

If in the case of suspensory provisions the necessary affirmative resolutions are r passed, or if in the case of other provisions a resolution to annul is passed, or if either case upon a resolution being moved the Minister undertakes to withdraw a modify the scheme, the scheme is treated as reverting to the stage immediately bef the Minister's approval. Thereupon the Minister can modify it in order to bring into conformity with the wishes of Parliament or, if the scheme is one made by t Minister himself, he can proceed, with the like object, to make a new scheme.

The suspensory provisions to which the affirmative procedure does not apply are

(1) provisions suspending section 112 of the Public Health Act, 1875, as extend by section 51 of the Public Health Acts (Amendment) Act, 1907 (th relate to control of offensive trades); the Public Health (Buildings Streets) Act, 1888 (prohibiting the bringing forward of any building in

street beyond the line of neighbouring buildings); sections 30 to 34 of the Public Health Act, 1925 (relating to declaration of an existing highway to be a new street, requiring extra width of street and fixing improvement lines); and section 5 of the Roads Improvement Act, 1925 (fixing building lines):

(2) any enactment making provisions which could have been covered by a byelaw, order or regulation, not requiring Parliamentary confirmation:

(3) any enactment suspended by a previous scheme or one substantially to the same effect.

Legal Proceedings.

When a scheme has passed through Parliament and is capable of coming into operation, notice has to be published by the Authority in a local newspaper and individual notice has also to be given where required by the Act or regulations.

Within six weeks of the date of the published notice, any aggrieved person may apply to the High Court on the ground that the scheme, or a provision in it, is not within the powers of the Act or that a requirement has not been complied with and the Court is empowered in proper cases to suspend or quash the scheme or any of its provisions. Appeal to the House of Lords from the Court of Appeal lies only with the leave of the latter. Subject to the power of the Court the scheme becomes operative at the end of six weeks from the publication of the notice, and cannot thereafter be questioned in the Courts.

A provision confirmed by Parliament suspending a statutory enactment cannot be questioned in the Courts.

Variation or Revocation.

A scheme may be varied, otherwise than by extension of area, or revoked by a subsequent scheme. The Minister may vary or revoke a scheme if application is made to him by any Responsible Authority under the scheme or by any Authority or Joint Committee or person concerned; but he cannot vary a scheme if to do so would throw substantial additional expenditure on a Responsible Authority and that Authority objects.

Sec. 9: Supplementary Schemes.

Where a regional scheme (that is, a scheme made by a Joint Committee) has come into operation, a supplementary scheme may be made. The supplementary scheme is to incorporate with or without modifications the relative provisions of the regional scheme which are not inconsistent with the supplementary scheme, and may include additional provisions; the regional scheme will be revoked for the area covered by the supplementary scheme. The passing of a resolution to prepare a supplementary scheme does not carry with it interim control; the area will continue under the regional scheme until the supplementary scheme comes into force.

Sec. 10: Interim Development.

The Minister must make a general order with respect to interim development (that is, development between the date on which the resolution takes effect and the date on which the scheme comes into operation) and may make special orders. An Interim Development Order may itself permit development or may empower any Authority to permit development.

An application for interim development may be granted, with or without conditions, or may be refused. It is to be deemed to have been granted without conditions if the contrary is not notified, with reasons, within two months or such longer period as may be agreed in writing.

The Authority may make a contribution towards damage or expense when an application is refused or granted subject to conditions.

Appeal from an interim decision may be made to the Minister, within twenty-eight days of the notice of decision or such longer period as the Minister may allow. The decision of the Minister is final. He has to consider any offer of contribution by the Authority. The Minister must give the parties an opportunity of being heard, if requested by either of them.

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When an appeal is dismissed solely because the land ought to be reserved for a public open space and the land is suitable for immediate development and the Minister is satisfied that, if the application had been granted, the development would have taken place within a reasonable time, the appellant may require the Authority within six months to purchase the land, if he can dispose of the fee simple of the land with vacant possession.

A scheme must provide a right to claim compensation where expenditure has been necessarily incurred on buildings or works to comply with a condition confirmed or imposed by the Minister on appeal, the condition having been imposed in anticipation of a provision to be inserted in the scheme for reserving land for a public purpose or for the execution of works, and the scheme does not in fact contain such a provision, and the Minister, on representations made to him, is satisfied that the expenditure has on that account been rendered abortive, in whole or in part. The compensation which may be claimed is so much of the expenditure as is abortive.

An Interim Development Order may authorise any specified Authority to suspend the operation of any enactments in local Acts or of any orders, byelaws or regulations, where expedient to promote permitted development.

Interim control of development does not operate where the resolution is for a supplementary or varying scheme.

Existing Buildings.

Except as stated below, application to permit the erection of a new building in place of a building existing at the date on which the resolution takes effect (or a building which was standing within two years of the date on which the resolution takes effect) cannot be refused, or conditions imposed which would render it impossible (*a*) to erect on the site a new building of at least equal cubic content above the level of the ground and, where the premises were used for business or industry, also of not less superficial area on the ground floor, or (*b*) if the new building is commenced within two years of the destruction or demolition of the previous building, to use the building for any purpose of the same or similar character, unless the use would be of a noxious or otherwise offensive character. The obligation to permit the erection of the new building does not apply when the new building would project beyond a proposed building line or would be erected on land which the Authority propose to reserve in the scheme for a purpose for which the new building, if erected, would have to be removed or altered.

The obligation to permit the erection applies only where the application is made within two years of the destruction or demolition of the previous building or twelve months of the date on which the resolution takes effect, whichever is the later.

Sec. 11: Contents of Scheme.

A scheme must define the area to which it applies and specify the Authorities who are to be responsible for carrying provisions into effect.

The scheme may specify as a Responsible Authority the Local Authority for any area within the scheme, or the Local Authority for a neighbouring district, or the County Council, or may specify two or more such Authorities as Responsible Authorities for different purposes or for different parts of the area, or may constitute a joint body for the purpose. The joint body may be incorporated and authorised to borrow money and co-opt members, but three-fourths of the members must be persons who are members of the constituent Authorities.

Schemes are to contain such provisions as are necessary for prohibiting or regulating development, for carrying out the objects of the scheme and for dealing with any of the matters mentioned in the Second Schedule of the Act.

The scheme may suspend provisions in a statutory enactment, order, byelaw or regulation, subject to the provisions contained in the First Schedule, to which reference has already been made.

Sec. 12: Buildings and Building Operations.

The section sets out provisions which may be included in schemes relating to buildings and building operations.

A scheme which contains provisions for regulating the design and external appearance of buildings must provide for a right of appeal to a Court of Summary Jurisdic-

tion or to a tribunal specially constituted, and one of the grounds of appeal may be that the cost of complying with the decision would be unreasonable having regard to the character of the locality and of the neighbouring buildings.

Provisions may be made applicable to existing, as well as to new, buildings (but there are safeguards for existing buildings, in other sections).

A scheme may contain provisions which are to operate only until a General Development Order is issued (see also section 15).

A special saving is provided for agricultural buildings. Unless the site of the building is reserved for a purpose the carrying out of which would necessitate the removal or the alteration of the building, no provision is to apply to a building, or to the erection of any building, which is used for any of the following purposes and is occupied together with land mainly or exclusively used for any of the purposes, namely, for agriculture, as arable, meadow, pasture ground or orchard, or for the purposes of a plantation or a wood, or for the growth of saleable underwood.

Sec. 13: *Enforcing and Carrying out Schemes.*

The section contains provisions enabling the Responsible Authority to take action in the case of buildings or the use of buildings, whether existing or new, in order to bring them into conformity with the scheme or to prohibit the use of land at variance with the scheme. Land which is put to any use which contravenes a scheme can be reinstated, if the use is not an existing use. The Responsible Authority can also execute any work which it is the duty of any person to execute under the scheme, where delay has occurred and the efficiency of the scheme has been or will be prejudiced.

Due notice is to be given of any action proposed, not less than six months in the case of an existing building or work or an existing use, not less than twenty-eight days in other cases (that is, where something has been done in contravention of the scheme). An appeal lies to the Court of Summary Jurisdiction and, where the Court decides for the Responsible Authority, they may extend the time which must elapse before action can be taken to secure conformity with the scheme.

Reasonable expenses may be recovered by the Responsible Authority, except where they remove, pull down or alter an existing building or work. Penalties are provided for the use of buildings or land in a prohibited manner.

Sec. 14: *Supplementary Orders.*

A scheme may empower supplementary orders to be made, to supplement the provisions of the scheme. The orders are subject to the approval of the Minister, and are to be laid before Parliament and to be subject to question in the High Court, as in the case of schemes. They are also subject to the same provisions as schemes in the matter of the date of operation. An order may be revoked or varied by a later order.

Sec. 15: *General Development Orders.*

Where a scheme contains a provision prohibiting or restricting building operations on specified land until a general development order is made, the Responsible Authority may at any time make a general development order for the whole or part of the land. The order is subject to the approval of the Minister. An order may be revoked or varied by a subsequent order.

The Responsible Authority must consider at least once in every three years whether a general development order shall be made for any such land. An appeal lies to the Minister if the Authority decide not to make a general development order.

Sec. 16: *Permission to build.*

An application may be made to the Responsible Authority to permit particular building operations on land which is not open to general development until an order has been issued in that behalf. The application may be granted, with or without conditions, if the proposed operations will not contravene any permanent provisions of the scheme.

In deciding an application regard has to be paid to the injury likely to be caused to the applicant, as well as to the public advantage; and it is important to note that an

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application may not be refused unless the Authority is satisfied (1) that other suitable land is available on reasonable terms, and (2) either (*a*) that the operations would involve danger or injury to health because of the lack of roads, sewers, water supply or other public services, and that the provision of the necessary services would be premature or likely to involve excessive expenditure of public money, or (*b*) that the operations would be likely seriously to injure the amenity of the locality. Appeal lies to the Minister against a refusal of permission or against conditions imposed.

Sec. 17: *Preservation of Special Buildings.*

The County Council or the Borough, Urban District or Rural District Council may make an order prohibiting the demolition of a building of special architectural or historic interest in an area for which a resolution to prepare or adopt a scheme has taken effect. The order will not become operative unless and until approved by the Minister, who has to consult the Commissioners of Works, except that, in cases of special urgency, an order may be brought into effect as soon as a copy of the order and of the declaration of urgency is served on the owner and occupier of the building. In that case the order is to cease to have effect at the end of two months, unless in the meantime it has been approved by the Minister.

The owner of a building for which an order has been made may appeal to the Minister against a refusal of the Authority to vary or revoke the order or to consent to the demolition of the building, and the Minister must consult the Commissioners of Works before giving his decision.

The coming into operation of a scheme covering the area to which the order applies will not revoke the order unless the scheme so provides.

Orders cannot be made for an ecclesiastical building used for ecclesiastical purposes, any building to which a scheme or order under the Ancient Monuments Acts applies, or any building included in the list of monuments published by the Commissioners of Works under those Acts.

Sec. 18: *Compensation.*

Except as otherwise provided compensation may be claimed by any person (*a*) whose property is injuriously affected by a provision in a scheme, or the execution of any work under a scheme, or by an order under section 17 of the Act, if the provision, work or order infringes or curtails ihs legal rights in respect of the property; (*b*) who suffers damage by action taken under section 13 of the Act; or (*c*) who has incurred expenditure in order to comply with a provision in a scheme or in making or resisting a claim for compensation or betterment, and that expenditure is rendered abortive by subsequent variation or revocation of the scheme. In the case of property on which trade or business or a profession is carried on, compensation may be claimed for the amount of any resulting injury to that trade or business or profession.

Where compensation is awarded in respect of injurious affection by the coming into operation of a provision in a scheme, account has to be taken of any additional injurious affection because since the commencement of the Act the Minister has refused, on an interim appeal made to him, to grant the application or has imposed conditions.

Sec. 19: *Exclusion of Compensation.*

A scheme may provide that compensation shall not be payable in certain classes of cases. The right to exclude compensation applies only to injurious affection which comes under (*a*) of sub-section (1) of the preceding section and arises from a provision contained in a scheme.

The provisions in respect of which compensation may be excluded are those which:

(*a*) prescribe the space about buildings;

(*b*) limit the number of buildings;

(*c*) regulate the size, height, design or external appearance of buildings;

(*d*) prohibit or restrict building operations only pending the coming into operation of a General Development Order;

(*e*) prohibit or restrict building operations permanently because, by reason of the situation or nature of the land, the erection of buildings thereon would be likely to involve danger or injury to health, or excessive expenditure of public money in the provision of roads, sewers, water supply or other public services;

(*f*) prohibit (otherwise than by prohibiting building operations) the use of land for a purpose likely to involve danger or injury to health or serious detriment to the neighbourhood, or restrict (otherwise than by restricting building operations) the use of land so far as necessary for preventing such danger, injury or detriment. Compensation cannot be excluded in respect of a provision prohibiting or restricting the winning of minerals by underground working, and can be excluded in respect of the winning of minerals by surface working only in the limited conditions specified in the Act;

(*g*) restrict the manner in which buildings may be used;

(*h*) regulate in the interests of safety the height and position of proposed walls, hedges and fences near the corners or bends of roads, not being highways maintainable at the material date (defined in Section 53) by the Minister of Transport, a County Council, or other Highway Authority;

(*i*) limit the number or prescribe the sites of new roads entering a classified road or a road or the site of a proposed road declared by the Minister of Transport to be intended to be a classified road. The Minister of Health is not to approve any provision excluding compensation in this class of case unless satisfied, if representations are made to him and the case appears to him to be a proper one, that reasonable means of access from neighbouring land to a highway will be provided;

(*k*) in the case of land which did not form the site of a building at any time within five years immediately preceding the material date, fix a line beyond which no building in a street or a proposed street may project. But the Minister is not to approve any provision excluding compensation in such a case unless satisfied, on representations made to him, that the area of land of the owner fronting the street or proposed street will not be so diminished as to render it less suitable for erecting buildings in conformity with the scheme;

(*l*) require accommodation to be provided for loading or unloading or fuelling vehicles in order to prevent obstruction of traffic on a highway, in the case of the erection of any building intended for purposes of business or industry.

The Minister is not to approve a provision excluding compensation, or himself insert such a provision, unless satisfied that, having regard to the objects of the scheme, the provision is proper, reasonable and expedient having regard to the local circumstances, and unless, in the case of any provision dealing with matters coming under (*a*), (*b*), (*c*), (*d*) or (*g*) above, the scheme also contains provisions satisfactory to him for securing—

(1) that existing buildings may be maintained and their existing use continued;

(2) that reasonable alterations, and in proper cases extensions of existing buildings may be made;

(3) that a new building may be erected on the same site as an existing building (or a building which was standing within two years before the material date) which is destroyed or demolished, provided that the new building is commenced within two years after the previous building was destroyed or demolished, or such longer period as the Responsible Authority may permit; and that the new building may have at least an equal cubic content above the level of the ground and also, in the case of premises used for business or industry, at least an equal superficial area on the ground floor; and

(4) that a new building so substituted may be used for any purpose of the same or a similar character as that for which the previous building was last used, unless such a use is declared in the scheme to be both contrary to its provisions and also of a noxious or otherwise offensive character.

The above provisions affect only the question of compensation. They do not prevent the Responsible Authority from prohibiting the alteration or extension of an existing building or the erection of a new building in substitution for an existing one where that would not be in conformity with the scheme, or from exercising their

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powers under section 13 to bring existing buildings or use of buildings into conformity with the scheme, but safeguard the owner's right to claim compensation if this is done.

In approving provisions under this section the Minister must have regard to the nature and situation and existing development of the land affected and of neighbouring land not so affected, and the interests of any person affected.

Sec. 20: Exclusion or Limitation of Compensation.

Compensation is not payable in respect of a provision in the scheme if the same provision, or a provision substantially to the same effect, was already in force by virtue of some Act, other than the present Act or an Act repealed by it.

Compensation is not payable in respect of action under section 13 of the Act (action to bring buildings, etc., into conformity with the scheme) unless the building or work is an existing building or work or the use is an existing use (see definition of "existing building" and "existing work" and "existing use" in section 53).

Compensation is not payable in respect of a provision in a scheme which could have been validly included in a scheme, order, regulation or byelaw by virtue of any other Act and compensation would not have been payable had it been so included. If compensation would have been payable if it had been so included, then compensation payable under the scheme is not to exceed the compensation which would have been so payable.

Where a provision of a scheme is revoked by a subsequent scheme, no compensation is payable in respect of injurious affection due to any provision in the subsequent scheme if that provision is the same, or substantially the same, as the earlier provision so revoked, but a saving is provided for any outstanding claims under the provision which is revoked.

Sec. 21: Betterment.

Betterment may be claimed not exceeding 75 per cent. of the increase of value due to the operation of any provision in a scheme or by the execution of work under a scheme.

The person on whom a claim is made may by notice require the claim to be deferred, unless he has made a claim for compensation to an amount not less than the claim for betterment and the claim for compensation is not in respect of injurious affection immediately suffered.

Where a claim is so deferred, a fresh claim may be made (*a*) when the property is disposed of within fourteen years from the date of the notice requiring the claim to be deferred, (*b*) when within this period there is a change in use of the property, and the new use is not similar to the previous use, and (*c*) in th ecase of property used for business or industry, after the expiration of five years from the date of the original notice if no claim has been made under (*a*) or (*b*) within that time.

No claim is to be made under (*b*) if the new use is for one of the agricultural purposes specified in the section, or under (*b*) or (*c*) in respect of property belonging to a statutory undertaker.

Where the claim is made under (*a*) or (*c*), the date of the fresh claim is the date by reference to which the increase in value has to be determined. Where the claim is made under (*b*), the increase in value to be taken into account is the increase for the purposes of its new use; a fresh claim may be made on any subsequent change of use, or upon any disposition of the property, within the period of fourteen years, but in the case of a disposition the claim can be made only once.

In assessing betterment, account has to be taken of any sum paid or payable in respect of a claim previously made, and of any gift or concession or any works executed by arrangement with the Responsible Authority in order to facilitate the scheme by any person against whom the claim is made or his predecessors in title.

Power is given to spread any payment over a period not exceeding thirty years, with interest at such rate as may be fixed by the Treasury, with a right on the part of the owner at any time on due notice to pay off the whole of any outstanding instalments.

The person who has given notice to have a claim deferred must notify the Responsible Authority of any disposition of the property or any change of use, and must

furnish particulars reasonably required by them. Where a final claim is made the Responsible Authority is to notify the person that further notice of disposition or change of use is not required.

The period within which a fresh claim may be made is set out, and it is provided that where property is disposed of by way of lease or tenancy agreement for a term of less than seven years, the claim shall be made not earlier than the expiration or the seventh year from the date on which the term commenced.

For the purposes of this section disposition is defined as disposition by sale or by way of lease or tenancy agreement for a period of not less than three years. Where devolution of property occurs after notice has been given deferring a claim for compensation, the person on whom a fresh claim may be made is the person on whom the property last devolved before the date on which the disposition takes effect or the change of use takes place.

Sec. 22 : Making of Claims.

A claim for compensation or for betterment has to be made in writing, and the ground of the claim and the amount stated.

The time within which claims for compensation may be made is specified in the section. Where the claim is for compensation in respect of a building line on a site occupied by a building at, or within two years before, the material date, the claim is to be made within twelve months after the date on which the new building is erected on the site, unless a different period is agreed. But if it is alleged and proved that the site is not reasonably sufficient for a new building, the claim may be made within twelve months after the date on which the building is demolished or the date on which the scheme comes into operation, whichever last occurs. But in that case, where the building is standing on the date on which the scheme comes into operation, the claimant must give not less than three months' notice to the Responsible Authority before he commences to demolish the building, and the Authority may within two months of the receipt of the notice require the claimant to sell to them the site and the building.

Sec. 23 : Determination of Claims.

Disputed claims for compensation or betterment, including any question whether the sum is to be paid immediately or by instalments, are to be determined by the Official Arbitrator appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919, unless otherwise agreed. In determining any question, account is to be taken of any undertaking which may have been given, and, in the case of a claim under a supplementary scheme or a supplementary order, of any amount paid or payable under the original scheme or any previous supplementary scheme or supplementary order made under the scheme, and also of any contribution made by an Authority in respcet of an interim decision.

Any amount due may be recovered summarily as a civil debt.

Sec. 24 : Power to withdraw and to modify Provisions.

This re-enacts a similar provision contained in the present Act under which, after the award of compensation, the Authority may withdraw or modify the provision giving rise to the claim. In that case the Authority is to submit a varying scheme to the Minister within three months of the notice of withdrawal and, when the varying scheme as approved, with or without modifications, comes into operation and upon payment of the claimant's costs, the award of the arbitrator is to be discharged, but without prejudice to the right of the claimant to make a further claim in respect of abortive expenditure or in respect of the scheme as varied.

Sec. 25 : Acquisition of Land.

Land may be purchased by agreement, or, if need be, by compulsory purchase order, if it is required for the purposes of a scheme (whether made under this Act or under any repealed Act). Those purposes include (*a*) carrying out the improvement or controlling the development of frontages to, or of lands abutting on or adjacent to, any highway repairable by the inhabitants at large, or any proposed highway to be constructed wholly or partly at the public expense ; or (*b*) for securing satisfactory

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development in accordance with the provisions of the scheme where this does not appear to be reasonably practicable otherwise than by purchase of the land because the land is held in plots of inconvenient size or shape, or because the arrangement or alignment of the plots is inconvenient, or because of the multiplicity of interests in the land, or because the land is being used in a manner or for purposes inconsistent with the scheme. Land which forms the site of a highway which has been stopped up under any provision contained in the scheme may be similarly acquired. Land may also be purchased by agreement (but not compulsorily) for providing accommodation for a person whose premises have been purchased by the Authority for the purposes of the scheme, or, with the consent of the Minister, land not immediately required for the purposes of the scheme.

A compulsory purchase order is not operative unless confirmed by the Minister. The order is subject to the provisions and restrictions set out in the Third Schedule to the Act. The validity of an order may be questioned in the High Court as in the case of a scheme.

Sec. 26: Land for Open Spaces and Playing Fields.

Land may be purchased by agreement or by compulsory order by the Common Council of the City, County Council, or a Borough, Urban or Rural District Council for a public open space or playing field in an area where a scheme is in operation.

Sec. 27: Charges for Street Works.

More may not be charged on owners of adjoining land or other persons deriving benefit in respect of street works carried out under a scheme than could have been charged if the works had been carried out under the general law or any local Act in force in the area, and, as respects matters for which provision is not made in a general or local Act, in compliance with the normal specification required by the highway authority as a condition of taking over the street. Street works are defined, however, so as to include the planting, laying out, maintenance and protection of trees, shrubs and grass margins in and beside the road or street, and the cost of these operations may be included provided that the total amount charged does not exceed the amount mentioned above.

Sec. 28: Contributions towards Expenses of Owners.

A Local Authority or Joint Committee may contribute towards the expenses incurred by owners of land on a scheme proposed by them which is adopted by the Authority or Joint Committee, or in co-operating with the Local Authority or Joint Committee in preparing a scheme.

Sec. 29: County Councils: Assistance in preparing Schemes.

The Council of any county may incur expenditure in assisting Councils or Joint Committees in the preparation of schemes.

Sec. 30: Contributions by Local Authorities.

Any Local Authority may contribute towards expenses incurred by any other Authority on matters preliminary to a scheme or on the preparation or carrying into execution of a scheme, whether made under the Act or an Act repealed by it.

Sec. 31: Contributions by Statutory Undertakers.

Any statutory undertaker may pay to a Local Authority the whole or any part of the expenses incurred in the preparation or carrying into execution of a scheme, whether made under the Act or an Act repealed by it.

Sec. 32: Application of Monies.

Sums received by way of betterment or as proceeds of the sale of land purchased under the Act are to be applied towards the discharge of any debt of the Authority or otherwise for a capital purpose, as may be approved, in the case of the London County Council, by the Treasury and in other cases by the Minister.

Sec. 33 : *Power of Public Departments to make Agreements.*

Any Public Department may enter into an agreement, with the approval of the Treasury, in order to secure that land under their control or in their occupation or vested in them for public purposes or the public service shall be laid out and used, so far as provided in the agreement, in conformity with the general objects of a scheme. The agreement may contain such consequential and incidental provisions, including provisions of a financial character, as may be necessary or desirable.

Sec. 34 : *Agreements restricting use of Land.*

A Local Authority, a County Council or a Responsible Authority may enter into an agreement with an owner, if the owner so desires, for restricting the planning, development or use of land in any manner in which those matters might be dealt with by or under a scheme, and the Authority will have power to enforce such an agreement against persons deriving title under the owner.

Sec. 35 : *Garden Cities.*

This section is similar to that contained in the existing Act and enables the Minister to acquire on behalf of a Local Authority or of an authorised association, either by agreement or compulsorily, any land necessary or expedient for securing the development of an area as a garden city or as an extension of an existing garden city. Where the land is to be acquired compulsorily on behalf of an authorised association, the order for compulsory purchase has to be approved by Parliament. A Local Authority may acquire land for the purposes of the section in the same way as it may acquire land for the purposes of a scheme. The power of the Public Works Loan Commissioners to advance monies by way of loan to any authorised association is continued. The expression " garden city " includes a garden suburb or a garden village, and Local Authority includes County Council.

Sec. 36 : *Default Powers.*

This section contains similar provisions to those contained in the existing Act, enabling action to be taken by the Minister on the default of the Local Authority at their expense. In the case of the Council of a Rural District, or the Council of an Urban District with a population of less than 20,000 persons, the Council of the county may be empowered to act on default.

Sec. 37 : *Regulations.*

The Minister is empowered to make regulations in respect of the matters specified in this section ; and he must make regulations providing for matters which are set out in the Fourth Schedule to the Act. The provisions of that Schedulel argely follow the existing regulations. Special attention may be drawn to the provision requiring that, where a Preliminary Statement is prepared, it must be submitted to the Minister not earlier than the expiration of three months from the date on which individual notices are served on owners and occupiers and not later than eighteen months from the date when the resolution took effect, unless that period is extended by the Minister ; further, that a draft scheme is to be submitted within eighteen months from the date of the approval of the Preliminary Statement and, in any other case, three years from the date when the resolution took effect, unless the period is extended by the Minister. In each case the Minister is empowered to extend the period only where he is satisfied that there are special circumstances warranting an extension. The regulations are also to include provisions for securing co-operation with persons interested in land proposed to be included in a scheme or order, and that full information is given to the County Council concerned of the proposal to prepare a scheme or order and that the County Council is consulted with respect to the preparation of the scheme.

Sec. 38 : *Local Inquiries.*

The Minister is empowered to cause such local inquiries to be held as are directed by the Act or as he may think necessary and may direct by whom the costs of the inquiry shall be paid. He may, with the consent of the Treasury, appoint a person to act as an Inspector for the purpose of conducting a local inquiry.

Sec. 39: Appeal to Quarter Sessions.

A person aggrieved by a decision of a Court of Summary Jurisdiction under the Act or a scheme may appeal to Quarter Sessions.

Sec. 40: Reference of Disputes to Arbitration or to the Minister.

Where an appeal lies or an application may be made to a Court of Summary Jurisdiction, the parties to the appeal or application may agree in writing that the matter in dispute shall be determined by the Minister or shall be referred to the arbitration of a person agreed upon, or failing agreement, appointed by the Minister.

Where an appeal lies to the Minister or any question is to be determined by him, the parties may agree in writing that the matter shall be referred to the arbitration of a person agreed upon, or, failing agreement, appointed by the Minister.

The determination of the Minister is final. In the case of an arbitration, the parties may agree in writing that the award of the arbitrator shall be final on all questions, whether of law or fact.

Sec. 41: Protection of Statutory Undertakers.

No provision of a scheme is to apply to any land, or any building on it, which belongs to any statutory undertakers and is held or used by them for the purposes of their undertaking, except with their consent. Their consent is not to be unreasonably withheld, and any question whether or not it is unreasonably withheld is to be decided by the Minister. Before giving his decision the Minister is to consult with the Government Department concerned with the functions of the undertakers, if that Department be not the Ministry of Health, and, if the undertakers so desire, must afford them an opportunity of being heard by one or more persons appointed for the purpose jointly by the Minister and the other Department concerned.

Sec. 42: Provisions affecting special buildings.

The Minister is to consult with the Commissioners of Works before approving a scheme if it is represented to him that the provision of a scheme would involve the removal, pulling down or alteration of a building of special architectural or historic interest.

Sec. 43: Land in the neighbourhood of Royal Palaces and Parks.

This section repeats the provision in the present Act to cover the case where land proposed to be included in a scheme, or land proposed to be acquired under the Act, is within the distance prescribed by regulations from any of the royal palaces and parks. In any such case the Local Authority or Joint Committee are to communicate with the Commissioners of Works; and the Minister is to consider any recommendations from the Commissioners before giving his approval.

Sec. 44: Works below high water mark.

Works of construction, demolition or alteration on, over or under tidal lands below high water mark of ordinary spring tides are not to be authorised except with the consent of persons whose consent would be required if the Act had not been passed, and except in accordance with plans and sections, and subject to any restrictions and conditions, approved by the Board of Trade.

Sec. 45: Saving for Postmaster-General.

The effect of this section is to continue the present position under which alterations in telegraphic lines carried out under the provisions of a scheme are subject to the conditions set out in the Telegraph Act, 1878.

Sec. 46: Preservation of Trees.

A scheme may include provisions for preserving single trees and groups of trees, and may specify areas of woodland to be protected. The scheme may require the owner of any such specified area to undertake replanting in accordance with the practice of good forestry, if any part of the woodland is felled, but must not otherwise

impose any control over forestry operations in the area. Any question between the Responsible Authority and the owner whether any replanting accords with the practice of good forestry is to be determined by the Forestry Commissioners, on the application of either party.

Sec. 47: Advertisements.

This section follows broadly the Model Clause prepared by the Ministry for advertisements.

A scheme may specify areas of land to be protected in respect of advertisements. Where it appears to the Responsible Authority that an advertisement or a hoarding in the area to which the scheme applies seriously injures the amenity of land so protected, they may by notice require the owner of the advertisement or hoarding to remove it A copy of the notice to the owner of the advertisement or hoarding is also to be served upon the owner and upon the occupier of the land on which the advertisement or hoarding is displayed or set up.

Appeal may be made to a Court of Summary Jurisdiction on the ground that the advertisement or hoarding does not seriously injure the amenity of the area.

The Authority may enter upon land and remove the advertisement or hoarding and recover from the owner the expenses of the removal, if an appeal has not been made to the Court or has not succeeded and if the advertisement or hoarding has not been removed within the period stated in the notice, or such period as may have been allowed by the Court.

A scheme may enable the Responsible Authority to authorise the display of any particular class of advertisements, either unconditionally or subject to conditions in respect of the position or manner in which or the period during which the advertisement may be displayed. The scheme may confer upon any person aggrieved by a decision in this matter a right of appeal to a Court of Summary Jurisdiction.

Some classes of advertisements are specified in respect of which action may not be taken for their removal. These include (*a*) advertisements relating solely to a trade or business on the land on which the advertisements are displayed, provided that they conform with the provisions in the scheme with respect to size, position and manner of display; and (*b*) during five years from the coming into operation of the scheme, hoardings erected or in use for advertising purposes before the date when the resolution took effect, advertising stations used by advertising contractors at that date, advertisements on any such hoarding or station at any time during that period and other advertisements displayed at the date when the resolution took effect.

The scheme is not to contain any provision prohibiting or controlling the erection or use of structures for advertising other than as provided by the section, except that nothing in the section is to prevent the insertion in the scheme of a provision prohibiting the erection on any land of buildings generally, or under which buildings generally could be removed from any land, if that provision is required for a purpose other than the prevention of injury to amenity by advertisements or hoardings.

Action taken under the section is not to give rise to claims for compensation or betterment.

Sec. 48: Appointment of Committees.

A Local Authority or a County Council may appoint a committee for any of the purposes of the Act and may delegate to the committee any of their powers, except the power of levying a rate or borrowing money or relinquishing in favour of the County Council any of their powers and duties. At least three-fourths of the members of a committee must be members of the appointing Authority.

Sec. 49: Expenses and borrowing.

This section provides for the defraying of expenses and the borrowing of money for the purposes of the Act. The expenses of a County Council may be made general or special, as the Council may determine, except that, before determining to levy as general expenses a contribution towards expenses incurred by any Authority in connection with the carrying into execution of a scheme, the County Council is required to notify every other Local Authority in the county who have passed a resolution which has become effective, and any such Authority may appeal to the

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Minister. Special provision is made as to expenses incurred by the Common Council of the City of London on schemes which form part of a general proposal for planning an area comprising land in the City and land in the County of London.

Sec. 50: Administrative County of London.

A Metropolitan Borough Council may in certain circumstances be made a Responsible Authority in a scheme or be represented on a joint body which is constituted a Responsible Authority. No Local Authority whose area is outside the Administrative County and no joint body of whom such an Authority is a constituent member shall be a Responsible Authority as regards any land within the county, except with the consent of the London County Council.

The County Council is required to consult the appropriate Metropolitan Borough Council in certain specified cases. They are also in certain classes of cases to notify the appropriate Metropolitan Borough Council of any application for permission to develop pending the coming into operation of a scheme or a General Development Order; and the County Council, and the Minister if appeal is made, are to take account of any representations made by the Council of the Borough. Provision is made for consultation between the County Council and the Common Council of the City of London.

The Common Council of the City of London within the City and the County Council within the County are to be the Authority for exercising the powers of section 17 for preserving buildings.

No scheme or order is to affect the operation of the London Squares Preservation Act, 1931, or any order made under that Act. No provision of the London Building Act, 1930, or of any Act amending or extending that Act, or any byelaw or regulation made under it, may be suspended, modified or adapted without the consent of the County Council.

Sec. 51: Compensation to Officers.

This section provides for compensation to officers who suffer direct pecuniary loss by determination of appointment or diminution or loss of fees, salary or emoluments in consequence of the relinquishment, delegation or transfer of any powers or duties under sections 2 to 5 of the Act.

Sec. 52: Transitional Provisions.

A scheme in course of preparation under section 1 (2) of the Town Planning Act. 1925 (which authorises the preparation of limited schemes for areas comprising localities of special architectural, historic or artistic interest), may be completed, without prejudice to the power of the Authority to prepare or adopt for the same area, or any part of it, a scheme for any of the purposes of the Act.

Where any scheme is in the course of preparaton or adoption before the present Act comes into force, existing provisions with regard to procedure, including provisions as to service of notices, are to remain in force; but the Minister may provide that, in specified classes of cases or in any particular case, the provisions of the Act shall apply, with such modifications as he may think fit.

Sec. 53: Interpretation.

This section contains definitions. Attention may be drawn to the following:

"Buildings" includes structures and erections:

"Development" includes any building operations or re-building operations and any use of the land or any building on it for a purpose different from the purpose for which the land or building was last being used. But the use of land for certain specified agricultural purposes and the use for any of those purposes of any building occupied together with land so used is not to be deemed development of that land or building. There is also a saving for the use of land within the curtilage of a dwelling-house for other than building operations:

"Owner" means a person, other than a mortgagee not in possession, for the time being entitled to dispose of the fee simple of the land, or of a lease or agreement the unexpired term of which exceeds three years:

"Material date" means, in the case of a scheme other than a supplementary scheme or a varying scheme, the date on which the resolution to prepare or adopt the scheme took effect, or such later date as may be specified by the scheme; and, in the case of a supplementary scheme or a varying scheme or a supplementary order, means the date on which the scheme or order came into operation, or such later date as may be fixed by the scheme or order. But where a provision of a scheme or order is revoked by a subsequent scheme or order containing the same provision or a provision substantially to the same effect, the material date for that later provision is to be the date which would have been the material date for the earlier provision had that provision continued in force:

"Existing building" and "existing work" mean a building or work erected, constructed or carried out before the material date; or erected, constructed or carried out in pursuance of a contract made before the material date; or begun before but completed after that date; or erected, constructed or carried out in accordance with the terms of an interim development order or of a permission granted under such an order. A building erected or constructed in substitution for a previous building in accordance with the provisions of the scheme relating to substituted builings is to be deemed an existing building. Further, a building is not to cease to be an existing building because it has been altered or extended in accordance with the scheme, and any such alteration or extension shall itself be deemed to be part of the existing building:

"Existing use" means a use of the building or land for any purpose of the same or a similar character to that for which it was last used before the material date or, in the case of a newly erected building which has not been used for any purpose, a use for any purpose for which it was designed. Existing use includes any use of a building or land permitted by or under an interim development order. If after the material date the existing use of a building is discontinued for eighteen months, no use of that building at any subsequent date is to be deemed an existing use. There is a saving for land which a person was entitled to use for mining, quarrying, digging of clay, gravel or sand or tipping of waste materials or refuse.

Sec. 54: Repeals.

The enactments which are repealed are set out in the Fifth Schedule. They are—the Town Planning Act, 1925; section 12 of the Crown Lands Act, 1927; and sections 40 to 45 of the Local Government Act, 1929 (which relate to town planning).

Local Acts modifying the Town Planning Act of 1925 (most of them extend planning powers to built areas) are also repealed, except as later provided.

There is a saving for things done under the repealed Acts, for outstanding claims, and for the provisions of local Acts dealing with the transfer of functions from one Authority to another (this last to meet the cases where planning functions have been transferred consequent on alteration of boundaries).

Sec. 55: Surrey.

This section contains special provisions relating to the sections of the Surrey County Council Act of 1931 which relate to planning.

Sec. 56: Lindsey, Lincs.

Saves certain provisions of the Lindsey County Council (Sandhills) Act, 1932.

Sec. 57: Scotland.

Applies the Act to Scotland with adaptations and modifications.

The Act as it relates to Scotland is to take effect as a separate Act.

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Sec. 58: *Title, etc.*

States the title of the Act and provides that it is to come into operation on April 1st, 1933, except that section 34 (power of Authorities and owners to enter into agreements) came into operation when the Act was passed.

The Act does not extend to Northern Ireland.

Ministry of Health, Whitehall, S.W.1.
March, 1933.

T. & C.P. 1.

MINISTRY OF HEALTH.

MEMORANDUM.

TOWN AND COUNTRY PLANNING ACT, 1932: REGULATIONS.

A copy is enclosed of Regulations made under the Act. The Regulations have been laid before Parliament and are subject to amendment in the event of proceedings in either House. As the Act comes into operation on April 1st next, the Minister, in the exercise of his powers under section 2 of the Rules of Publication Act, 1893, has provided as a matter of urgency that the Regulations shall be made immediately as provisional Regulations; they will take effect on April 1st (*a*).

The following indicates briefly the principal provisions of the Regulations:—

Articles 1, 2 *and* 3 state the title and commencement of the Regulations, the definitions, and the Regulations which are revoked. The Regulations of 1921 are revoked, except so far as they are applied under section 52 (2) of the Act of 1932 or any Order made by the Minister under that subsection or relate to anything required to be done under them in respect of a scheme already approved.

Articles 4, 5 *and* 6 deal with advertisements, the service of notices on prescribed persons, and individual notices of resolutions to prepare or adopt schemes. Under section 7 (1) (*b*) of the Act the Local Authority are required to serve individual notice of a resolution on the owner or occupier of any land in the area covered by the scheme, as shown in the latest assessment to income tax. In some cases the name of the owner or occupier is not shown, but the name of an agent or other representative of the owner is given. Article 6 requires that in that case notice shall be served on the agent or representative.

It is to be noted that the procedure for the publication and service of notices required by section 7 (1) and (2) of the Act and Article 6 of these Regulations must not be carried out until the resolution has taken effect, that is, until a resolution to which approval is required under section 6 has been approved by the Minister. A resolution to prepare a varying scheme or a supplementary scheme does not, however, require approval and takes effect as soon as it has been passed. In making their requisition to the Surveyor of Taxes to furnish the list of the names and addresses of the owners and occupiers shown in the assessment to income tax, the Local Authority should be careful to inform the Surveyor of Taxes that the assessment from which the list is to be obtained is the last assessment allowed by the Income Tax Commissioners before the date (specifying it) upon which the resolution took effect.

Articles 7, 8 *and* 9 relate to the deposit of maps, the furnishing to the Minister of a copy of advertisements and also documents and maps. The Minister will be prepared to accept a map on a scale of 6 inches to the mile for a resolution, unless some part of the boundary of the area covered by the resolution cannot be clearly defined on a map of that scale.

(*a*) That is, April 1st, 1933. The Provisional Regulations were superseded by S. R. & O., 1933, No. 742, *post*, p. 3918 (see footnote, *ibid.*), but this memorandum is retained as in effect explaining the substantive equally with the Provisional Regulations.

Article 10 provides that the area covered by a resolution shall be shown on a map. Opportunity is given for the making of suggestions for the inclusion or exclusion of land. The Local Authority may modify the area covered by the resolution.

Article 11. The Local Authority must send to the Minister, with other documents, a copy of all suggestions which have not been met or withdrawn and must state the grounds on which they consider that a scheme may be prepared for the land having regard to section 6 of the Act (relating to land for which resolutions may be approved). Where the area covered by a resolution has been modified, opportunity is to be given for making suggestions to the Minister. He may cause a local inquiry to be held. The Minister may approve or disapprove a resolution, or may approve it with modifications. Forms have been prepared of resolutions and advertisements and of the information which will be required by the Minister when a resolution is submitted for his approval. Copies of these forms are enclosed.

Article 12. A draft scheme must be prepared and adopted not later than twenty-four months from the date on which the resolution took effect where a Preliminary Statement is not prepared. The resolution adopting the draft scheme (as also the resolution making the scheme—see Article 14) must be passed at a meeting of the Local Authority of which special notice indicating the business has been given to each member.

Article 13. Opportunity is to be afforded for making objections or representations with regard to a draft scheme and for giving any interested Local Authority and any person making objections or representations an opportunity to be heard. The hearing may be by one or more members or one or more officers of the Local Authority as they may appoint.

Under section 7 (6) of the Act notice must be served on each registered owner and association when a notice is advertised under this Article or under any subsequent Article of the Regulations except Article 28.

Article 14. A scheme must be made within nine months from the date of the resolution adopting the draft scheme and submitted to the Minister for approval within one month of being made. Opportunity is to be given for the making of objections or representations on the scheme to the Minister.

Article 15. The Minister must hold a local inquiry if any objections or representations have not been met or withdrawn.

Articles 16 *and* 17. Where the Minister proposes to modify the scheme opportunity has to be given for the making of any objections or representations on the scheme as proposed to be approved. The Minister must hold a local inquiry if the Local Authority so request.

Articles 18 *and* 19. Notice must be given that the scheme as finally approved will be laid before Parliament and the scheme must be deposited for public inspection. [A further notice must be given in the scheduled form when the scheme has passed through the Parliamentary procedure.]

Article 20. Where the Local Authority decide to prepare a Preliminary Statement they must adopt the Preliminary Statement within fifteen months from the date on which the resolution took effect. Before adopting the Preliminary Statement opportunity is to be given for objections or representations and for the hearing of any interested Local Authority or any person making objections or representations. Opportunity is also to be given for making objections and representations to the Minister after the Preliminary Statement has been submitted to him. The Minister may cause a local inquiry to be held. He may approve or disapprove the Preliminary Statement or approve it with modifications. Any approval is to be without prejudice to any provisions of the scheme to be submitted to the Minister. A draft scheme has to be adopted within nine months from the date of the approval of the Preliminary Statement, and a scheme has to be made by the Authority within six months from the adoption of the draft scheme and submitted to the Minister for approval within one month of being made.

Article 21 deals with the procedure on owners' schemes.

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Articles 22, 23 *and* 24 set out the modifications of procedure in connection with supplementary and varying schemes.

Articles 25, 26 *and* 27 set out the procedure for supplementary orders and general development orders.

Articles 28 *and* 29 deal with the procedure for orders under section 17 of the Act which relates to the preservation of buildings of special architectural or historic interest.

Articles 30 *and* 31 provide for consultation with interested Local Authorities. If any interested Local Authority consider that their administrative functions will be affected by any proposals, they are to be furnished, if they so request, with copies of any objections or representations in regard to those proposals, and representations submitted by the interested Local Authority within twenty-one days are to be considered.

Articles 32 *and* 33. The co-operation of owners and other persons interested in the land is to be secured by means of conferences or such other means as may be expedient. Any prescribed person, registered owner or registered association is to be furnished with copies of certain specified documents on payment of the reasonable cost.

Articles 34 *and* 35. The Minister is to be furnished with such information or particulars as he may require. He may extend the period within which anything is required to be done under the Regulations but only if satisfied that there are special circumstances warranting the extension. He may in certain conditions dispense with provisions of the Regulations. The Local Authority may on reasonable cause extend the time within which objections or representations may be submitted to them.

Articles 36 *and* 37 indicate how notices may be served.

Articles 38 *and* 39 set out the procedure for compulsory purchase orders.

Articles 40 *and* 41 deal with the service of notices in some particular cases.

Article 42 states the prescribed distances from Royal Palaces and Parks for the purposes of section 43 (1) of the Act.

Copies of the Regulations and of this Memorandum have been placed on sale and may be obtained from H.M. Stationery Office at any of the addresses shown below.

MINISTRY OF HEALTH,
March, 1933.

T. & C.P. 2.

MINISTRY OF HEALTH.

TOWN AND COUNTRY PLANNING ACT, 1932.

GENERAL INTERIM DEVELOPMENT ORDER.

A copy is enclosed of the General Interim Development Order made by the Minister under the Town and Country Planning Act, 1932. The following is a brief summary of the provisions of the Order:—

Article 1. Title and date of operation.

Article 2. Definitions. It is to be noted that the "resolution date" is that on which the resolution takes effect, not that on which it is passed.

Article 3. Revocation of existing orders.

Special Orders made under the Housing and Town Planning Act of 1919 and the Town Planning Act of 1925 are revoked, with some exceptions and subject to a saving for cases which are outstanding on April 1st. In these cases, as in others, decision should, of course, be given as promptly as possible. This revocation is necessary because the conditions appertaining to interim decisions under the new Act are in some respects materially different from those previously prevailing.

Article 7 of the Order provides, however, that the Authority before deciding an application to permit development not in general conformity with a Preliminary Statement already approved or approved in future shall give full consideration to the interests of persons owning or occupying land which has been or is being developed in general conformity with the Preliminary Statement and to representations received from persons affected.

Article 4. This Article provides that specified classes of development are permitted to proceed as a matter of course. These include development under an Act of Parliament or an Order approved by resolution of each House of Parliament on land specified in the Act or Order; development by a Local Authority approved by the Minister, whether expressly or by way of sanction to a loan or consent to the appropriation of land, provided that the interim development authority have been notified of the application to the Minister; works for maintaining an existing building or a building permitted during the interim period and works of alteration of such a building neither affecting the exterior of the building nor proposed for a different use of the building; and development in accordance with the provisions of a scheme which has passed through Parliament.

Authorities will bear in mind that the use of land "for the purpose of agriculture, whether as arable, meadow, pasture ground or orchard, or for the purposes of a plantation or a wood, or for the growth of saleable underwood, and the use for any of those purposes of any building occupied together with land so used," is not to be deemed development under the Act (Section 53, definition of "Development"). Further, by virtue of Section 12 (3) of the Act, provisions in a scheme with respect to buildings cannot be applied to, and permission in the interim period cannot therefore properly be refused for, the erection of a building which is to be occupied with land used mainly or exclusively for any of these purposes and is to be used for any of them, with the exception that the provisions of the scheme may be applied, and therefore permission may be refused in the interim period, where it is proposed by the scheme to reserve the site of the proposed building for any purpose the carrying out of which in future would necessitate the removal or alteration of the building.

Article 5 sets out the Authorities by whom interim permissions may be given. Where a Special Order is at present in force the Authority will be the Authority under that Order; where a resolution has been passed by a County Council or a Joint Committee, the Local Authority of the district in which the land is situated; and in other cases the Local Authority who have passed the resolution. Provision is made for cases where an area is transferred from one Authority to another. It will be competent to the Minister by Special Order to specify another Authority as the interim development authority in any particular case (see Article 12).

In view especially of the time limit (two months) in the Act for deciding applications, interim development Authorities should have systematic arrangements with other Authorities in particular County Councils and Joint Committees, who may have to be consulted on applications, to secure that the consultation will be prompt.

Article 6 provides that, except in certain circumstances which are specified, permission must be granted for works of alteration of an existing building or of extension of an existing building, for the development of land as a sports or recreation ground other than a ground conducted for profit, or, if open to the public, a ground not ordinarily open free of charge, and for the erection within the curtilage of a dwelling-house of buildings ordinarily incidental to its enjoyment. The fact that these classes of applications are specified must not be considered, of course, to imply in any way that permission should not be granted in other appropriate cases. Permission should not be refused unless the proposal is in conflict with intended provisions in the scheme.

Article 7. See note on Article 3.

Article 8. Application for permission has to be made in writing with sufficient particulars. Authorities may find it useful to have forms for this purpose, and this would probably also be for the convenience of private developers.

The first proviso to the Article is to cover cases where insufficient particulars are furnished by the applicant.

The second proviso to the Article is to cover cases where an application is made in general terms, where, for instance, a person applies for permission to erect shops on

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specified land before he proceeds with detailed plans, a procedure which has advantages.

The third proviso to the Article relates to cases where the interim development authority is also the Authority under any Byelaws, Regulations, or Local Acts, for the approval of plans of streets or buildings. It is important to note that in these cases an application to the bye-law authority is to be deemed an application under the Order, except where the Authority notify the applicant that sufficient particulars are not given. Where the interim development authority is not the byelaw authority, it would be well that the byelaw authority, when communicating their decision, should definitely warn the applicant that planning permission is not covered, and there would be advantage if this were indicated on the plan itself.

It is open to the Authority, in granting permission to develop, to specify a time limit within which the development must be carried out, if the permission is to be valid. This course may be advantageous in some cases; but obviously too rigid a time limit should not be fixed unless there is special reason.

Where an Authority propose to pay a contribution in connection with an interim decision (see Section 10 (4) of the Act), this should be paid out of revenue other than in special circumstances. Where they propose to pay out of loan, they should make sure that the sanction of the Minister will be given. They should also bear in mind in this connection the limit of two months for decisions, unless extended time is agreed.

In the recent Circular 1305, the Minister mentioned the importance of records of interim permissions. The Authority will find it useful also to indicate permissions on a map. Further, a map kept up to date showing the latest developments in their district should be regarded by the Authority as a necessity of local administration.

Article 9 makes provision for the suspension in certain cases of Local Acts, or Byelaws, Orders or Regulations, with the consent of the Minister.

Article 10. Decisions have to be conveyed in writing, and also the reasons, where an application is refused or is granted subject to conditions.

Article 11 relates to London. It sets out the classes of cases in which the London County Council have to consult Metropolitan Borough Councils before deciding interim applications.

Article 12 provides that the Order shall apply subject to the provisions of any Special Order which may be made.

Copies of the Order and of this Memorandum have been placed on sale and may be obtained from H.M. Stationery Office at any of the addresses shown below.

MINISTRY OF HEALTH,
March, 1933.

S. R. & O., 1933, No. 236.

THE TOWN AND COUNTRY PLANNING (GENERAL INTERIM DEVELOPMENT) ORDER, 1933, DATED MARCH 21ST, 1933, MADE BY THE MINISTER OF HEALTH UNDER SECTION 10 OF THE TOWN AND COUNTRY PLANNING ACT, 1932.

In exercise of the powers conferred on him by Section 10 of the Town and Country Planning Act, 1932, and of all other powers enabling him in that behalf, the Minister of Health hereby orders as follows:—

1. This Order may be cited as the Town and Country Planning (General Interim Development) Order, 1933, and shall come into force on the first day of April, 1933.

2.—(1) The following expressions have the meanings hereby assigned to them respectively:—

"The Act" means the Town and Country Planning Act, 1932;

"The Minister" means the Minister of Health;

"Scheme" means a scheme under the Act, other than a supplementary scheme or a scheme varying an existing scheme;

"District" means a county borough or a county district;

"The resolution date" means the date on which a resolution or an application for authority to prepare or adopt a scheme took effect;

"Existing building" means a building erected or constructed before the resolution date, and includes a building erected or constructed in pursuance of a contract made before, or begun before but completed after, that date.

(2) The Interpretation Act, 1889, applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. The Town Planning (General Interim Development) Order, 1922 (*a*), and the special orders made under section 45 of the Housing, Town Planning, etc. Act, 1919, and section 4 of the Town Planning Act, 1925, other than orders which permit, or authorise a local authority to permit, development specified therein, are hereby revoked, but where on the date on which this Order comes into operation there is outstanding any application or appeal, or there is subsisting any right of appeal, under any order so revoked, such application, appeal or right of appeal shall, subject to the provisions of Article 7 of this Order, be determined or may be exercised as if this Order had not been made.

4. For the purposes of Section 10 of the Act (*b*), and without prejudice to the right of any person to apply for permission under Article 5 of this Order, the following development is permitted pending the coming into operation of a scheme:

(*a*) development carried out under powers conferred by an Act of Parliament or by an order which has been approved by resolution of each House of Parliament on land specified in the Act or order;

(*b*) development by a local authority with the approval of the Minister, whether given expressly, or by way of sanction to a loan, or by way of consent to the appropriation of land for the purposes of the development;

(*c*) in the case of an existing building or a building permitted by or under an interim development order, whether made under the Act or under any Act repealed by the Act,—

(i) works necessary for the maintenance of the building;

(ii) works of alteration neither affecting the exterior of the building nor proposed in connection with a different use of the building;

(*d*) development in accordance with the provisions of a scheme which has been laid before both Houses of Parliament and is capable of coming into operation, where the development could, if those provisions had been in operation, have been carried out without the consent of the responsible authority thereunder:

Provided that nothing in paragraph (*b*) of this Article shall operate to permit development, unless the local authority have on or before the date of the application for approval, or at such later date as the Minister may in any particular case allow, notified the interim development authority (as hereinafter defined) of the application and have furnished the Minister with a statement that this has been done.

In this Article the expression "local authority" means any body having power to levy a rate or to issue a precept to a rating authority.

5. Subject to the provisions of this Order, the authority authorised to permit development for the purposes of section 10 of the Act pending the coming into operation of a scheme (in this Order referred to as the "interim development authority"), shall be as follows:

(*a*) if the land in respect of which the application for permission to develop is made was immediately before the commencement of this Order subject to a special order which is revoked by this Order, the interim development authority shall be the authority by whom development could have been permitted to proceed under the revoked order, if that order had remained in force;

(*b*) if the land in respect of which the application for permission is made was not immediately before the commencement of this Order subject to such a special order as aforesaid, and the resolution to prepare or adopt a scheme

(*a*) S. R. & O., 1922, No. 927. (*b*) *Ante*, p. 1901.

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comprising the land was passed, whether before or after the commencement of this Order, by a county council or a joint committee, the interim development authority shall be the council of the district in which the land is situate;

(c) in any other case, the interim development authority shall be the authority who passed the resolution to prepare or adopt, or were authorised to prepare or adopt, a scheme comprising the land in respect of which the application for permission to develop is made, or the authority who are deemed by virtue of any Act or order to have passed the resolution to prepare or adopt, or to have been authorised to prepare or adopt, a scheme comprising the land.

6.—(1) Where application is made to the interim development authority for permission to carry out works of alteration to an existing building, other than works of alteration proposed in connection with a different use of the building, the authority shall not refuse permission, unless the said works would—

(a) involve the pulling down of the building to the extent of more than one-half of the superficial area of the main containing walls of the building, account being taken of any previous works of alteration subsequent to the resolution date; or

(b) materially affect the design or external appearance of the building.

(2) Where application is made to the interim development authority for permission to extend an existing building and to use the extended building for a purpose the same as, or similar to, the purpose for which the building was used on the resolution date (or if the building was used for more than one purpose at the resolution date, to use the extended building for purposes the same as, or similar to, those purposes in the same relative proportions), or in the case of a newly erected building which has not been used before the resolution date, to use that building as extended for any purpose for which the building was designed, the authority shall not refuse permission, unless—

(a) either the total or the ground floor space of the extended building would exceed by more than one-eighth the total or the ground floor space of the existing building; or

(b) the extension of the building would seriously injure the amenity of the neighbourhood by reason of its design or external appearance; or

(c) the extension of the building would not conform with a provision proposed to be inserted in the scheme for fixing, in relation to any street or proposed street, a line beyond which no building in that street or proposed street may project; or

(d) the extension of the building or any part thereof would occupy land proposed to be reserved by the scheme for a purpose the carrying out of which in the future would necessitate the removal or alteration of the extension of the building; or

(e) the proposed use of the extended building or any part thereof is of a noxious or otherwise offensive character; or

(f) in the case of the extension of any wall, fence or paling at or near the corner or bend of a road, the extension would be contrary to the interests of safety.

(3) Where application is made to the interim development authority for permission to develop land for the purpose of a sports or recreation ground, or for permission to erect within the curtilage of a dwelling-house buildings ordinarily incidental to the enjoyment of the dwelling-house as such, the authority shall not refuse permission, unless—

(a) a building is proposed which, or any part of which—

(i) would not conform with a provision proposed to be inserted in the schem for fixing, in relation to any street or proposed street, a line beyon which no building in that street or proposed street may project; or

(ii) would occupy land proposed to be reserved by the scheme for a purpose th carrying out of which in the future would necessitate the removal o alteration of the building; or

(iii) would seriously injure the amenity of the neighbourhood; or

(*b*) walls, fences or palings are proposed at or near the corner or bend of any road which would be contrary to the interests of safety:

Provided that the foregoing provisions of this paragraph shall not apply to an application for permission to develop land for the purpose of a sports or recreation ground, unless the authority are satisfied that the ground will not be conducted with a view to the making of profit and, if open to the public, will ordinarily be open to them free of charge.

(4) For the purposes of this Article the extension of a building includes the erection of an additional building on the same site to be occupied together with the building.

7. Where application is made under this Order to the interim development authority to permit development which would not be in general conformity with the proposals for development outlined in a preliminary statement, or where application has been made under any order revoked by this Order to permit development which would not be in general conformity with those proposals and the application is outstanding on the date on which this Order comes into operation, the authority shall, before arriving at their decision on the application, give full consideration to the interests of persons whose land has been, or is being, developed in general conformity with those proposals, or who occupy land so developed, and to representations received by them from any persons whose interests would be affected by the proposed development and shall, in the case of any application outstanding on the same date under any order revoked as aforesaid, notwithstanding any provision in the order restricting the power of the authority to impose requirements, have power to decide the application free from such restriction.

In this Article the expression "preliminary statement" means a preliminary statement of proposals for development approved by the Minister whether before or after the commencement of the Act.

8. A person who desires to apply for permission under Article 5 of this Order shall apply in writing to the interim development authority and shall furnish to the authority, together with his application, a plan in duplicate sufficient to identify the land to which the application relates (hereinafter called a "site plan") and particulars, illustrated where necessary by plans and drawings in duplicate, requisite to show the proposed development:

Provided that—

(i) the interim development authority shall not be entitled to refuse to entertain an application on the ground that the applicant has failed to furnish the requisite particulars, plans or drawings, but if within seven days from the receipt of the application the authority require the applicant to furnish further particulars, plans or drawings in the form specified by them, and the applicant fails to do so within seven days from the receipt of the requisition, the authority may on that ground refuse the application, and subsection (5) of section 10 of the Act which entitles the applicant to appeal to the Minister shall apply accordingly;

(ii) it shall not be necessary to furnish plans and drawings, other than a site plan, in any case in which an application is made to the interim development authority for permission which, if granted in accordance with the terms of the application, would be conditional on the subsequent approval by the authority, or by the Minister on appeal, of the particulars of the proposed development;

(iii) where the interim development authority is also the authority for approving the plans of streets or buildings under any byelaws, regulations or local Acts in force in the district, an application for the approval of a plan of streets or buildings shall be deemed to be an application made under this Order, unless the authority within seven days of receiving the application give notice to the applicant that sufficient particulars for the purposes of this Order have not been furnished.

9. Subject to the provisions of the Act, the interim development authority may, with the consent of the Minister, in any case in which it is expedient in order to promote the proposed development, suspend the operation of any enactments contained in local Acts and of any orders, byelaws or regulations under whatever authority made.

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10. The grant or refusal of permission by the interim development authority for development to proceed shall be in writing and, where the authority decide to grant permission subject to conditions, or to refuse permission, the reasons for their decision shall be stated in writing.

11. In the application of this Order to land within the administrative county of London the following provisions shall have effect :—

(*a*) in the case of land in the City of London, the interim development authority shall be the common council of the City of London ;

(*b*) in the case of land outside the City of London the interim development authority shall be the London County Council ;

(*c*) for the purposes of subsection (3) of section 50 of the Act the classes of applications in respect of which notice is to be given to the council of the metropolitan borough in which the land is situate shall be—

(i) applications for permission to develop where the development would materially conflict with existing development in the locality, and

(ii) applications for permission to develop in any part of a metropolitan borough in respect of which the council of the borough have notified the London County Council that they propose to construct or widen streets :

Provided that it shall not be necessary to give notice to the council of a metropolitan borough, if the development is in accordance with proposals agreed between that council and the London County Council ;

(*d*) before suspending the operation of any enactment, order, byelaw or regulation under the powers conferred by Article 9 of this Order in respect of land in a metropolitan borough, the London County Council shall give notice to the council of that borough of the proposed suspension, except where the enactment, order, byelaw or regulation has been previously suspended under the powers conferred by Article 9 aforesaid in respect of land in that borough which is proposed to be included in the scheme and the object of the proposed suspension is to permit a departure from the enactment, order, byelaw or regulation not greater than was permitted by the previous suspension.

12. In the event of a special interim development order being made affecting an area or any part of an area in respect of which a resolution to prepare or adopt a scheme has or is deemed to have taken effect, this Order and any general interim development order amending this Order shall, subject to the provisions of the special order, apply to such extent only, and subject to such modifications, if any, as may be specified in the special order.

Given under the Official Seal of the Minister of Health this twenty-first day of March in the year One thousand nine hundred and thirty-three.

(L.S.)

I. G. GIBBON,
Assistant Secretary,
Ministry of Health.

MEMORANDUM T. & C.P. 3.

MINISTRY OF HEALTH.

TOWN AND COUNTRY PLANNING ACT, 1932.

GENERAL TRANSITIONAL ORDER.

Section 52 (2) of the Town and Country Planning Act, 1932, enables the Minister of Health to make a general Order applying the procedure under the Act to schemes which are already in train when the Act comes into operation. A copy of the Order which has been made for this purpose is enclosed. The following is a brief summary of the provisions of the Order :

Article 1. Title and date of operation.

Article 2. Definitions.

Article 3 relates to cases where the Authority preparing the scheme have not before April 1st reached any formal stage in the preparation of the scheme under the 1921 Regulations such as the advertisement of their intention to adopt a Preliminary Statement. In these cases the procedure of the 1933 Regulations will apply to the preparation of the scheme instead of the procedure of the 1921 Regulations, with the modifications set out in the Article.

Article 4 relates to the cases where the Authority are proceeding by way of a Preliminary Statement and have before April 1st given notice under the 1921 Regulations of their intention to adopt it, but it has not been approved by the Minister. In these cases the procedure of the 1921 Regulations will continue to apply to the adoption of the Preliminary Statement, its submission for approval, and its approval (as the case may require) unless the Minister dispenses with the Preliminary Statement. Thereafter the procedure of the 1933 Regulations will apply to the preparation of the scheme.

Article 5 deals with the cases where the Minister has before April 1st approved a Preliminary Statement or has authorised an Authority to dispense with it, but the Authority have not adopted a draft scheme under the 1921 Regulations. In these cases the procedure of the 1933 Regulations is to be followed in the preparation of the scheme instead of the procedure under the 1921 Regulations with the modification specified in the Article.

Article 6 deals with the cases where the Authority have before April 1st adopted a draft scheme under the 1921 Regulations, but the scheme has not been submitted for approval. In these cases the Authority are required to revise the draft scheme so as to secure that it conforms with the provisions of the Act, and the procedure of the 1933 Regulations is applied as respects the preparation and adoption of the revised draft scheme and the subsequent stages of the preparation of the scheme, subject to the modification set out in the Article.

Article 7 deals with the cases where a scheme has been submitted for approval under the 1921 Regulations before April 1st, but the Minister has not notified the Local Authority of his intention to approve it. In these cases the scheme is to be returned to the Authority for revision to secure that it conforms with the provisions of the Act, the Authority are required to revise the scheme, and the procedure of the 1933 Regulations is applied to the making of the revised scheme and its submission to the Minister, subject to the modification specified in the Article.

Article 8 contains definitions applicable to this part of the Order.

Article 9 applies the provisions of section 7 of the Act (which relates to notices, etc.) to schemes covered by the Order, subject to certain modifications.

In all these cases the Authority preparing the scheme are required to publish a notice of the grant of the application for authority to prepare the scheme or a notice of the taking effect of the resolution to prepare the scheme, as the case may be, in a local newspaper and, subject to what is stated below, in the *London Gazette*; these notices must be advertised within three months of April 1st. Except as hereafter mentioned, similar notices must also be served in the manner and on the persons specified in section 7 (1) and (2) of the Act and in Article 6 of the 1933 Regulations; these notices must be served within eight months of April 1st. Forms for the notices referred to above have been prepared and copies are enclosed. This procedure makes it possible to do away with the present costly procedure of "referencing."

In making their requisition to the Surveyor of Taxes under section 7 (3) of the Act to furnish the list of the names and addresses of the owners and occupiers shown in the assessment to income tax, the Authority should be careful to inform the Surveyor of Taxes that the assessment from which the list is to be obtained is the last assessment allowed by the Income Tax Commissioners before April 1st, 1933.

The first proviso to the Article affords an alternative procedure for the publication of the notices required to be advertised in the *London Gazette*. The Authority, instead of themselves publishing the notice, may request the Minister to do so at their expense and in that event are required to furnish the Minister with the necessary information. A form indicating the particulars to be supplied is enclosed. It

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appears to the Minister that the cost of the advertisements in the *London Gazette* can be materially reduced if this procedure is generally adopted, since it will then be possible to publish one or more notices in general terms to each of which can be appended a schedule setting out the particulars applicable to a large number of cases.

The second proviso to the Article relieves the Authority from the requirement to serve personal notices under section 7 (1) and (2) of the Act and Article 6 of the 1933 Regulations in any case where, at any time between January 1st, 1932, and June 1st, 1933, they have compiled a list of the names and addresses of owners on whom notices are required to be served under the 1921 Regulations. The names and addresses of all these owners are to be added to the register compiled under section 7 of the Act.

The third proviso to the Article makes a similar provision in the case of an Authority who have served individual notices, in accordance with the provisions of a Local Act, as to the right of owners or other persons concerned to register their names and addresses with the Authority for the purpose of being served with further notices of the progress of the scheme.

The Article also provides that where the Authority have, under the provisions of a Local Act, compiled a register, but not in pursuance of individual notices intimating a right to register, the names and addresses entered in that register shall be added to the register compiled under section 7 of the Act.

Article 10 enables the Minister in certain circumstances to extend the period during which anything is required to be done under the Order or dispense with or modify the requirements of the Order.

Article 11 relates to the making of a Special Order by the Minister under section 52 (2) of the Act for particular cases.

Copies of the Order and of this Memorandum have been placed on sale and may be obtained from H.M. Stationery Office at any of the addresses shown below.

Ministry of Health,
March, 1933.

S. R. & O., 1933, No. 239.

THE TOWN AND COUNTRY PLANNING (GENERAL TRANSITIONAL) ORDER, 1933, DATED MARCH 21ST, 1933, MADE BY THE MINISTER OF HEALTH UNDER THE PROVISO TO SUBSECTION (2) OF SECTION 52 OF THE TOWN AND COUNTRY PLANNING ACT, 1932.

Whereas by subsection (2) of section 52 of the Town and Country Planning Act, 1932, (in this Order referred to as "the Act"), it is provided that where an application for authority to prepare or adopt a scheme has been granted, or a resolution to prepare or adopt a scheme has taken effect, but the scheme to be prepared in pursuance of that application or resolution, or, as the case may be, the scheme so adopted, has not at the commencement of the Act come into operation, the existing provisions which immediately before that date regulated the service of notices in the area in question and the procedure in connection with the preparation or adoption of schemes, and the submission of schemes to the Minister of Health (in this Order referred to as "the Minister"), and consideration and approval thereof by him shall, whether those provisions were contained in regulations made by the Minister under the Town Planning Act, 1925, or were contained partly in such regulations and partly in a local Act, continue to apply in relation to that scheme:

And whereas by the proviso to the said subsection it is provided that the Minister may by general or special order direct that in certain classes of case, or in any particular case, the provisions of the Act with respect to the matters referred to in the said subsection shall apply instead of the existing provisions as aforesaid to such extent, and with such modifications, as he may think fit:

Now therefore the Minister in pursuance of the powers given to him by the said proviso, and of all other powers enabling him in that behalf, hereby orders as follows:—

1. This Order may be cited as the Town and Country Planning (General Transitional) Order, 1933, and shall come into operation on April 1st, 1933.

2.—(1) In this Order, unless the context otherwise requires,—

"The 1921 Regulations" means the Ministry of Health (Town Planning) Regulations, 1921 (*a*);

"The 1933 Regulations" means the Provisional Regulations dated March 13th, 1933, and cited as the Town and County Planning Regulations, 1933, and includes any substantive Regulations made in substitution for those Regulations;

"The appointed day" means the date on which this Order comes into operation;

"Local authority" includes a county council or joint committee.

(2) The Interpretation Act, 1889, applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

PART I.

Application of 1933 *Regulations.*

3. Where before the appointed day an application for authority to prepare a scheme has been granted, or a resolution to prepare a scheme has taken effect, but the local authority have not given notice by advertisement of their intention to adopt a preliminary statement or adopted a draft scheme, or, where a draft scheme has been dispensed with, submitted a scheme to the Minister for his approval, under the provisions of the 1921 Regulations, Articles 12 to 20, inclusive, and Parts I, II, VIII and IX, of the 1933 Regulations, together with the Schedules to which the said Articles refer, shall apply as respects the procedure to be followed in connection with the preparation of the scheme in place of the provisions of the 1921 Regulations, but with the substitution—

(*a*) for the period prescribed in paragraph (1) of Article 12 for the adoption of a draft scheme, of a period of twenty-four months from the appointed day, and

(*b*) for the period prescribed in sub-paragraph (i) of paragraph (1) of Article 20 for the adoption of the preliminary statement, of a period of fifteen months from the appointed day.

4. Where before the appointed day an application for authority to prepare a scheme has been granted, or a resolution to prepare a scheme has taken effect, and the local authority have given notice by advertisement under the provisions of the 1921 Regulations of their intention to adopt a preliminary statement, but the Minister has not at that date either approved the preliminary statement or authorised the local authority to dispense with it, the procedure to be followed in connection with the adoption of the preliminary statement, its submission for approval to and its approval by the Minister (as the case may require) shall be the procedure specified in the 1921 Regulations, but thereafter the provisions of paragraph (2) of Article 20, and Parts I, II, VIII and IX of the 1933 Regulations shall apply as respects the procedure to be followed in connection with the preparation of the scheme:

Provided that the Minister may on the application of the local authority preparing the scheme or with their concurrence dispense with the preliminary statement and authorise the local authority to proceed direct to the preparation of the draft scheme, in which event the period within which the draft scheme shall be adopted by the local authority under the provisions of the 1933 Regulations shall be twenty-four months from the date of such dispensation by the Minister or such shorter period as the Minister may specify as a condition of the dispensation.

5. Where before the appointed day the Minister has either approved a preliminary statement or has authorised a local authority who have given notice of their intention to adopt a preliminary statement to dispense with it, but the local authority have not adopted a draft scheme, Articles 12 to 19, inclusive, paragraph (2) of Article 20, and Parts I, II, VIII and IX of the 1933 Regulations, together with the schedules to which the said Articles refer, shall apply as respects the procedure to be followed in connection with the preparation of the scheme in place of the provisions of the 1921

(*a*) S. R. & O., 1921, No. 373, printed at p. 3828 of the tenth edition of this work.

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Regulations, but with the substitution for the period prescribed in sub-paragraph (*a*) of paragraph (2) of Article 20, or in paragraph (1) of Article 12 (as the case may be) for the adoption of a draft scheme, of a period of eighteen months from the appointed day.

6. Where before the appointed day a draft scheme has been adopted by a local authority under the provisions of the 1921 Regulations, but the scheme has not been submitted to the Minister for approval, the local authority preparing the scheme shall revise the draft scheme so as to secure that it shall conform with the provisions of the Act, and the provisions of Articles 12 to 19, inclusive, and Parts I, II, VIII and IX of the 1933 Regulations, together with the schedules to which the said Articles refer, shall apply as respects the procedure to be followed in connection with the preparation and adoption of the revised draft scheme, and with the subsequent preparation of the scheme, but with the substitution for the period prescribed in paragraph (1) of Article 12 for the adoption of the draft scheme, of a period of eighteen months from the appointed day as the period within which the draft scheme as revised as aforesaid is required to be adopted.

7. Where before the appointed day a scheme has been submitted to the Minister for approval under the provisions of the 1921 Regulations, but the Minister has not notified the local authority of his intention to approve it, with or without modifications, or to disapprove it, the Minister shall transmit the scheme to the local authority preparing the scheme for such revision as may be necessary in order to secure that it shall conform with the provisions of the Act, and thereafter that authority shall prepare and by resolution make a revised scheme, and the provisions of Articles 14 to 19, inclusive, and Parts I, II, VIII and IX of the 1933 Regulations, together with the schedules to which the said Articles refer, shall apply as respects the procedure to be followed in connection with the making of the revised scheme and its submission to the Minister, but with the substitution for the period prescribed in paragraph (1) of Article 14 for the making of the scheme, of a period of fifteen months from the day on which the scheme was returned as aforesaid.

PART II.

Provisions as to Notices under Section 7 of the Act, and as to the Compilation of Registers.

8. In this part of this Order—

"Notice by advertisement" means notice by advertisement of the grant of an application for authority to prepare a scheme, or of the taking effect of a resolution to prepare a scheme, published in the manner and containing the particulars specified in subsections (1) and (2) of section 7 of the Act (*a*), and "personal notices" means similar notices served in the manner and on the persons specified in the said subsections and in Article 6 of the 1933 Regulations.

9. Where before the appointed day an application for authority to prepare a scheme has been granted, or a resolution to prepare a scheme has taken effect, but the scheme to be prepared in pursuance of that application or resolution has not come into operation, the provisions of section 7 of the Act shall apply subject to the following modifications :—

(1) The powers conferred and duties imposed by the said section on the local authority who passed the resolution to prepare the scheme shall be exercised and performed by the local authority preparing the scheme ;

(2) The expression "latest assessment", in relation to any hereditament, shall mean the latest assessment to tax in respect of that hereditament allowed by the commissioners for the general purposes of the income tax before the appointed day ;

(3) Notice by advertisement shall be given within three months and personal notices within eight months from the appointed day :

Provided that :—

(i) the local authority shall not be required to publish a notice in the *London Gazette* if within six weeks from the appointed day they have requested

(*a*) *Ante*, p. 1894.

the Minister to publish therein at their expense a notice containing the particulars specified in subsection (2) of the said section 7, and have furnished him with the necessary information for that purpose, and in that case the Minister shall publish the notice in the *London Gazette* within six weeks from the receipt of the information, and may include in the notice information furnished to him by other local authorities for a similar purpose;

(ii) if a local authority have at any time between January 1st, 1932, and June 1st, 1933, compiled a list of the names and addresses of owners of land included or proposed to be included in the scheme on whom notices are required to be served under paragraph (2) of Article 10 or paragraph (2) of Article 15 of the 1921 Regulations, or in compliance with any condition imposed by the Minister in dispensing with any of the requirements of those Regulations, the local authority preparing the scheme shall not be required to serve personal notices, but shall in compiling the register under the said section 7 add to it the names and addresses of all such owners;

(iii) if a local authority have before the appointed day served notices on any persons in accordance with the provisions of a local Act with a view to the registration of the names and addresses of owners of land proposed to be included in the scheme, or persons claiming to be owners, or other persons concerned, for the purpose of the service of further notices with regard to the progress of the scheme, the local authority preparing the scheme shall not be required to serve personal notices, but shall in compiling the register under the said section 7 add to it the names and addresses entered in the register compiled under the provisions of the local Act;

(4) If before the appointed day a local authority have under the provisions of a local Act compiled a register of owners of land included in the area of a scheme, but the register has not been compiled in pursuance of notices referred to in the last preceding proviso, the local authority preparing the scheme shall in compiling the register under the said section 7 add to it the names and addresses entered in the register compiled under the provisions of the local Act.

PART III.

General.

10. The Minister may, if he thinks fit in any particular case, and subject to such conditions as he may impose, extend the period during which anything is required to be done under this Order, or dispense with or modify any of the requirements of this Order, other than requirements made obligatory by any statute, provided that he is satisfied that there are circumstances warranting such extension, dispensation or modification, and that no person will be prejudiced by any such dispensation or modification.

11. In the event of a special order being made under the proviso to subsection (2) of Section 52 of the Act as respects certain classes of case or any particular case, this Order shall apply to those classes of case or to that case to the extent only and subject to the modifications, if any, specified in the special order.

Given under the Official Seal of the Minister of Health this twenty-first day of March in the year one thousand nine hundred and thirty-three.

(L.S.)

I. G. GIBBON,
Assistant Secretary, Ministry of Health.

TOWN AND COUNTRY PLANNING

S. R. & O., 1933, No. 742.

THE TOWN AND COUNTRY PLANNING REGULATIONS, 1933,* DATED JULY 27TH, 1933, MADE BY THE MINISTER OF HEALTH UNDER THE TOWN AND COUNTRY PLANNING ACT, 1932.

The Minister of Health in pursuance of the powers conferred on him by the Town and Country Planning Act, 1932, and of all other powers enabling him in that behalf, hereby makes the following Regulations.

PART I.

Title, Interpretation and Revocation.

1. These Regulations may be cited as the Town and Country Planning Regulations, 1933.

2.—(1) In these Regulations, unless the context otherwise requires—

"The Act" means the Town and Country Planning Act, 1932;

"The Minister" means the Minister of Health;

"Local authority" includes the Common Council of the City of London, the council of any county, county borough or county district, and any joint committee, responsible authority or other duly authorised body, preparing, adopting or making a scheme or order;

"Interested local authority" includes the council of any county, county borough or county district, and a joint committee or responsible authority, in whose area land included or proposed to be included in a scheme or order is situate, and save as provided in paragraph (4) of Article 30 of these Regulations includes, in the case of land within the County of London, the council of any metropolitan borough which the London County Council are required to consult under the provisions of subsection (2) of section 50 of the Act (*a*):

Provided that in relation to a scheme or order prepared, adopted or made by a joint committee or joint body, the expression shall not include a council which is a constituent member of that joint committee or joint body.

"Certified copy" means a copy certified by the clerk of the local authority, or any person duly authorised by the local authority in that behalf, as being a true copy;

"Map" means a map on a scale of not less than 25 inches to the mile, or such smaller scale as the Minister may in any particular case or class of cases approve as respects the whole or any part of an area included or proposed to be included in a scheme or order, and includes a plan or a series of maps or plans, and, in relation to a notice of the deposit for inspection of any map as so defined, includes a relevant portion of the map or a certified copy of such portion;

"Prescribed person" means:—

(*a*) Any interested local authority;
(*b*) The Minister of Agriculture and Fisheries;
(*c*) The Commissioners of Works;
(*d*) The Minister of Transport;
(*e*) The Postmaster-General;
(*f*) The Board of Education;
(*g*) The Electricity Commissioners;
(*h*) Any person authorised by or under an Act of Parliament, or an order having the force of an Act of Parliament, to construct, work, or carry on any railway, canal, inland navigation, dock, harbour, tramway, gas, electricity, water or other public undertaking, and having statutory powers in or over land included or proposed to be included in a scheme or order;

* These Regulations supersede the Provisional Regulations which were made on March 18th, 1933, and came into force on April 1st, 1933 [see the memorandum, *ante*, p. 3912].

(*a*) *Ante*, p. 1978.

" Registered owner " means any owner whose name is registered in pursuance of the provisions of section 7 of the Act (*a*), and " registered association " has a corresponding meaning;

" Prescribed period " when used in these Regulations in relation to a notice by advertisement inviting objections or representations means a period to be specified by the local authority in the notice being—

(i) in the case of a registered owner, registered association or prescribed person entitled under the Act or these Regulations to individual notice of the matter advertised, not less than twenty-one days from the date of the publication of the second advertisement, or from the date of the service of the individual notice, whichever date is the later; and

(ii) In the case of any other person, not less than twenty-one days from the date of the second advertisement.

(2) The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to an Act of Parliament.

3. The Regulations mentioned in the Sixth Schedule to these Regulations are hereby revoked to the extent specified in the second column of that Schedule.

PART II.

General.

4. Where under Parts III to VI of these Regulations notice of any document or matter is required to be given by advertisement, the notice shall be published at least once during each of two successive weeks, with an interval between each publication of at least six clear days, in a newspaper circulating in the area to which the document or matter relates.

5.—(1) Where under Parts III to VI of these Regulations, other than Articles 10 and 11 thereof, a notice of the deposit for inspection of any document is required to be given by advertisement, the local authority shall at the time of giving such notice or as soon as may be thereafter serve copies of the notice on the prescribed persons.

(2) The local authority shall serve copies of the notice under paragraph 1 of Part II of the First Schedule to the Act and Article 19 of these Regulations on the prescribed persons.

6. Where as respects any hereditament in the area to which a resolution to prepare or adopt a scheme applies, the name of the agent or other representative of the owner of that hereditament is shown in the place of the name of the owner in the latest assessment to income tax under Schedule A of the Income Tax Act, 1918, as amended by any subsequent enactment, the local authority shall serve a notice of the resolution containing the information specified in subsection (2) of section 7 of the Act on such agent or representative within the time limited by that subsection, and any reference in these Regulations to the service of notices under subsection (1) of the said section 7 shall include a reference to the service of notices under this Article.

7.—(1) Where under the provisions of these Regulations notice is required to be given of facilities for the inspection of any document or map, the local authority shall arrange for the document or map to be deposited at a place convenient to their district, and, in the case of an area extending over more than one district, the local authority shall, where necessary for the convenience of persons affected, arrange for the document or map to be deposited at more than one place.

(2) The local authority shall arrange for giving access to the document and map at all reasonable hours and without charge, and in the case of the deposit of a document or map in pursuance of a notice inviting suggestions, objections or representations, the document or map shall be kept deposited and available for inspection throughout the period specified in the notice for making the suggestions, objections or representations.

For the purpose of this Article " district " means a county borough or county district, and in relation to the County of London, a metropolitan borough, and " document or map " includes a certified copy of a document or map.

(*a*) *Ante*, p. 1894.

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8. The local authority shall furnish the Minister with a certified copy of every advertisement published under the provisions of these Regulations or under section 7 of the Act as soon as may be after its publication, and as soon as may be after the service of any notices required by the said section has been completed shall furnish the Minister with a certificate that the provisions of the said section as regards such service have been complied with.

9. The Resolution Map as hereinafter defined, and any preliminary statement, scheme or order adopted or made by a local authority for submission to the Minister for approval under the provisions of Parts III to VII of these Regulations, and the map if any, to which any such document refers, shall be prepared in duplicate, each of the duplicates being sealed with the seal of the local authority, or in the case of a joint committee or a joint body which is not incorporated, signed by the chairman and by the secretary or clerk of the committee or body, or by the person acting for the time being as chairman, secretary or clerk.

PART III.

Schemes other than Supplementary or Varying Schemes prepared by Local Authorities.

10.—(1) The resolution of a local authority deciding to prepare a scheme shall define the area of the proposed scheme by reference to a map (in these Regulations referred to as " the Resolution Map ") showing by means of boundary lines the area of the land to which the resolution applies, and indicating the land in the area which is already built upon.

(2) The local authority shall, as soon as may be after passing the resolution, give notice thereof by advertisement and shall include in the notice a statement that the Resolution Map or a certified copy thereof will be open for inspection at a specified place or specified places and between specified hours, and that any suggestions for the inclusion or exclusion of any land in or from the area of the proposed scheme may be sent in writing to the local authority within a specified period, not being less than fourteen days from the date of the publication of the second advertisement.

(3) The local authority shall take into consideration any suggestions in writing received within the time specified in the said notice, and where having regard to such suggestions they consider it to be desirable to make modifications in the resolution, shall pass a further resolution incorporating such modifications, and shall make appropriate alterations in the Resolution Map.

11.—(1) The local authority shall as soon as may be transmit to the Minister—

(*a*) a duplicate of the Resolution Map and a certified copy of the resolution or, if the area to which the resolution applies has been modified by a subsequent resolution, a duplicate of the Resolution Map appropriately altered and a certified copy of the subsequent resolution ;

(*b*) copies of all suggestions received by the local authority within the time specified in the notice under paragraph (2) of the preceding Article which have not been met or withdrawn ; and

(*c*) a statement of the grounds on which the local authority consider that the land to which the resolution applies may, having regard to the provisions of section 6 of the Act, properly be included.

(2) Where the area to which the resolution applies has been modified under the provisions of paragraph (3) of the preceding Article, the local authority shall give notice by advertisement of the submission of the resolution to the Minister for approval, and shall include in the notice a statement that the Resolution Map as altered, or a certified copy thereof, will be open for inspection at a specified place or specified places and between specified hours, and that any suggestions for the inclusion or exclusion of any land in or from the area as modified may be sent in writing to the Minister within a specified period, not being less than fourteen days from the date of the publication of the second advertisement.

(3) The Minister may cause a local inquiry to be held at which any interested local authority or persons affected by or interested in the resolution may be heard.

(4) The Minister shall take into consideration any suggestions of which copies have been furnished to him under paragraph (1) of this Article, any suggestions received by him within the time specified in the notice under paragraph (2) of this Article and, if a local inquiry is held, the report of the inquiry, and shall notify the local authority that he approves or disapproves the resolution, as the case may be, or that he approves it with modifications.

12.—(1) Where the local authority do not proceed by way of a preliminary statement, they shall prepare and by resolution adopt a draft scheme not later than twenty-four months from the date on which the resolution to prepare the scheme took effect, but not earlier than three months from the date on which the service of notices under subsection (1) of section 7 of the Act has been completed.

(2) The resolution under the last preceding paragraph shall be passed at a meeting of the local authority of which special notice indicating the business to be transacted has been given to each member.

(3) The draft scheme shall contain such provisions as the local authority propose to include in the scheme, and shall refer to a map (in these Regulations referred to as "the Draft Scheme Map") showing by means of boundary lines the area to be included in the scheme, and illustrating, so far as practicable, the particulars and details in relation to the scheme by reference to letters, numbers, distinguishing colours or otherwise, and in particular, proposed new roads and widenings of existing roads.

13.—(1) The local authority shall forthwith give notice by advertisement of the adoption of the draft scheme, and shall include in the notice a statement that the draft scheme and the Draft Scheme Map, or certified copies thereof, will be open for inspection at a specified place or specified places and between specified hours, and that any objections or representations with reference thereto may be sent in writing to the local authority within the prescribed period.

(2) The local authority shall take into consideration any objections and representations in writing received by them within the prescribed period, and shall give full opportunity to any interested local authority and to persons making such objections or representations to be heard by such one or more members or such officer or officers of the local authority as they may appoint for the purpose, and in such manner as in the opinion of the local authority the circumstances of the case may require.

14.—(1) The local authority shall within nine months from the date of the resolution adopting the draft scheme pass a resolution making the scheme with or without modification of the draft scheme.

(2) The Scheme shall refer to a map (in these Regulations referred to as "the Scheme Map"), but the Draft Scheme Map may, with the consent of the Minister, be used for the purposes of this Article, and if so used it shall be marked as the Scheme Map in addition to being marked as the Draft Scheme Map.

(3) The resolution under paragraph (1) of this Article shall be passed at a meeting of the local authority of which special notice indicating the business to be transacted has been given to each member.

(4) The local authority shall within one month from the date of the resolution making the scheme submit to the Minister for approval a duplicate of the scheme and of the Scheme Map, together with copies of all objections or representations in writing received by them within the prescribed period under paragraph (1) of the last preceding Article which have not been met or withdrawn, and the documents and information (so far as they have not already been furnished to him) specified in the First Schedule to these Regulations.

(5) The local authority shall forthwith give notice by advertisement of the submission of the scheme to the Minister for approval and shall include in the notice a statement that the scheme submitted by them and the Scheme Map, or certified copies thereof, will be open for inspection at a specified place or specified places and between specified hours, and that any objections or representations with reference thereto may be sent in writing to the Minister within the prescribed period.

15.—(1) The Minister shall take into consideration any objections or representations of which copies have been furnished to him under paragraph (4) of the last preceding Article and any objections or representations received by him within the prescribed period under paragraph (5) of that Article, and if any of the objections or

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representations are not met or withdrawn, he shall cause a local inquiry to be held at which any interested local authority or persons interested in or affected by the scheme may be heard.

(2) Where the Minister after duly considering the scheme and, if a local inquiry is held, the report of the inquiry decides to approve the scheme without modifications, or to disapprove the scheme, he shall notify the local authority accordingly.

16.—(1) Where the Minister proposes to modify the scheme, he shall furnish the local authority with a copy thereof as proposed to be modified, and the local authority shall give notice by advertisement of the intention of the Minister to approve the scheme with modifications.

(2) The notice shall include a statement that a certified copy of the scheme and the Scheme Map, in the form in which the Minister has notified his intention of approving them, may be inspected at a specified place or specified places and between specified hours, and that any objections or representations with reference to the scheme as proposed to be approved by the Minister, other than objections or representations which have already been made under Articles 13 or 14 of these Regulations or which have been made at the local inquiry, may be sent in writing to the Minister within the prescribed period.

(3) The local authority may themselves make objections or representations to the Minister within a period of twenty-eight days from the date of the receipt by them from the Minister of the copy of the scheme as proposed to be modified by him.

(4) If the local authority within the said period of twenty-eight days so request, the Minister shall hold a local inquiry at which the local authority, any interested local authority, and any person interested in or affected by the scheme may be heard.

17. The Minister shall take into consideration any objections or representations received by him under the last preceding Article within the periods therein specified, and, if a local inquiry is held, the report of the inquiry, and shall thereafter approve the scheme either with or without the modifications referred to in the last preceding Article or with such further modifications as he thinks fit, and shall notify the local authority accordingly:

Provided that if the Minister proposes to make any further modifications in the scheme he shall, before he approves the scheme, inform the local authority of the proposed modifications, and shall hold a further local inquiry if the local authority make a request in that behalf within twenty-eight days from the date on which they were informed of the proposed further modifications.

18.—(1) The local authority shall, as soon as may be after receiving notice from the Minister, whether under paragraph (2) of Article 15, or Article 17 of these Regulations, that he has approved the scheme, give notice thereof by advertisement, and shall include in the notice a statement that the scheme as approved by him without modifications, or the scheme as approved by him with modifications as (the case may require) and the Scheme Map, or certified copies thereof, will be open for inspection at a specified place or specified places and between specified hours, and that the scheme will be laid forthwith before Parliament.

(2) If the Minister disapproves the scheme, the local authority shall give notice by advertisement of the disapproval.

19. The notice that a scheme has been laid before both Houses of Parliament and is capable of coming into operation, which under the provisions of paragraph 1 of Part II of the First Schedule to the Act is to be published by the local authority, shall be in the form set out in the Second Schedule to these Regulations, or in a form substantially to the like effect.

20.—(1) Where a local authority who have passed a resolution deciding to prepare a scheme intend to proceed by way of a preliminary statement, the following procedure shall apply as respects the preparation of the statement and its submission to and approval by the Minister:—

(i) Within fifteen months from the date of the taking effect of the resolution deciding to prepare the scheme the local authority shall prepare and by resolution adopt a preliminary statement;

(ii) The preliminary statement shall include particulars of the matters specified in the Third Schedule to these Regulations so far as it is proposed to deal therewith in the scheme, and shall refer to a map (in these Regulations referred to as " the Preliminary Statement Map ") illustrating, so far as practicable, those particulars;

(iii) The local authority shall, before adopting a preliminary statement, but not earlier than the expiration of three months from the date on which the service of notices under subsection (1) of section 7 of the Act has been completed, give notice of their intention so to do by advertisement, and shall include in the notice a statement that a draft of the preliminary statement proposed to be adopted and the Preliminary Statement Map, or certified copies thereof, will be open for inspection at a specified place or specified places and between specified hours, and that any objections or representations with reference thereto may be sent in writing to the local authority within the prescribed period;

(iv) The local authority shall before adopting the preliminary statement take into consideration any objections and representations in writing which they may receive within the prescribed period, and shall give full opportunity to any interested local authority and to persons making such objections or representations to be heard by such one or more members or such officer or officers of the local authority as they may appoint for the purpose, and in such manner as in the opinion of the local authority the circumstances of the case may require;

(v) Within one month of the date of the resolution adopting the preliminary statement, the local authority shall submit to the Minister for his approval a duplicate of the preliminary statement and of the Preliminary Statement Map, together with copies of all objections and representations in writing received within the prescribed period which have not been met or withdrawn, and the particulars, in the form and to the extent required by the Minister, specified in the Fourth Schedule to these Regulations;

(vi) The local authority shall forthwith give notice by advertisement of the submission of the preliminary statement to the Minister and shall include in the notice a statement that the preliminary statement and the Preliminary Statement Map, or certified copies thereof, will be open for inspection at a specified place or specified places and between specified hours, and that any objections or representations with reference thereto may be sent in writing to the Minister within the prescribed period;

(vii) The Minister may cause a local inquiry to be held at which any interested local authority or persons interested in or affected by the preliminary statement may be heard;

(viii) The Minister shall take into consideration any objections or representations of which copies have been furnished to him under sub-paragraph (v) of this paragraph, any objections or representations received by him within the prescribed period under sub-paragraph (vi) of this paragraph, and, where a local inquiry is held, the report of the inquiry, and shall notify the local authority that he approves or disapproves the preliminary statement, as the case may be, or that he approves it with modifications:

Provided that any such approval shall be without prejudice to any provisions of the scheme to be submitted by the local authority to the Minister as hereinafter mentioned, or to the approval or disapproval by the Minister of that scheme.

(ix) The local authority shall, as soon as may be after receiving notice from the Minister that he approves the preliminary statement, with or without modifications, give notice thereof by advertisement, and shall include in the notice a statement that the preliminary statement and the Preliminary Statement Map as approved by the Minister, or certified copies thereof, will be open for inspection at a specified place or specified places and between specified hours, and that the local authority propose to proceed forthwith with the preparation of the scheme.

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(2) Where the local authority have proceeded by way of a preliminary statement, the provisions of Articles 12 to 19 inclusive of these Regulations shall apply in relation to the preparation of the scheme with the substitution—

(*a*) in paragraph (1) of Article 12, of a period of nine months from the date of the approval of the preliminary statement, as the period for the adoption of the draft scheme; and

(*b*) in paragraph (1) of Article 14, of a period of six months from the date of the resolution adopting the draft scheme, as the period for the making of the scheme.

for the periods specified respectively in those paragraphs.

PART IV.

Schemes proposed by Owners.

21. Where the local authority have passed a resolution deciding to adopt, with or without modifications, a scheme proposed by owners, the provisions of these Regulations, other than Article 20, shall apply as respects the procedure to be followed in connection with the preparation of that scheme as though such resolution were a resolution to prepare a scheme under the provisions of Part III of these Regulations.

PART V.

Supplementary Schemes and Varying Schemes.

22. The provisions of these Regulations shall apply as respects the procedure to be followed in connection with the preparation of a supplementary or varying scheme as they apply in the case of a scheme under Part III or Part IV (as the case may require), of these Regulations, subject to the following modifications :—

(*a*) in the case of a supplementary scheme, paragraphs (2) and (3) of Article 10, and Article 11 shall not apply;

(*b*) in the case of a varying scheme other than a varying scheme under section 24 of the Act (*a*)—

(i) Articles 10 and 11 shall not apply;

(ii) the resolution deciding to prepare or adopt the varying scheme shall define the area of the proposed scheme by reference to the map to which the scheme which it is proposed to vary refers;

(iii) the draft scheme prepared under paragraph (1) of Article 12 shall contain particulars of the variations proposed by the local authority in lieu of the particulars referred to in paragraph (3) of that Article and the Draft Scheme Map shall illustrate, so far as practical, those particulars;

(*c*) in the case of a varying scheme to be made under section 24 of the Act—

(i) the modifications specified in paragraph (*b*) of this Article shall apply subject to the further modification that the periods within which the local authority shall prepare and make the scheme shall be such periods as may be necessary having regard to the time limited by the said section for the submission of the scheme to the Minister:

Provided that in the case of a varying scheme to which the provisions of paragraph (2) of Article 23 apply, the draft scheme shall not be adopted by the local authority until the expiration of one month from the date on which the service of notices under subsection (1) of section 7 of the Act (as applied by the said paragraph (2)) has been completed;

(ii) the provisions of Articles 30 and 31 shall not apply, but the local authority shall consult with any interested local authority, give full information to the interested local authority of their proposals, and afford the interested local authority reasonable opportunity to make representations with regard thereto;

(*a*) *Ante*, p. 1944.

(*d*) in the case of a supplementary scheme or a varying scheme, the documents and particulars specified in the First and Fourth Schedules shall be furnished to the Minister only in such cases and to such extent as may be appropriate having regard to the provisions of the scheme;

(*e*) in the case of a supplementary or a varying scheme to which the provisions of paragraph (1) of Article 23 apply, so much of paragraph (1) of Article 12 and sub-paragraph (iii) of paragraph (1) of Article 20 as requires that a period of not less than three months shall expire before the local authority adopt a draft scheme or give notice of their intention to adopt a preliminary statement shall not apply.

23.—(1) Subsection (7) of section 7 of the Act shall apply to a scheme varying a scheme approved by the Minister after the 31st day of March, 1933, and to a scheme supplementary to a regional scheme approved after that date, but the reference to the register in that subsection shall be deemed to be a reference to the register compiled in respect of the scheme which it is intended to vary or supplement.

(2) In the case of a scheme varying a scheme approved by the Minister before the 1st day of April, 1933, or in the case of a scheme supplementary to a regional scheme approved before the said date, the provisions of section 7 of the Act as respects the service of notices shall apply, subject, however, in the case of a varying scheme to the following modifications:—

(*a*) the provisions of the said section shall apply only in relation to property which will be affected by the varying scheme; and

(*b*) in the case of a varying scheme made under section 24 of the Act, the provisions of the said section 7 shall apply with the substitution in subsection (2) of a period of two weeks for the period of six months therein specified.

24. The local authority shall, as soon as may be after a resolution deciding to prepare or adopt a supplementary or a varying scheme has taken effect, furnish the Minister with a certified copy of the resolution.

PART VI.

Supplementary Orders and General Development Orders.

25.—(1) Before a local authority make a supplementary order or general development order or adopt a supplementary order proposed by owners, they shall prepare a draft of the order in the form in which they propose to make or adopt it.

(2) The draft order shall, unless such reference is inappropriate, refer to a map showing by means of boundary lines the area of the land to which the order applies and illustrating, so far as practicable, the particulars and details in relation thereto.

(3) The local authority shall give notice by advertisement that the draft order and the map, if any, to which it refers, or certified copies thereof, will be open for inspection at a specified place or specified places and between specified hours, and that any objections or representations with reference thereto may be sent in writing to the local authority within the prescribed period.

(4) The local authority shall take into consideration any objections or representations in writing received by them within the prescribed period, and shall give full opportunity to any interested local authority, and to persons making the objections or representations, to be heard by such one or more members or such officer or officers of the local authority as they may appoint for the purpose, and in such manner as in the opinion of the local authority the circumstances of the case may require.

26.—(1) If after taking into consideration the matters referred to in paragraph (4) of the last preceding Article the local authority decide to proceed with the preparation or adoption of the order, they shall pass a resolution making or adopting the order, with or without modifications, and shall as soon as may be thereafter submit to the Minister for approval a duplicate of the order and of the map, if any, to which it refers, together with copies of any objections or representations which have not been met or withdrawn and, in the case of a supplementary order, so far as appropriate and subject to the necessary adaptations, the documents and particulars referred to in the First Schedule to these Regulations.

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(2) The local authority shall forthwith give notice by advertisement of the submission of the order to the Minister, and shall include in the notice a statement that the order and the map, if any, to which the order refers, or certified copies thereof, will be open for inspection at a specified place or specified places and between specified hours, and that any objections or representations with reference thereto may be sent in writing to the Minister withih the prescribed period.

27. The provisions of Articles 15 to 19, inclusive, of these Regulations shall apply to a supplementary order, and the provisions of Articles 15 to 18 inclusive, to a general development order, as though those orders were schemes made or adopted by a local authority under Parts III or IV (as the case may require) of these Regulations, subject to the following modifications—

(*a*) the substitution of a reference to the objections or representations specified in paragraphs (1) nad (2) of the last preceding Article for the reference to the objections or representations specified in Article 15 ; and

(*b*) in the case of a general development order, the omission in Article 18 of the words " and that the scheme will be laid forthwith before Parliament."

PART VII.

Orders under Section 17 of the Act.

28.—(1) Where a local authority have made an order under section 17 of the Act with respect to any building of special architectural or historic interest they shall as soon as may be thereafter submit a duplicate of the order and of the map, if any, to which it refers to the Minister for his approval, together with a statement of the grounds on which they consider that the order should be made.

(2) The local authority shall forthwith give notice by advertisement of the submission of the order to the Minister in a newspaper circulating in the area to which the order relates and shall include in the notice a statement that the order and the map, if any, to which it refers, or certified copies thereof, will be open for inspection at a specified place or specified places and between specified hours, and that any objections or representations with reference thereto may be sent in writing to the Minister within fourteen days from the date of the publication of the advertisement.

(3) The local authority shall, in addition to the publication by advertisement as aforesaid, serve a copy of the order on the owner and occupier of the building together with a notice containing the particulars mentioned in the last preceding paragraph, but with the substitution for the period therein specified within which objections or representations may be sent to the Minister, of a period of fourteen days from the date of the service of the notice.

(4) The Minister shall take into consideration any objections or representations in writing received by him within the time specified in the notices under paragraphs (2) and (3) of this Article, and if a local inquiry is held, the report of the inquiry, and shall approve the order with or without modifications or disapprove it.

(5) The local authority shall after they have received notice from the Minister that he has approved the order, forthwith give notice thereof by advertisement, and shall include in the notice a statement that the order as approved by the Minister and the map, if any, to which it refers, or certified copies thereof, will be open for inspection at a specified place or specified places and between specified hours. The local authority shall also serve a copy of the order as approved on the owner and occupier of the building.

29. Where a local authority are of opinion that the matter is one of urgency and should be dealt with by the Minister under the proviso to subsection (2) of section 17 of the Act, they shall defer giving notice of the submission of the order to the Minister until they have been informed by the Minister of his decision as to the making of a declaration under the said proviso, and if they are informed that the Minister has decided to make such a declaration, they shall serve a copy of the declaration on the owner and occupier of the building together with the documents specified in paragraph (3) of the last preceding Article.

PART VIII.

Consultation with Interested Local Authorities.

30.—(1) Before passing any resolution deciding to prepare or adopt a scheme, adopting a draft scheme, or depositing for inspection a draft of a preliminary statement, supplementary order or general development order under any of the foregoing provisions of these Regulations, the local authority shall consult with every interested local authority.

(2) The local authority shall furnish the interested local authority with a certified copy of the proposed resolution, draft scheme, draft preliminary statement, or draft order, and shall at the same time notify them that reasonable facilities will be given to them for inspecting any map to which the said documents refer and, if they so desire, for making copies thereof.

(3) The local authority shall before passing such resolution as aforesaid, or adopting the draft scheme, or depositing for inspection the draft of the preliminary statement or order, consider any representations submitted by an interested local authority—

(*a*) in the case of a draft scheme proposed to be adopted, or a draft preliminary statement proposed to be deposited, under Parts III or IV of these Regulations, within two months from the date on which the documents referred to in paragraph (2) of this Article are furnished to the interested local authority, and

(*b*) in any other case, within one month from the date aforesaid,

and shall make such modifications, if any, in the proposed resolution or draft as may appear to them to be desirable having regard to the representations.

(4) A metropolitan borough council shall for the purposes of this Article be deemed not to be an interested local authority in any case in which under the proviso to subsection (2) to section 50 of the Act consultation with the metropolitan borough council is dispensed with.

31.—(1) Where a resolution deciding to prepare or adopt a scheme has been passed by a local authority, or where such a resolution has taken effect, or where under the provisions of these Regulations notice is served on an interested local authority of the deposit for inspection of any document, the local authority shall, as soon as may be, furnish the interested local authority with a certified copy of the resolution or document. The local authority shall also inform the interested local authority whether any map referred to in such resolution or document differs materially from the map in respect of which previous notice has been given to the interested local authority under paragraph (1) of the last preceding Article, and if the map so differs, shall, if the interested local authority make a request in that behalf, afford them reasonable opportunity for inspecting the map as altered, and, if they so desire, for making copies thereof.

(2) If any interested local authority consider that their administrative functions will be affected by any proposals of the local authority, the local authority shall furnish that interested local authority, if they so request, with copies of any objections or representations in regard to those proposals which may be made to the local authority under these Regulations after the resolution to prepare or adopt a scheme has taken effect provided that the request is made within the time allowed under these Regulations for making objections or representations in respect of those proposals, and the local authority shall take into consideration any representations made by the interested local authority within twenty-one days from the date of the receipt by the interested local authority of the said copies.

PART IX.

Provisions supplementary to Parts I to VIII.

32. The local authority shall take steps, by means of conferences or such other means as they think expedient, to secure the co-operation of owners or other persons interested in the land proposed to be included in any scheme, supplementary order or general development order.

33. The local authority shall furnish to any prescribed person, registered owner or registered association making application therefor a copy of any draft preliminary statement, draft scheme, draft order, scheme or order which has been placed on

deposit for inspection in accordance with any of the foregoing provisions of these Regulations or in pursuance of the Act, or of any scheme or order after it has come into operation, on payment of the reasonable cost of the supply of the copy.

34. The local authority shall furnish the Minister with all such information or particulars as he may from time to time require with regard to any matters in connection with the preparation, adoption or making of a scheme or order under the foregoing provisions of these Regulations.

35.—(1) The Minister may, if he thinks fit in any particular case and subject to such conditions as he may impose, extend the period during which anything is required to be done under the foregoing provisions of these Regulations provided that he is satisfied that there are special circumstances warranting the extension.

(2) The Minister may, subject to such conditions as he may impose, dispense with or modify all or any of the foregoing provisions of these Regulations, other than the provisions of Article 23, so far as they apply to varying, revoking or supplementary schemes, supplementary orders and general development orders, in any case in which having regard to the nature of the matters dealt with in the scheme or order he is satisfied that there is reasonable cause for the dispensation or modification and that no person will be prejudiced thereby, and he may subject to the like conditions and in the like case dispense with any other of the foregoing provisions of these Regulations, which are not provisions made obligatory by the Act.

(3) Subject to the provisions of the Act and these Regulations the local authority may on reasonable cause being shown extend the time during which any suggestions, objections or representations in writing may be sent to them under any of the foregoing provisions of these Regulations, either unconditionally or subject to such conditions as they may think proper to impose.

36. A notice or other document required to be served in pursuance of any of the foregoing provisions of these Regulations may be served—

(*a*) in the case of a person or association whose name and address are registered under subsection (6) of section 7 of the Act, by delivering it or sending it by prepaid post at or to the address so registered; and

(*b*) in any other case—

(i) by delivering it at the residence of the person on whom it is to be served or sending it by prepaid post addressed to that person at his residence; or

(ii) if the notice or document is to be served on an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it by prepaid post addressed to the secretary or clerk of the company or body at that office; or

(iii) if the local authority are unable after reasonable inquiry to ascertain the name or address of the person upon whom it should be served, by addressing it to him by the description of "owner" or "occupier" of the premises (naming them) to which it relates, and by delivering it to some person on the premises, or, if there is no person on the premises to whom it can be delivered, by affixing it or a copy thereof to some conspicuous part of the premises.

37. A notice required to be served in pursuance of paragraph (*b*) of subsection (1) of section 7 of the Act may be served in the manner specified in sub-paragraphs (i) or (ii), as the case may require, of paragraph (*b*) of the last preceding Article, or if the local authority are unable after reasonable inquiry to ascertain the residence of the person, or the registered or principal office of the company or body, by addressing the notice to him or them and delivering it to some person on the premises to which the notice relates, or if there is no person on the premises to whom it can be delivered, by affixing it or a copy thereof to some conspicuous part of the premises.

PART X.

Compulsory Purchase Orders.

38. A compulsory purchase order made under section 25 of, and Part I of the Third Schedule to, the Act, shall be in the form set out in Part I of the Fifth Schedule to these Regulations, or in a form substantially to the like effect.

39.—(1) The notice which the authority are required under the provisions of paragraph 4 of Part I of the Third Schedule to the Act to publish in a local newspaper in regard to the making of a compulsory purchase order, and the notice which they are required under the said paragraph to serve on owners, lessees and occupiers, shall be in the forms set out in Parts II and III, respectively, of the Fifth Schedule to these Regulations, or in forms substantially to the like effect.

(2) The notice required to be given under paragraph 1 of Part III of the First Schedule to the Act that a compulsory purchase order made by an authority has been confirmed by the Minister shall be in the form set out in Part IV of the Fifth Schedule to these Regulations, or in a form substantially to the like effect.

PART XI.

Miscellaneous.

40. A notice required to be served in pursuance of subsection (2) of section 13 of the Act (*a*) may be served in the manner specified in Article 36 of these Regulations, but if the service is made by post, the notice shall be sent by registered letter.

41. A notice required to be served in pursuance of subsection (1) of section 47 of the Act (*b*) may be served—

(*a*) in the case of an owner of an advertisement or hoarding—

(i) by delivering it at his principal place of business or by sending it by registered post addressed to him at his principal place of business; or

(ii) if the notice is to be served on an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or by sending it by registered post addressed to the secretary or clerk of the company or body at that office; or

(iii) if the local authority are unable after reasonable inquiry to ascertain the name of the owner or his principal place of business, by addressing it to him by the description of "owner" of the advertisement or hoarding to which it relates, and by affixing it, or a copy thereof, to some conspicuous part of the advertisement or hoarding;

(*b*) in the case of an owner or occupier of land on which an advertisement or hoarding is displayed or set up, in the manner specified in Article 36 of these Regulations, but if the service is made by post, the notice shall be sent by registered letter.

42. The prescribed distance for the purposes of subsection (1) of section 43 of the Act (*c*) shall in the case of Windsor Castle, Windsor Great Park and Windsor Home Park, be two miles, and, in the case of any other Royal Palace or Park, be half-a-mile.

FIRST SCHEDULE.

DOCUMENTS AND PARTICULARS TO BE SENT TO THE MINISTER IN CONNECTION WITH THE SUBMISSION OF A SCHEME FOR APPROVAL.

(1) Six copies of the scheme and certified copies of the notices convening the meetings at which it was resolved respectively to adopt the draft scheme and to submit the scheme to the Minister for approval.

(2) A list of all local Acts, provisional orders, byelaws or regulations in force in the area of the scheme, and copies of those which contain any provisions affecting the scheme with references to those provisions.

(3) Particulars, in the form required by the Minister, of the proposed acquisition of land by local authorities under the scheme; of works to be executed; of proposed appropriations of commons, open spaces or allotments; of any enactments, orders, byelaws or regulations which it is proposed to suspend with reasons for the proposal; of the acreage, population and rateable value of the districts concerned; of the lands in the possession of local authorities within the meaning of the Local Loans Act, 1875; of clearance or improvement areas; of proposals for providing houses under Part III of the Housing Act, 1925; of any buildings of the kind referred to in sub-section (5) (i), paragraphs (*b*) and (*c*) of section 17 of the Act; and of any agreements proposed to be scheduled to the scheme or made under sections 33 or 34 of the Act.

(*a*) *Ante*, p. 1915. (*b*) *Ante*, p. 1973. (*c*) *Ante*, p. 1971.

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(4) Where the scheme extends to any land or building erected thereon which for the time being belongs to any statutory undertakers and is held or used by them for the purposes of their undertaking, a statement whether their consent has been obtained to the application of the provisions of the scheme to their land or building.

SECOND SCHEDULE.

FORM OF NOTICE THAT A SCHEME OR SUPPLEMENTARY ORDER HAS BEEN LAID BEFORE PARLIAMENT.

TOWN AND COUNTRY PLANNING ACT, 1932.

(*Name of Authority preparing or adopting Scheme or Order.*)

(*Title of Scheme or Order.*)

Notice is hereby given that on the day of , 193 , the above-named Scheme [*Order*] was laid before both Houses of Parliament and is now capable of coming into operation within the meaning of Section 8 (2) [14 (2)] of, and the First Schedule to, the Town and Country Planning Act, 1932.

A copy of the said Scheme [*Order*] and of the map therein referred to has been deposited at and will be open for inspection without payment of fee, between the hours of and

The Scheme [*Order*] will become operative at the expiration of six weeks from the date of this advertisement, but if proceedings in the High Court are instituted within that period by an aggrieved person desirous of questioning the validity of the Scheme [*Order*], or of any provision contained therein, the Court may, if satisfied that the Scheme [*Order*] or any provision contained therein is not within the powers of the Act, or that any interests of the applicant have been substantially prejudiced by any requirement of the Act or of any order or regulation made thereunder not having been complied with, quash the Scheme [*Order*] or any provision contained therein, either generally or in so far as it affects any property of the applicant.

Dated this day of , 193 .

Clerk [*Secretary*] of the Authority promoting the Scheme [*Order*].

THIRD SCHEDULE.

PARTICULARS TO BE INCLUDED IN THE PRELIMINARY STATEMENT.

(1) The area to be included in the scheme (to be shown by means of boundary lines on the Preliminary Statement Map).

(2) (*a*) The principal new streets or roads and the widenings of any existing principal streets or roads.

(*b*) Building lines proposed to be prescribed in relation to the principal new or existing streets or to the widenings of principal existing streets.

(3) Roads, streets or ways which it is proposed to stop up or divert.

(4) Areas limited as regards—

(*a*) Erection or use of buildings or use of land (e.g., industrial, business, residential or mixed);

(*b*) Density of buildings (e.g., number of dwelling-houses to the acre, or space about buildings);

(*c*) Size, height, design or external appearance of buildings.

(5) Areas as respects which it is proposed to prohibit or restrict building operations pending the coming into operation of a general development order.

(6) Areas as respects which it is proposed to prohibit or restrict building operations permanently on the ground that, by reason of the situation or nature of the land, the erection of buildings thereon would be likely to involve danger or injury to health, or excessive expenditure of public money in the provision of roads, sewers, water supply or other public services.

(7) Areas as respects which it is proposed to prohibit (otherwise than by way of prohibition of building operations) the use of land for a purpose likely to involve danger or injury to health or serious detriment to the neighbourhood, or restrict (otherwise than by way of restriction of building operations) the use of land so far as it may be necessary for preventing such danger, injury or detriment.

(8) Areas proposed to be reserved for open spaces, allotments or other special purposes.

FOURTH SCHEDULE.

DOCUMENTS AND PARTICULARS TO BE SENT TO THE MINISTER IN CONNECTION WITH THE SUBMISSION OF A PRELIMINARY STATEMENT FOR APPROVAL.

(1) Six copies of the preliminary statement.

(2) Particulars, in the form required by the Minister, of proposed appropriations of commons, open spaces or allotments; of the acreage, population and rateable value of the districts concerned; of the lands in the possession of local authorities within the meaning of the Local Loans Act, 1875; of clearance or improvement areas; of proposals for providing houses under Part III of the Housing Act, 1925; of any buildings of the kind referred to in sub-section 5 (i), paragraphs (*b*) and (*c*), of section 17 of the Act; and of any agreements under sections 33 or 34 of the Act.

(3) Where the preliminary statement extends to any land or building erected thereon which for the time being belongs to any statutory undertakers and is held or used by them for the purposes of their undertaking, a statement whether their consent has been obtained to the proposed application of the provisions of the scheme to their land or building.

FIFTH SCHEDULE.

PART I.

FORM OF COMPULSORY PURCHASE ORDER MADE FOR THE PURPOSES OF THE TOWN AND COUNTRY PLANNING ACT, 1932.

THE TOWN AND COUNTRY PLANNING ACT, 1932.

The (*name of Authority making the Order*) (in this Order referred to as " the Authority ") hereby make the following Order :—

1. Subject to the provisions of this Order the Authority are hereby authorised to purchase compulsorily for the purposes of the Town and Country Planning Act, 1932, the lands described in the Schedule hereto which lands are coloured on a Map marked and sealed with the seal of the Authority and deposited at the offices of the Authority.

2. The Lands Clauses Acts (except Section 92 and Sections 127 to 132 of the Lands Clauses Consolidation Act, 1845) as modified, varied or amended by Part I of the Third Schedule of the Town and Country Planning Act, 1932, the Acquisition of Land (Assessment of Compensation) Act, 1919, as modified, varied or amended as aforesaid, and Sections 77 to 85 of the Railways Clauses Consolidation Act, 1845, are, subject to the necessary adaptations, hereby incorporated with this Order, and the provisions of those Acts shall apply accordingly.

3.* The sums agreed upon or awarded for the purchase of the lands described in the Schedule to this Order, being glebe land or other land belonging to an ecclesiastical benefice or to be paid by way of compensation for damage to be sustained by reason of severance or injury affecting the land, shall not be paid as directed by the Lands Clauses Acts but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale under the provisions of the Ecclesiastical Leasing Acts of land belonging to a benefice.

4. This Order may be cited as the † Order, 19 .

* Insert this Article where the lands described in the Schedule to the Order include glebe land or other land belonging to an ecclesiastical benefice.

† Here insert a suitable short title which should include the title of the relevant planning scheme.

The Schedule above referred to

Numbers on Plan deposited at the Offices of the (*name of Authority making the Order*).	Quantity Description and Situation of the Lands.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.

Given under the Seal of the Authority this day of 19 .

Clerk [*Secretary*] of the Authority making the Order.

PART II.

FORM OF ADVERTISEMENT OF COMPULSORY PURCHASE ORDER FOR THE PURPOSES OF A PLANNING SCHEME.

TOWN AND COUNTRY PLANNING ACT, 1932.

(*Name of Authority making Order.*)

(*Title of Order.*)

Notice is hereby given that the (*name of Authority making Order*) in pursuance of the powers vested in them by the Town and Country Planning Act, 1932, on the day of 193 , made an Order which will be submitted for confirmation by the Minister of Health authorising them to purchase compulsorily for the purposes of the (*name of scheme*) planning scheme, the lands described in the Schedule hereto.

A copy of the said Order and of the map referred to therein has been deposited at and will be open for inspection, without payment of fee, between the hours of and .

Schedule.

(*Here insert description of the lands comprised in the Order.*)

Dated this day of , 193 .

Clerk [*Secretary*] of the Authority making the Order.

PART III.

FORM OF NOTICE TO OWNERS, LESSEES AND OCCUPIERS OF SUBMISSION OF COMPULSORY PURCHASE ORDER TO MINISTER FOR CONFIRMATION.

TOWN AND COUNTRY PLANNING ACT, 1932.

(*Name of Authority.*)

(*Title of Order.*)

To (*name, address and description*) { Owner. / Lessee. / Occupier. }

Of (*description of property*).

Take Notice that the (*name of Authority*) in pursuance of the powers vested in them by the Town and Country Planning Act, 1932, on the day of ,

19 , made an Order which is about to be submitted for confirmation by the Minister of Health authorising them to purchase compulsorily for the purposes of the (*name of scheme*) the lands described in the Schedule hereto.

A copy of the said Order and of the map referred to therein has been deposited at and will be open for inspection, without payment of fee, between the hours of and .

Any objection to this Order must be made in writing, stating the grounds of your objection and addressed to the Minister of Health, Whitehall, London, S.W.1, before the (*here insert date fourteen clear days from the service of Notice*).

The Act provides that if no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, or if the Minister is satisfied that every objection duly made relates exclusively to matters which can be dealt with by the arbitrator by whom the compensation is to be assessed, the Minister may, if he thinks fit, confirm the Order with or without modification; but in any other case he shall, before confirming the Order, cause a local inquiry to be held, and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the Order either with or without modification.

Schedule.

(*Here insert description of lands comprised in the Order.*)

Dated this day of , 19 .

Clerk [*Secretary*] of the Authority making the Order.

PART IV.

FORM OF NOTICE THAT A COMPULSORY PURCHASE ORDER HAS BEEN CONFIRMED BY THE MINISTER.

TOWN AND COUNTRY PLANNING ACT, 1932.

(*Name of Authority.*)

(*Title of Order.*)

Notice is hereby given that the Minister of Health in pursuance of the powers vested in him by the Town and Country Planning Act, 1932, on the day of 19 , confirmed [with modifications] an Order submitted to him by the (*name of Authority making Order*) (in this Order referred to as "the Authority") authorising the Authority to purchase compulsorily for the purposes of (*name of scheme*) the lands described in the Schedule hereto.

A copy of the confirmed Order and of the map referred to therein has been deposited at and will be open for inspection, without payment of fee, between the hours of and .

The Order will become operative at the expiration of six weeks from the date of this advertisement, but if proceedings in the High Court are instituted within that period by an aggrieved person desirous of questioning the validity of the Order, or of any provision contained therein, the Court may if satisfied that the order or any provision contained therein is not within the powers of the Act or that the interests of the applicant have been substantially prejudiced by any requirement of the Act or of any order or regulation made thereunder not having been complied with, quash the order or any provision contained therein, either generally or in so far as it affects any property of the applicant.

Schedule.

(*Here insert description of the lands comprised in the confirmed Order.*)

Dated this day of , 193 .

Clerk [*Secretary*] of the Authority.

SIXTH SCHEDULE.

Regulations.	Extent of Revocation.
The Town Planning Procedure Regulations (England and Wales), 1910 (S. R. & O. 1910, No. 436).	The whole Regulations, in so far as they are not already revoked.
The Ministry of Health (Town Planning) Regulations, 1921 (S. R. & O., 1921, No. 373).	The whole Regulations except in so far as they are applied under subsection (2) of Section 52 of the Act or any order made by the Minister under the proviso to that subsection, or relate to anything required to be done under those Regulations in respect of a scheme approved by the Minister thereunder.
The Town Planning (Compulsory Purchase) Regulations 1926 (S. R. & O., 1926, No. 1133).	The whole Regulations, but without prejudice to any right, liability or obligation acquired or incurred thereunder, or to the continuance of any proceedings already commenced thereunder at the date when these Regulations came into operation.
The Town Planning (Land in the Neighbourhood of Royal Palaces or Parks) Regulations, 1926 (S. R. & O., 1926, No. 1465).	The whole Regulations.

Given under the official seal of the Minister of Health this twenty-seventh day of July, nineteen hundred and thirty-three.

(L.S.) R. J. SIMPSON,
Assistant Secretary, Ministry of Health.

S. R. & O., 1934, No. 778/L. 21.

THE TOWN AND COUNTRY PLANNING (DETERMINATION OF QUESTIONS AS TO COMPENSATION AND BETTERMENT) RULES, 1934, DATED AUGUST 1, 1934, MADE BY THE REFERENCE COMMITTEE FOR ENGLAND AND WALES UNDER THE ACQUISITION OF LAND (ASSESSMENT OF COMPENSATION) ACT, 1919, AS EXTENDED BY SECTION 23 OF THE TOWN AND COUNTRY PLANNING ACT, 1932.

In pursuance of the Acquisition of Land (Assessment of Compensation) Act, 1919, as extended by section twenty-three of the Town and Country Planning Act, 1932, the Reference Committee for England and Wales constituted under the first-mentioned Act hereby make the following Rules :—

1.—(1) These Rules may be cited as the Town and Country Planning (Determination of Questions as to Compensation and Betterment) Rules, 1934.

(2) In these Rules :—

"The Act of 1932" means the "Town and Country Planning Act, 1932";

"The Rules of 1919" means the "Acquisition of Land (Assessment of Compensation) Rules, 1919"(*a*).

(3) The Interpretation Act, 1889, applies for the purpose of the interpretation of these Rules as it applies for the purpose of the interpretation of an Act of Parliament.

(*a*) S. R. & O., 1919, No. 1836, *ante*, p. 3127.

2. The Town Planning (Determination of Questions as to Compensation) Rules, 1926 (*a*), are hereby revoked, without prejudice to anything done thereunder:

Provided that this revocation shall not affect the application of the said Rules to any claims made and entertained in pursuance of the provisions of proviso (*b*) to subsection (1) of section 54 of the Act of 1932.

3.—(1) The expression "question" in Rule 2 of the Rules of 1919, shall include any question relating to compensation or betterment under a scheme which by virtue of section twenty-three of the Act of 1932, is to be determined by arbitration under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919 (in these Rules referred to as "a question relating to compensation or betterment").

(2) In the application of the Rules of 1919 to a question relating to compensation or betterment, references in those Rules to the acquiring authority and to the claimant shall respectively mean the responsible authority under the scheme, and the person whose property is alleged to have been injuriously affected or increased in value by the scheme and by or against whom a claim has accordingly been made under the Act of 1932, and the expression "claim" shall mean such a claim made as aforesaid upon which a question arises to be determined in the manner provided by section 23 of the said Act.

4.—(1) The time at which an application for the selection of an arbitrator may be sent to the Reference Committee shall, in the case of a question relating to compensation or betterment, be any time after the expiration of fourteen days from the date on which the claim was made:

Provided that where the question relates to a claim made under subsection (1) of section 21 of the Act of 1932, and the claim is one to which the provisions of the proviso to the said subsection (relating to the deferment of claims in certain cases) apply, the time for making the application shall be any time after the expiration of twenty-eight days from the date of the service of the claim.

(2) In the case of a question relating to compensation or betterment, the form of application set out in Part I of the Schedule to these Rules, or a form to the like effect, shall be substituted for Form A set out in the Schedule to the Rules of 1919.

5.—(1) The Rules of 1919 shall, in their application to a question relating to compensation or betterment, have effect as if the following paragraphs were substituted for paragraphs (1) and (6) respectively of Rule 7 thereof:—

"(1) Where claims have been made under the Act of 1932 by or against two or more persons having different interests in the same property, the responsible authority may, subject as hereinafter provided, either on making the application for the selection of an arbitrator to hear the claims or at any time thereafter, make an application to the Reference Committee to have the same person selected as the arbitrator to hear and determine all the claims:

"Provided that no such application shall be made as respects a claim if an arbitrator has already entered on the consideration of the claim.

"(6) If any person to whom any such notice of intention has been sent objects to have the claim made by or against him heard with the other claims, he shall within seven days after the receipt of the notice aforesaid send notice of his objection to the responsible authority and the arbitrator."

(2) In the case of a question relating to compensation or betterment, the form of application set out in Part II of the Schedule to these Rules, or a form to the like effect, shall be substituted for Form B set out in the Schedule to the Rules of 1919.

HEWART, C. J.
HANWORTH, M. R.
ALAN ARNOLD, P. S. I.

The Reference Committee for England and Wales under the Acquisition of Land (Assessment of Compensation) Act, 1919.

August 1st, 1934.

(*a*) S. R. & O., 1926, No. 439.

TOWN AND COUNTRY PLANNING

SCHEDULE.

PART I.

Form of application for selection of Arbitrator in case of a question relating to compensation or betterment under a Planning Scheme.

ACQUISITION OF LAND (ASSESSMENT OF COMPENSATION) ACT, 1919,

AND

TOWN AND COUNTRY PLANNING ACT, 1932, SEC. 23.

APPLICATION FOR SELECTION OF OFFICIAL ARBITRATOR.

To the Reference Committee, 121, Royal Courts of Justice, Strand, London, W.C.2.

I, being the person whose property is affected by a planning scheme [*or*, We being the responsible authority] specified in the annexed particulars, hereby apply for the selection, pursuant to the above Acts, of an official arbitrator to hear and determine the question of which particulars are annexed.

*Signed .. . . . .

Date .. . . . .

Particulars.

Name and address of responsible authority:

.....

.....

.....

Name and address of responsible authority's solicitor or agent:

.....

.....

.....

Name and address of person whose property is affected:

.....

.....

.....

Name and address of his solicitor or agent:

.....

.....

.....

Description of property affected:

.....

.....

.....

Situation of property affected:

County..... .. . .

Parish..... .....

Nature of question:

.....

.....

* *If the application is signed by an agent, add "by* ..... *his* [*or their*] *agent."*

PART II.

TOWN AND COUNTRY PLANNING

orm of application to have same person appointed as Arbitrator on claims in respect of different interests in the same property in the case of a question relating to Compensation or Betterment under a Planning Scheme.

ACQUISITION OF LAND (ASSESSMENT OF COMPENSATION) ACT, 1919,

AND

TOWN AND COUNTRY PLANNING ACT, 1932, SEC. 23.

APPLICATION TO HAVE SAME PERSON APPOINTED AS ARBITRATOR ON CLAIMS IN RESPECT OF DIFFERENT INTERESTS IN SAME PROPERTY IN THE CASE OF A QUESTION RELATING TO COMPENSATION OR BETTERMENT UNDER A PLANNING SCHEME.

To the Reference Committee.

We, being the responsible authority in the case of the property specified in the annexed particulars, apply, pursuant to the Rules made under the above Acts, to have the same person selected as official arbitrator to hear and determine all the claims for compensation or betterment made in respect of the several interests in the said property.

No official arbitrator has been selected in the case of the said claims [*or*, An official arbitrator has already been selected in the case of the claims of the persons numbered ..... in the annexed particulars, namely Mr. . . in the case of No. 1 ... *state the facts*].

*Signed . . .

Date ... ...

Particulars.

Name and address of responsible authority :

... .

....

....

Name and address of responsible authority's solicitor or agent :

....

....

. . ..

Description of property affected: . . . .

Situation of property affected :

County..... .. . .

Parish .. ..

Names and addresses of (i) the persons entitled to the several interests in the property, and (ii) their respective solicitors or agents :

Nature of interest.

(1) (i) .... 1.

(ii) . .. .

(2) (i) . ... 2.

(ii) . .. .

(3) (i) . ... 3.

(ii) ....

.....

* *If the application is signed by an agent of the applicants, add "by ..... his [or their] agent."*

TOWN AND COUNTRY PLANNING

CIRCULAR 1495.

Local Authorities (outside London) and Joint Executive Town Planning Committees. (England and Wales.)

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
15th August, 1935.

SIR,—I am directed by the Minister of Health to acquaint you of the passing of the Restriction of Ribbon Development Act, 1935 (*a*), which received the Royal Assent on the 2nd instant, and to enclose for the information of the Planning Authority a copy of an explanatory circular which has been addressed by the Ministry of Transport to Highway Authorities.

As its title suggests, the new Act is directed to the provision of a more expeditious and effective method of controlling ribbon development than is provided by the existing law and, as one of the principal objects of the Act is to facilitate the passage of traffic, it will in the main be administered by the Highway Authorities. The Highway Authorities are, however, directed in certain matters to keep in close touch with the Planning Authorities and the Minister has no doubt that Highway and Planning Authorities will gladly co-operate in securing their common object.

Nothing in this Act limits the existing powers of Planning Authorities to declare that a planning scheme shall be prepared or to control interim development. The power of the Minister of Transport to remove restrictions imposed under the Act upon frontage development where, by reason of the provisions of a scheme or otherwise, their continuance is unnecessary, is explained below.

A consent given under the planning law to the erection of buildings, etc., before the imposition of restrictions by a Highway Authority under the new Act is not invalidated by the passing of the new Act or the imposition of restrictions thereunder.

In addition, the new Act confers upon Local Authorities at large certain new powers which are more fully explained in paragraphs 35 and 36 of the enclosed circular.

The attention of Planning Authorities is specially drawn to the following provisions of the new Act which directly affect them in their procedure or practice:

Section 7.—Sub-section (2) requires the Highway Authority from time to time to consult with any Planning Authorities (as defined in Section 24) with a view to securing co-ordination between the exercise of their powers under the Act of giving or withholding consent to development and the exercise by the Planning Authority of their powers in relation to schemes.

For the purposes of this consultation the Planning Authority should endeavour to arrange that representatives, with full knowledge of the planning proposals, of applications before them, and of the manner in which it is proposed to deal with those applications, shall be constantly ready to confer with representatives of the Highway Authority.

It may be a matter of urgency that the new powers of the Highway Authority should be applied to unclassified roads. It is therefore to be anticipated that the Highway Authority will wish for early information of proposed provisions of a planning scheme affecting development on unclassified roads. The Planning Authority should, therefore, without delay, formulate their proposals in this regard, if this has not already been done.

Other planning proposals may require some revision in consequence of the exercise of the new powers of the Highway Authority and this issue also might with advantage be discussed at the proposed conferences. Similarly the proposals of the Highway Authority may be susceptible of modification in the light of the planning proposals. It may, for example, be the case that an agreement has been made with the Planning Authority under which no compensation will be claimed in respect of restrictions imposed under the scheme, or that an agreement restricting the planning, development or use of the land has been made under Section 34 of the Town and Country Planning Act, 1932.

(*a*) *Ante*, p. 2001.

Section 8, *Sub-section* (2).—Where the Planning Authority are also the Highway Authority, an application for permission to develop land affected by restrictions in force under Section 1 or 2 of the Act is to be treated as if it were also an application for consent under either or both those Sections, unless the applicant has otherwise requested.

Where the Planning Authority are not the Highway Authority, they must at once send sufficient particulars of any application made to them for permission to develop land affected by restrictions in force under Section 1 or 2 of the Act to the Highway Authority.

It will probably be found convenient to come to an arrangement under which the Highway Authority will communicate any observations on the application to the Planning Authority within an agreed time, which should be as short as practicable.

Section 12.—Inconsistent or duplicated restrictions under a planning scheme and under the Act must clearly be avoided. Section 12 enables the Minister of Transport, upon the application of the Highway Authority, or of the Council of any county district, by Order to remove restrictions in force under Section 1 or 2 of the Act as respects any road. Before doing so he must be satisfied that the restrictions are rendered unnecessary by reason of some other Act or some other scheme or resolution made or passed under such Act.

The Minister of Health would not feel able to approve the retention in a scheme of provisions designed to take the place of restrictions imposed by or under the Act, unless the Minister of Transport would be in a position, and would be prepared, if the scheme were approved, to issue a derestricting Order under the Section.

The attention of all Local Authorities is drawn to the provisions of Sections 16 and 17 of the new Act which are of general application and are summarised in paragraphs 35 and 36 of the enclosed circular. As regards Section 16 (which extends the power of Local Authorities to provide parking places) reference may be made to the preface to the model regulations issued for the purposes of Section 68 of the Public Health Act, 1925, and obtainable (price 4*d.*) from H.M. Stationery Office. The model regulations themselves will be replaced by model byelaws, but most of the information and suggestions in the preface will continue to be applicable.

In the administration of Section 17 (which deals with the provision of means of entrance and egress) Local Authorities should bear in mind the statutory obligation to aprove or disapprove the plans of new buildings within one month. The Minister will shortly issue a direction in pursuance of subsection (8) determining the method by which the space contained by the external or containing walls of a building shall be measured for the purposes of this Section.

An additional copy of this Circular and of the enclosure are forwarded for the use of the Surveyor or Planning Officer of the Authority.

Copies of this Circular have been placed on sale and may be obtained from the Stationery Office at the addresses shown below.

I am, Sir,

Your obedient Servant,

H. W. S. FRANCIS,

Director of Housing, Slum Clearance and Town Planning.

The Clerk to the Authority.

TOWN AND COUNTRY PLANNING

CIRCULAR NO. 428 (ROADS).

County Councils,
County Borough Councils,
Non County Borough Councils,
Urban District Councils,
in England and Wales.
County Councils,
Town Councils,
in Scotland.

MINISTRY OF TRANSPORT,
WHITEHALL GARDENS,
LONDON, S.W.1.
15th August, 1935.

RESTRICTION OF RIBBON DEVELOPMENT ACT, 1935.

SIR,—I am directed by the Minister of Transport to request you to draw the attention of the Council to the Restriction of Ribbon Development Act (*a*) which received the Royal Assent on August 2nd, 1935. This circular gives a brief indication of the general scope of the Act, but the terms of the Act itself must be consulted in their precise effect.

CONTROL OF DEVELOPMENT.

2. The Act confers important new powers upon Highway Authorities designed to enable them to exert an effective control over undesirable development along or near the frontages of roads.

Immediately upon the passing of the Act, subject to certain exceptions (see paragraph 15 below) it became unlawful under section 2 (1), without the consent of the Highway Authority:

(i) to construct, form or lay out any means of access to or from a road which, on May 17th, 1935, was a classified road; or

(ii) to erect or make any building within 220 feet from the middle of such a road.

3. While these restrictions are by the Act itself brought automatically in force in regard to all roads that were classified on May 17th, 1935, under section 2 (2) they may also be applied, by resolution of the Highway Authority approved by the Minister, to any other road. During the passage of the Bill through Parliament the view was expressed in many quarters that the imposition of control upon classified roads alone would tend at once to transfer ribbon development to the unclassified roads. The Council have doubtless already examined the probability of any such tendency on the unclassified roads in their area with a view to selecting those over which it is desirable to assume immediate powers of control and the Minister would urge that a careful survey for this purpose should be completed with the least possible delay. He will be prepared at once to consider the confirmation of resolutions passed by the Council to bring restrictions into force in respect of any roads that were not classified roads on May 17th, 1935, upon which there appears to be any danger of ribbon development. A single resolution may deal with any number of roads, but the individual roads must be specified. "Road" includes a proposed road, the plans for which have been approved by the Minister (section 24).

STANDARD WIDTHS.

4. Under section 1 a Highway Authority is enabled with the approval of the Minister to determine that one of the standard widths set out in Schedule I to the Act shall apply to any road, whether classified or not. (Special widths may be approved [under section 1 (2) (b)] to meet the requirements of embankments and cuttings, and Regulations dealing with this matter are being prepared.) Where a standard width has been approved, it becomes unlawful, without the consent of the Highway Authority:

(*a*) to construct, form or lay out any means of access to or from the road,

(*b*) to erect or make any building or permanent excavation or to construct, form or lay out any works within the approved width.

5. A further communication will be addressed to the Council at an early date ...ing the lay-out considered by the Minister to be appropriate to the differen...

(*a*) *Ante*, p. 2001.

standard widths; but meanwhile the Council will doubtless take the opportunity of surveying the roads to which they consider the protection of the Act should be extended and of determining, on a long view, what are likely to be the future traffic requirements in order that the lines of widening may be safeguarded. In connection with this survey the Council will, of course, have regard to the road proposals contained in any planning scheme undertaken by them or by any Planning Authority in the area.

6. The existing middle of the road will in many cases not be the most appropriate line upon which to found proposals for future improvement of the road; and the "standard width" may be based upon an altered line shown in plans approved by the Minister and duly advertised (section 24).

Application for the Minister's approval of plans for this purpose should be made by letter addressed to the Assistant Secretary, Roads Department, Ministry of Transport, 7, Whitehall Gardens, London, S.W.1, and should be accompanied by plans, in duplicate, showing the proposed road, or existing road as proposed to be improved. The plans should be on a scale of not less than $\frac{1}{500}$th.

7. In order to give due opportunity to interested parties to make representations, section 1 (1) provides for advertisement and notice of any resolution adopting a standard width before its confirmation by the Minister. The advertisement and notice should be in the form set out in the Appendix to this circular, and should allow a period of not less than 21 days from the date of the advertisement for the submission of objections to the Minister.

8. Under the powers conferred on him by section 19 (2), the Minister will be prepared to consider applications for grants out of the Road Fund towards expenditure incurred by the Highway Authority in payment of compensation for injurious affection arising out of restrictions resulting from the adoption of a standard width.

9. Where a standard width is adopted for a road that was a classified road on May 17th, 1935, or for any other road as respects which the Highway Authority have by resolution under section 2 applied restrictions up to 220 feet from the middle of the road, all restrictions on means of access are deemed to be restrictions resulting from the adoption of the standard width (section 2 (4)).

MEANS OF ACCESS.

10. Section 24 (2) provides that the mere taking away of a gate or fence does not of itself constitute the formation of a means of access. On the other hand the construction of a road or path (including a path for foot passengers only), is clearly the formation of a means of access. In cases where it is not possible to point to the definite construction of a road or path, but there is habitual user of a track, the question whether or not such user constitutes the formation of a means of access must be a matter of fact which can only be authoritatively determined in the particular case by the Courts.

11. The Council will recognise that in the proper control of means of access lies an effective safeguard against ribbon development and a means of preventing the danger and inconvenience on the road that arises from the presence of stationary vehicles.

12. By granting access only at a reasonably limited number of points, the Highway Authority can do much to facilitate, not only the convenience and safety of traffic, but also the planned and ordered development of the land in the proximity of the road.

FENCING OF ROADS.

13. Section 4 gives the Highway Authority power, where restrictions are in force, to fence roads as a means of preventing access to the road except at defined points.

BUILDINGS.

14. The term "building" does not include fences, gates, posts, masts, ornaments, or other similar erections required for the purposes of agriculture or of any dwelling-house or garden occupied with a dwelling-house, greenhouses or summerhouses required in connection with any such garden, or temporary tents or scaffolding

TOWN AND COUNTRY PLANNING

required for any purpose (section 24). The definition is, however, designed to include "temporary" buildings, such as old railway carriages used as bungalows and roadside booths.

EXEMPTIONS.

15. Exemptions from the restrictions of the Act are accorded to works in progress at the date of publication of the restrictions, and to works carried out in execution of a contract made, or permission granted by a Planning Authority, before that date. Land forming part of a burial ground which has been used for the purpose of interment before the passing of the Act is exempt from restrictions, and the restrictions do not apply to any permanent excavation or works necessary in connection with drainage for agricultural purposes, or to any works necessary for the repair or maintenance of sewers, drains, pipes, etc. or to the erection of advertisements as defined in the Advertisements Regulations Acts, 1907 and 1925 (section 3). Except within a standard width there is exemption for agricultural buildings (not being dwelling-houses) (section 2 (3)).

16. Section 23 contains savings for various classes of statutory undertakers.

CONSENT NOT TO BE WITHHELD.

17. The Highway Authority are not to withhold consent to new means of access required for agricultural purposes (but may impose conditions for securing that the means of access shall be used for agricultural purposes only), or to the re-erection, alteration or extension (not being a major alteration or extension as defined in the 3rd Schedule) of a building erected before the date on which the restrictions came into force, or to any excavation or works for the purpose of constructing any sewer, drain, pipe, etc. (but may impose conditions for securing that the sewer, drain or pipe shall be laid in such a manner as will not interfere with the construction or improvement of the road) (section 7 (1)).

APPLICATIONS FOR CONSENT.

18. During the progress of the Bill through Parliament, the Council have doubtless been considering the procedure which it will adopt for dealing with applications for consent. It will be observed that under section 7 (5) consent is to be deemed to have been given unconditionally if no decision has been notified in writing to the applicant within two months of the date of his application. It was felt that those desiring to build were entitled to expeditious decisions, and that it would be open to the Highway Authority to delegate their powers to an appropriate committee.

19. Where a standard width is adopted for a road that was a classified road on May 17th, 1935, or for any other road as respects which restrictions are in force by reason of a resolution under section 2, any application for consent to building within the standard width is to be treated as an application under both section 1 and section 2, unless the applicant has requested that the application shall not be so treated (section 8 (1)).

20. Where an application is made to a Planning Authority for permission to develop land affected by restrictions under sections 1 or 2, and the Planning Authority are the Highway Authority the application is to be treated as if it were an application under the Act. If the Planning Authority are not the Highway Authority, the Planning Authority are to send particulars of the application to the Highway Authority (section 8 (2)). Similarly, where an application is made to the Highway Authority for consent in respect of land which is subject to a planning scheme, the Highway Authority must send particulars to the Planning Authority (section 8 (3)).

CONTRAVENTIONS.

21. Persons carrying out works without having sought the consent of the Highway Authority and obtained that consent (either expressly or by lapse of the two months' period) are liable on conviction to penalties and the Authority after due notice, may demolish the work at the offenders' expense (section 11).

APPEALS.

22. An applicant for consent can appeal to the Minister of Transport against the decision of the Highway Authority to withhold consent or to attach conditions to the consent, except where the application is for consent to buildings, excavations or works (other than excavations or works for the purpose of constructing sewers, drains, pipes, etc.) within a standard width; there is no appeal against a decision on such an application. The Minister, if so requested by either the Highway Authority or the aggrieved party, will cause a local inquiry to be held in public (section 7).

COMPENSATION FOR RESTRICTIONS.

23. Compensation for restrictions cannot be claimed until the Highway Authority withhold consent or attach conditions to consent. Failing agreement with the Highway Authority, the claim is to be determined by an official arbitrator, in accordance with the directions given in section 9 of the Act.

DEPOSIT OF PLANS FOR PUBLIC INSPECTION.

24. Under section 6 of the Highway Authority are required to keep available for inspection at their offices (and at such other places as the Minister may direct) sufficient plans showing the lands subject to restrictions under the Act.

25. The Minister suggests that in order to comply with this requirement as regards the restrictions imposed by section 2 of the Act as respects roads that were classified roads on May 17th, 1935, the Council should cause to be marked on maps of scale not less than 6 inches to 1 mile, coloured lines distant by the equivalent of 220 feet, from the middle of all such roads for which they are the Highway Authority. The "middle of the road" is defined by section 24 as the middle point between the boundaries of the road.

REGISTER OF CONSENTS.

26. Under section 7 (6) the Highway Authority are required to keep available for inspection a register with sufficient particulars of all consents given by them.

REGISTER FOR NOTICES.

27. Under section 5 any person claiming to have an estate or interest in property within 220 feet of the middle of any road repairable by the inhabitants at large (in Scotland, any road for the maintenance and management of which a County or Town Council is responsible) may require the Highway Authority to record his name and address and to furnish him with particulars of subsequent resolutions imposing restrictions under the Act. The Authority are required to keep a register in a form approved by the Minister. Without prejudice to his power to approve alternative forms the Minister has approved a form of register giving the particulars set out in paragraph 14 of the accompanying memorandum R.R.D.1.

28. The Minister would suggest, for the sake of uniformity, that Highway Authorities should consider the desirability of supplying cards say 8 in. by 5 in. (a standard filing size) containing on the left of one side particulars of the information required—as set out in paragraph 14 of the memorandum—and leaving on the right as much space as possible for the required particulars to be inserted by the applicant. On the other side of the card should be printed the address to which the card is to be sent with an indication that a 1½*d.* stamp is necessary. The cards when completed can then be filed in an ordinary filing cabinet. If this suggestion is adopted by the Council they might consider the desirability of giving notice in the local press that application to be placed on the register should be made on the standard form, copies of which are available at the Council's offices.

DE-RESTRICTION.

29. In certain cases, the provisions of other Acts or of orders, schemes, or resolutions under those Acts, *e.g.* a planning scheme, may make it unnecessary that the restrictions (either as to access or buildings or both) under the present Act should continue in force. Under section 12 the Minister is empowered, upon the application of the

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Highway Authority or, in England and Wales, of the Council of a County District, to make an Order in respect of any road or part of road so that the restrictions specified in the Order shall not apply thereto.

CO-OPERATION WITH PLANNING AUTHORITIES.

30. During the passage of the Bill, hopes have been expressed that the Highway Authority in their administration of the Act will co-operate to the full with the Planning Authority in the furtherance of their common objects, and Mr. Hore-Belisha requests that the special attention of the Council may be drawn to the directions given by Parliament in section 7 (2) of the Act.

PURCHASE OF LAND.

31. Section 13 simplifies the procedure for purchase by the Highway Authority of land required for the construction or improvement of roads. Under section 9 (3), the Authority will in certain cases of construction or improvement of roads be enabled to deny access to the new or improved road without liability for compensation. In many future cases acquisition of land for road purposes will therefore be on the basis that unlimited right of access to the new road will not be given.

32. Subject to exceptions in the case of land which is required to be retained as part of a park, garden, pleasure ground or home farm, and land in regard to which an agreement has been made under section 34 of the Town and County Planning Act, 1932, section 13 also confers on the Authority power to acquire compulsorily land up to 220 yards from the middle of any road for the purpose of preventing the erection thereon of buildings detrimental to the view from the road. By section 13 (3) (c) the subsequent user of such land is strictly limited.

33. Section 13 (2) gives powers of purchase, by agreement, of any land in the neighbourhood of any road which the Highway Authority may consider it desirable to acquire for the purposes of preserving the amenities of the locality (including the purpose of preventing the erection of buildings detrimental to the view from the road).

34. Section 14 gives power to acquire compulsorily from local authorities and statutory undertakers certain easements for the construction of bridges and for road drainage.

PARKING PLACES.

35. By section 16 the powers of Local Authorities to provide parking places are now extended so as to include the provision of buildings and underground parking places for the same purpose, with power to let on hire. The Minister regards the provision of adequate parking accommodation at reasonable charges as a potent means of reducing the inconvenience to traffic and the danger to life and limb caused by the presence of waiting vehicles in the streets. Where private enterprise does not meet public needs in this regard, the Minister trusts that in all appropriate cases this important matter may receive the very early consideration of Local Authorities (in consultation with the Highway Authorities where different authorities are concerned).

MEANS OF ENTRANCE AND EGRESS.

36. Section 17 gives the Local Authority (in Scotland, a County Council, a Dean of Guild Court or any body performing the functions of a Dean of Guild Court) the power in connection with the approval of plans for certain classes of buildings to require those responsible for the erection of a new building to provide such accommodation for loading and unloading of vehicles, or picking up and setting down of passengers, as may be specified by the Local Authority for the purpose of limiting interference with traffic along the roads adjacent to the building. The Minister does not doubt that, in accordance with the Act, these Authorities will consult freely with the police and, where different authorities are concerned, with the Highway Authorities as to the exercise of their new powers, which if effectively exercised, should limit further encroachment upon the freedom of movement of persons having business in urban areas.

CLAIMING AUTHORITIES.

37. Section 18 preserves the special position of those Councils in England and Wales which are "claiming" authorities for the purposes of section 32 of the Local Government Act, 1929.

APPLICATIONS TO LONDON.

38. The Act does not apply to the Administrative County of London, except in so far as provisions relating to parking places (section 16) and to means of entrance and egress (section 17) are applied by Orders of the Minister of Health.

APPLICATION TO SCOTLAND.

39. In Scotland, references to the sections of the Act should in appropriate cases be read as references to the sections as applied to Scotland by section 25.

EXPLANATORY MEMORANDUM.

40. Enclosed are copies of a simple explanatory memorandum, R.R.D.1, of the immediate effect of the passing of the Act upon owners and occupiers of land. Further copies of this memorandum may be obtained from this Department on request.

I am, Sir,
Your obedient Servant,
CYRIL HURCOMB,
Secretary.

The Clerk of the Council.

(A copy of this Circular Letter is forwarded herewith for the information of the Surveyor to your Council.)

APPENDIX.

(Form of advertisement and notice of resolution to adopt a Standard Width.)

....COUNCIL OF .... ..

RESTRICTION OF RIBBON DEVELOPMENT ACT, 1935.

THE.... . ... COUNCIL OF ... ... HEREBY GIVE NOTICE that they have resolved to adopt a standard width of (1) ... . feet for (2).... . between (3) . ... .. and ... ., and that application is about to be made to the Minister of Transport for the approval of that resolution. A plan showing the (4) ..... .and the limits of the standard width to be adopted by the Council's resolution may be inspected at my office during the usual office hours, and any owner or occupier of land affected by that resolution may give notice of objection to the approval of that resolution by letter addressed to the Assistant Secretary, Roads Department, Ministry of Transport, 7, Whitehall Gardens, London, S.W.1, on or before the (5) ... . day of . ...,and a copy of every such objection should at the same time be forwarded to the undersigned at the address stated below.

Dated this ... .. day of . . .., 19 .....

(Name of Clerk.)

(Title.)

(Address of Clerk.)

(1) Insert standard width.
(2) If the resolution relates to an existing road, insert the name of the road and, if classified, the classification number; if it relates to an existing road "as proposed to be improved in accordance with plans approved by the Minister of Transport," add these words after the name and number; if it relates to a proposed new road insert "a road which they are intending to construct in accordance with plans approved by the Minister of Transport."
(3) Insert a sufficient indication of the beginning and end of the road covered by the resolution.
(4) Insert "road," "road as proposed to be improved" or "proposed new road" as the case may be.
(5) Insert a date not less than 21 days after the date of the advertisement.

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MEMO. RRD. 1.

RESTRICTION OF RIBBON DEVELOPMENT ACT, 1935.

(THIS MEMORANDUM IS IN NO SENSE A FULL DESCRIPTION OF THE ACT, BUT MAY HELP TO EXPLAIN BRIEFLY HOW IT AFFECTS PERSONS WHO OWN OR OCCUPY LAND OUTSIDE THE COUNTY OF LONDON. FOR THE PRECISE EFFECT OF THE ACT, REFERENCE MUST BE MADE TO THE TERMS OF THE ACT ITSELF (*a*).)

THE "220 FEET LINE" ALONG CLASSIFIED ROADS.

1. Under the Restriction of Ribbon Development Act, which became law on August 2nd, 1935, it is unlawful, except as explained below, to make any building (other than an agricultural building—not being a dwelling house) within 220 feet of the middle of any road that was a classified road on May 17th, 1935, or to make any new means of access to such a road.

2. *Classified roads* are shown on recent maps, and on all new sign posts erected on the roads, by a number and the letter "A" or "B" in front of the number, *e.g.* A. 123 or B. 456. Any owner or occupier of land who is in doubt whether or not a particular road was a classified road on May 17th, 1935, should apply to the Clerk of the Highway Authority.

3. *The Highway Authorities* responsible for classified roads (outside the County of London) are

(*a*) in a County Borough—the County Borough Council;

(*b*) in most other towns of over 20,000 inhabitants—the Borough, Town or Urban District Council of the town; in the Large Burghs in Scotland—the Town Council; and

(*c*) elsewhere—the County Council.

(The parts of the Act dealt with in this memorandum do not apply to the County of London.)

FUTURE "220 FEET LINES" ON UNCLASSIFIED ROADS.

4. The restrictions explained above have been in force since August 2nd, 1935, in the case of roads that were classified roads on May 17th, 1935. If the Highway Authority obtain the approval of the Minister of Transport, they may apply like restrictions to any other road. The restrictions become effective after due advertisement of the Minister's approval in two local newspapers. Any owner or occupier of land, who wants to be informed when any further restrictions come into force which affect his land, can have his name put on the Highway Authority's register as explained in paragraph 13 below.

"STANDARD WIDTHS."

5. A Highway Authority may, with the approval of the Minister of Transport, adopt a "standard width" for any of their roads. The "standard width" is the width to which the road will ultimately be made, and by the adoption of a standard width greater restrictions than those applied by the 220 feet lines (as set out in paragraph 1 above) are placed on the land which is subsequently to form part of the road. This is effected by a resolution which has to be approved by the Minister. Before the resolution is submitted to the Minister it must be advertised in two local newspapers and notice must be sent to any owner or occupier who has had his name put on the Highway Authority's register as explained in paragraph 13. Should any owner or occupier object to the proposal the Minister must consider the objections before approving the resolution. If the Minister approves the resolution the approval must be advertised and further notices must be sent to the owners and occupiers whose names are on the Highway Authority's register. Thereupon it becomes unlawful for any person to erect any building (including agricultural buildings) to make any permanent excavation or to construct any works within the standard width, or to make any new means of access to the road.

(*a*) *Ante*, p. 2001.

BUILDINGS.

6. *Buildings not affected by the Act.*—The Act does not affect fences, gates, posts, masts, ornaments or other similar erections required for the purposes of agriculture or for the purposes of a dwelling house or garden occupied with a dwelling house; green-houses or summer-houses in such gardens; temporary tents; or scaffolding. Also there are some special buildings belonging to railway and water companies and the like which are not affected by the Act.

7. *Consent of Highway Authority required in other cases.*—For any other structure or erection (including alterations and additions) of whatever material and however made within 220 feet of the middle of a classified road or any other road to which the restrictions may be applied by the Highway Authority, the permission of the Highway Authority should be sought in writing. The form "A" on page 5 of this memorandum [*post*, p. 3948] may be used.

MEANS OF ACCESS.

8. The permission of the Highway Authority should also be sought in writing if it is desired to make any new road, drive, track, or path leading out on to any classified road. (No permission is needed for the mere removal of a gate or fence, if no new road, drive, track, or path is made.) The form "B" on page 6 of this memorandum [*post*, p. 3949] may be used as an application form.

PERMANENT EXCAVATIONS AND WORKS WITHIN A "STANDARD WIDTH."

9. Any person wishing to make a permanent excavation or to construct any works within a standard width (see paragraph 5 above) should seek the permission of the Highway Authority in writing. The form "C" on page 7 of this memorandum [*post*, p. 3949] may be used as an application form.

DECISIONS AND APPEALS.

10. If sufficient particulars have been given in the application and the Highway Authority gives no answer within two months, the Authority is to be taken as having consented. If the Authority refuse consent or attach conditions to their consent which the applicant thinks unreasonable, the applicant may appeal to the Minister of Transport, and the Minister may make such Order as he thinks fit. Any person wishing to appeal should write to the Assistant Secretary, Roads Department, Ministry of Transport, 7, Whitehall Gardens, London, S.W.1, setting out the grounds of the appeal and enclosing a copy of the application to the Highway Authority and of the Authority's decision.

EXEMPTIONS.

11. The restrictions within a 220 feet line or a standard width do not apply to any works in progress at the date when the restrictions were first published or to any works carried out in execution of a contract made, or permission granted by a Town Planning Authority, before that date. In the case of restrictions within the 220 feet line along roads that were classified roads on May 17th, 1935, the date of publication was August 2nd, 1935.

12. The restrictions within a standard width do not apply to any permanent excavation or works necessary in connexion with drainage for agricultural purposes or to any works necessary for the renewal, enlargement or maintenance of any sewer, drain, electric line, pipe, duct or other apparatus constructed in or upon the land before the date of the coming into force of the restrictions.

REGISTER FOR NOTICES.

13. A Highway Authority must keep a Register of persons who claim to be owners or occupiers of land lying within 220 ft. of their roads, so that notices of any further restrictions brought into force may be sent to all those on the register.

14. Any owner or occupier of such land may claim to be put on the Register. For this purpose a copy of the standard form supplied by the Highway Authority should be completed. If the Highway Authority do not supply a standard form the

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following particulars should be given on an ordinary postcard (size 3½ ins. by 5½ ins.) :

(a)	(a) The name of the *parish* within which the property is situated.
(b)	(b) The classification letter and number of the *road* if classified ; if the road is not classified, give the name as shown on the street name plates or on the 6 in. Ordnance Survey map. (If none of these can be given, give the names of the nearest towns or villages which the road connects or other sufficient description to enable the road to be identified in the 6 in. Ordnance map.)
(c)	(c) Name and address of the person to whom any notices are to be sent. (In BLOCK CAPITALS.)
(d)	(d) Date on which the card is sent to the Council.

15. The right half of the front of the card should be addressed to "The Clerk, Council Offices, " and in the left half of the front should be written "Please insert particulars as overleaf in your Register for Notices (R.R.D.A. Sec. 5) ".

16. If more than one road is concerned, a separate card will be required for each, and the cards should be numbered (1), (2), (3) . . . in brackets immediately after the date on the back.

Where a number of cards are sent in on behalf of one owner or occupier, they should be sent with a covering letter on these lines :

> "The Clerk to the Council is requested to incorporate in the Register maintained in accordance with the provisions of Section 5 of the Restriction of Ribbon Development Act, 1935, the particulars set out on the enclosed cards numbered (1) to ( ) and bearing date on behalf of parties claiming to have an estate or interest in lands lying within 220 ft. of parts of the roads therein mentioned ".

An acknowledgment of the receipt of these requests should be received from the Council.

Ministry of Transport,
Whitehall Gardens,
London, S.W.1.

15th August, 1935.

FORM A.

APPLICATION FOR CONSENT TO BUILDING.

To the Clerk to the Council.

I apply for the consent of the Highway Authority to the erection of a building as below :

(i) Classification letter and number of the road.	(i)
(ii) Sufficient particulars of exact position of proposed building. (If you can attach a map, put on it a X or other clear mark to show the position and say here "As on map attached ".)	(ii)
(iii) Nature of building (such as house, shop, garage, shed).	(iii)
(iv) Material of building (such as stone, brick, wood).	(iv)

(v) Proposed height and size. (If you can attach a plan, say here "As on plan(s) attached.") (v)

(vi) Name and address (in BLOCK CAPITALS) of person applying. (vi)

(vii) Date of application. (vii)

FORM B.

APPLICATION FOR CONSENT TO ACCESS.

To the Clerk to the Council.

I apply for the consent of the Highway Authority to the construction of a new means of access as below:

(i) Classification letter and number of the road. (i)

(ii) Sufficient particulars of exact position at which access is desired (such as "on north side of the road 150 yards from turning to Blankton"). (If you can attach a map put on it a X to show the position and say here "As on map attached".) (ii)

(iii) Purpose for which new access wanted (such as "to new motor garage" or "to new houses to be built at . . ."). (iii)

(iv) Description of works involved (such as laying down of gravel drive and erection of gates). (If you can attach a plan say here "As on plan(s) attached".) (iv)

(v) Name and address (in BLOCK CAPITALS) of person applying. (v)

(vi) Date of application. (vi)

FORM C.

APPLICATION FOR CONSENT TO PERMANENT EXCAVATION OR WORKS WITHIN A STANDARD WIDTH.

To the Clerk to the Council.

I apply for the consent of the Highway Authority to the works as below:

(i) Classification letter and number of the road. (i)

(ii) Sufficient particulars of exact position of proposed works. (If you can attach a map, put on it a X or other clear mark to show the position and say here "As on map attached".) (ii)

(iii) Nature of works (such as excavation for gravel, laying new drain). (iii)

(iv) Depth of any proposed excavation. (iv)

(v) Name and address (in BLOCK CAPITALS) of person applying. (v)

(vi) Date of application. (vi)

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S. R. & O., 1936, No. 161.

THE ROAD STANDARD WIDTHS REGULATIONS, 1936, DATED FEBRUARY 29TH, 1936, MADE BY THE MINISTER OF TRANSPORT.

The Minister of Transport in exercise of the powers vested in him under or by virtue of section 1 of the Restriction of Ribbon Development Act, 1935 (*a*), and of all other powers in that behalf vested in him hereby makes the following regulations:

1. These Regulations may be cited as the Road Standard Widths Regulations, 1936, and shall come into force on the first day of March, 1936.

2. The highway authority may, by resolution, adopt as a standard width as respects any part of a road for the construction or improvement of which an embankment or a cutting is required, any width greater than 160 feet, and not exceeding 440 feet, being a multiple of 20 feet.

Provided that the standard width adopted shall not be greater than the standard width necessary in order to make provision for the cutting or embankment at its greatest width, and provided also that no standard width as herein prescribed shall be adopted as respects any part of a road where the necessary provision for the cutting or embankment does not require the adoption of a standard width in excess of 160 feet.

Given under the Seal of the Minister of Transport this twenty-ninth day of February nineteen hundred and thirty-six.

(L.S.) 8467
A.D.E.

A. MATHESON,
Assistant Secretary.

CIRCULAR NO. 454 (ROADS).

County Councils,
County Borough Councils,
Non-County Borough Councils,
Urban District Councils,
in England and Wales.
County Councils,
Town Councils,
in Scotland.

MINISTRY OF TRANSPORT,
WHITEHALL GARDENS,
LONDON, S.W.1.
24th March, 1936.

RESTRICTION OF RIBBON DEVELOPMENT ACT, 1935 (*b*).

SECTION I.—STANDARD WIDTHS FOR ROADS.

SIR,—I am directed by the Minister of Transport to refer to Circular No. 428 (Roads) dated August 15th, 1935 (*c*), dealing with the Restriction of Ribbon Development Act, and the far-reaching new powers conferred thereby on highway authorities. That circular promised a further communication on the lay-out of roads appropriate to the standard widths prescribed by the First Schedule to the Act. In circulating this further information the Minister has taken the opportunity to deal more fully with certain points arising in connection with the adoption of standard widths.

2. *Determining a Standard Width.*—Section 1 of the Act for the first time enables the roads of the country to be planned on principles of uniformity related to the present and future requirements of traffic. To secure that the object is not frustrated, the section gives power of control over land which will ultimately be required for the construction of a proposed new road or the improvement of an existing road, and over the construction of new means of access, and makes it possible to prevent anything being done which might seriously jeopardise the future. The Council should look well ahead when considering for submission to the Minister, the appropriate standard widths for their roads. The rate of increase of traffic ascertained by comparing the figures disclosed by the census of 1935 with those obtained on previous occasions will obviously serve as a useful indication in estimating future requirements.

(*a*) *Ante*, p. 2002. (*b*) *Ante*, p. 2001. (*c*) *Ante*, p. 3940.

3. The first step towards determining the appropriate standard width for any road is to settle the type of lay-out, and the appropriate widths of the various components of the lay-out, which will be required to meet the prospective demands of vehicular, cycle, pedestrian and other classes of traffic, with due regard to the growing need in the interests of public safety for the segregation of the different classes of traffic (*e.g.* motor vehicles, pedal cyclists, pedestrians) and of vehicular traffic moving in opposite directions.

4. The lay-out of roads in relation to standard widths has been considered by an *ad hoc* Committee appointed by the Minister, consisting of members of the Experimental Work on Highways (Technical) Committee with the addition of representatives of the County Surveyors Society and of the Institute of Municipal and County Engineers. After giving careful consideration to the Committee's recommendations Mr. Hore-Belisha has reached the following conclusions:

(*a*) The unit width for each lane of traffic should be 10 feet. In a road, the carriageway of which comprises not more than two traffic lanes but is likely to carry a large proportion of industrial vehicles of maximum dimensions, the unit width should generally be increased to 11 feet.

(*b*) Where an existing road carries, or a proposed road is expected to carry, 400 vehicles at the peak hour, dual carriageway will be desirable. In any case where more than two traffic lanes may be necessary, dual carriageways should, where practicable, be provided in preference to widening the single carriageways. Dual carriageways will often be justified solely on grounds of public safety. (In calculating the total number of vehicles, two pedal cycles may be regarded as equivalent to one vehicle.)

(*c*) The standard widths adopted should provide for such future widening of the carriageways, together with cycle tracks and footpaths, as may become necessary. For this purpose there should be ample central reservations, margins, and verges. Dual carriageways should be separated by a central reservation of the maximum width consistent with the lay-out of the road.

(*d*) Separate cycle tracks will often be justified solely on the grounds of public safety. Where the construction of cycle tracks will avoid the necessity for widening an existing carriageway, their provision may be justified on grounds of economy alone. The track should normally be 6 feet wide, but where the traffic warrants additional widths should be provided by units of 3 feet. Where practicable each track should be separated by verges from the carriageway and footpath. Should it not be practicable in the case of an existing road in a built-up area to obtain sufficient space for verges, the cycle track may be separated from the carriageway and footpath by kerbs.

5. The next step is to determine the appropriate standard width required to accommodate the proposed lay-out. The Minister, after considering the report of the Committee mentioned in the preceding paragraph, takes the view that the following minimum standard widths would be appropriate in ordinary circumstances:

Proposed lay-out.	*Minimum Standard Width to be adopted.* ft.
Single carriageway not exceeding 30 feet, with footpaths	60
Single carriageway not exceeding 30 feet, with footpaths and cycle tracks.	80
Dual carriageways (each of two traffic lanes), with footpaths but no cycle tracks.	80
Dual carriageways (each of two traffic lanes), with footpaths and cycle tracks.	100
Dual carriageways (each exceeding two traffic lanes), with footpaths but no cycle tracks.	100
Dual carriageways (each exceeding two traffic lanes), with footpaths and cycle tracks.	120
Where further provision is required, for wider cycle tracks, additional width of verges for improved visibility or equestrian traffic, greater space for services or improved amenities.	140

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The above standard widths have regard to the necessity for ensuring that the road when completed shall possess a proper degree of amenity in the shape of grass margins and space for trees, shrubs, etc., and shall not consist merely of paved strips.

6. Where it is apparent that a section of the road as ultimately to be developed will be on an embankment or in a cutting the standard width for the section should be increased by one or more 20 feet units to embrace the sites of the slopes. It may be convenient to refer to this as the "*extended standard width*" as distinguished from the ordinary "standard width" required for the particular type of lay-out selected.

7. The greatest standard width prescribed by the Act is 160 feet but under section 1 (2) the Minister has made regulations prescribing additional widths up to 440 feet (see Appendix 1). The regulations incorporate the statutory conditions that a standard width in excess of 160 feet may be adopted only so far as may be necessary for making provision for any embankment or cutting required for the road. The Minister will not therefore be able to approve of the adoption of a standard width in excess of 160 feet save where it would be impracticable to provide for the proposed lay-out together with the embankments or cuttings within the limits of any of the standard widths specified in the First Schedule to the Act.

8. Similarly, where it will be necessary to make provision for improvements at road junctions involving an increase in the effective width of the road at these points, an extended standard width should be adopted, not only for the principal road but also for a sufficient distance along the other road or roads forming the junction with the principal road. It should, however, be borne in mind that the maximum standard width available for this purpose is 160 feet. Safeguarding to a greater depth than 160 feet (*e.g.* for roundabouts) can be effected by the exercise of control under section 2 of the Act and, in the event of claims for compensation arising and being met by notice served under section 9 (1) (*b*) of the Act, approved expenditure on the acquisition of land for the highway will be eligible for grant from the Road Fund.

9. There may be circumstances along a section of road (*e.g.* the existence of continuous development along a section through a town or village) which would make it impracticable, except at unwarrantable expense, to achieve the same ultimate width as that contemplated for the adjoining sections. In such circumstances, a by-pass will often be the best course; and only if a by-pass is not practicable should a smaller standard width be adopted for the section. In cases of this kind the highway authority should nevertheless preserve the main features of the lay-out (*e.g.* dual carriageways) intended to be constructed within the greater standard widths on the adjoining sections.

10. *Measurement of Standard Width.*—In view of section 34 of the Interpretation Act, 1889, standard widths should be measured in a straight line on a horizontal plane.

11. *Fixing the "Middle of the Road."*—A standard width must fall equally on each side of the "middle of the road" but where the road for which a standard width is proposed to be adopted is an existing road, a new middle of the road can be fixed by obtaining the Minister's approval of a plan showing the road as proposed to be improved. (See definition of "middle of the road" in section 24 of the Act.)

12. A new middle of the road should be fixed wherever development of an existing road as contemplated by the proposed standard width will involve widening the road on one side more than the other, *e.g.* in a case where the construction of a dual carriageway will be effected by putting down a new carriageway alongside the existing one or where, because of a sharp curve or for any other reason, it will be necessary to develop the road on a new alignment.

13. Where it is intended to construct an entirely new road and to adopt a standard width for the purpose of applying section 1 restrictions in relation to the site of the road, the "middle of the road" must first be fixed by obtaining the Minister's approval of the proposed road. (See definitions of "road" and "proposed road" in section 24 of the Act.)

14. The realignment of a winding road will often entail the fixing of a new middle for some sections and the construction of entirely new lengths of road to supersede others. In such a case a single plan entitled "Road(s) as proposed to be improved

and proposed road(s)" may be submitted for the Minister's approval under Section 24.

15. Plans submitted for the purpose of fixing the middle of the road need not show the detailed lay-out of the road as proposed to be improved or constructed. It will suffice if the "width" (see following paragraphs) of the road is shown in block colour.

16. Where a standard width is to be based on the present middle of an existing road for the greater part of its length but it is necessary to fix a new middle for one or more sections of the road, the plans to be submitted for the Minister's approval need only show the new section as being of the same width as that of the adjoining sections of the existing road.

17. Where the standard width will be based on a new middle for practically the whole length of the existing road, or where the standard width is to be adopted for a new road, the plans should show the proposed effective standard width of the road (*i.e.* excluding the provision for slopes of embankments and cuttings or for road junctions), but as explained in paragraph 15 it is not necessary that any detail of the lay-out should be shown.

18. It will facilitate consideration of plans by the Minister and expedite his decision if, before they are formally submitted for his approval, the Divisional Road Engineer is consulted as to the line of the proposed road or road as proposed to be improved and as to the details to be shown on the plans.

19. *Adopting a Standard Width.*—The highway authority having determined the standard width appropriate to a road or part of a road and obtained, where necessary, the Minister's approval to plans fixing the middle of the road (see preceding paragraphs), will pass a resolution under section 1 (1) of the Act adopting the standard width. Notice of the passing of the resolution must be advertised in two or more newspapers circulating in the locality in which the road is situated and sent to any person whose name and address are, for the time being, entered in the register kept by the authority for the purpose in accordance with the provisions of section 5 of the Act.

20. Unless the standard width is to be based on the middle of the existing road, the new middle of the road must be fixed by securing the Minister's approval of the plans *before* the resolution to adopt the standard width is passed.

21. *The Minister's approval of a proposed Standard Width.*—The Minister can approve or disapprove but cannot modify a resolution to adopt a standard width. It follows that if the Minister, after considering objections to a proposed standard width, came to the conclusion that one part of the road should be developed on a slightly different line from that contemplated by the proposed standard width, he could not confine his disapproval to that part but would be bound to withhold approval of the resolution relating to the whole of the road. This would mean that the highway authority would have to commence anew, first submitting a plan for the proposed new middle of the road on the part in question and then repeating all the steps necessary to the adoption of a standard width for this and the remainder of the road.

22. In view of the foregoing it is clearly desirable that the Council when dealing with a road of some length should divide the road into convenient sections and either pass a separate resolution in respect of each section, or so word their resolution that it may properly be regarded as an omnibus resolution covering all the individual sections. If the latter course were adopted it would be competent to the Minister, if he were satisfied that his approval ought not to be given to the proposals as regards certain of the sections, to approve the resolution as regards the remaining sections.

23. *Plans.*—Should the Minister's approval of the plans of a new road (or of a road as proposed to be improved) be required for the purpose of fixing the "middle of the road" in relation to which a standard width is to be applied, a plan in duplicate on a scale of not less than 1/2,500 (one copy for retention by the Ministry and one for return to the Council), should be submitted with a letter addressed to the Assistant Secretary, Roads Dept., Ministry of Transport, Whitehall Gardens, London, S.W.1. The letter should make formal application for the Minister's approval and should

TOWN AND COUNTRY PLANNING

state that the Council are constructing or are proposing to construct or improve the road, as the case may be, in accordance with the plan. The copy which is returned to the Council should be used by them for the purpose of deposit as required by section 1 (1) of the Act, *i.e.* after the standard width has been marked thereon, and should subsequently be submitted to the Minister with the Council's application for the Minister's approval of the resolution to adopt a standard width. The plan will then be returned to the Council with the Minister's decision and, if the resolution is approved, the plan will serve for deposit by the Council as required by section 6 of the Act.

24. Where it is proposed to adopt a standard width in relation to the existing middle of the road (*i.e.* where no plan has been submitted for the fixing of a new middle) the application for the Minister's approval should be accompanied by a plan in duplicate on the scale mentioned above. (One copy for the Ministry and one for the Council.) Here again the Council's copy of the plan will serve for deposit as required by section 6 of the Act.

25. Plans on a scale of not less than 1/2,500 are required so that owners and others interested in the lands affected by the adoption of a standard width may be able to see exactly what are the limits of the restrictions, and where a new middle of the road is fixed, determine where the middle of the road is for the purpose of measuring any set-back required by conditions attaching to consents.

26. *Amendment of a Standard Width.*—Although sub-section (3) of section 1 provides for the amendment of a standard width, landowners and others interested in the development of land will naturally expect a standard width once adopted not to be varied without the strongest reasons, such as a far-reaching alteration in traffic conditions which could not have been foreseen when the original standard width was adopted.

27. *Forms of Advertisement and Notice.*—Appendix 2 contains forms approved by the Minister for the purpose of the advertisement and notice of the passing of a resolution to adopt a standard width as required by section 1 (1) of the Act and of the Minister's approval of a resolution as required by the Second Schedule to the Act. The first of these forms supersedes the form of advertisement and notice to adopt a standard width contained in the Appendix to Circular No. 428 (Roads).

28. *Application for Minister's Approval of Resolution.*—Every application for the Minister's approval of a resolution adopting a standard width should be made by letter addressed to the Assistant Secretary, Roads Dept., Ministry of Transport, Whitehall Gardens, London, S.W.1, and should be accompanied by:

(*a*) A certified copy of the resolution,

(*b*) A plan showing the road referred to and the standard width or widths adopted (the plan should be submitted in duplicate save where it has previously been approved by the Minister for the purposes of the Act—see paragraph 23—in which event the approved copy only need be submitted),

(*c*) Copies of the newspapers in which notice of the passing of the resolution was advertised, and

(*d*) A certificate that the provisions of section 1 of the Act as regards the service of notice on registered landowners have been complied with.

29. *Exercise of control.*—When dealing with applications for consent to building, permanent excavation or other works within a standard width the Council will wish to have the following, among other, considerations in mind—

(i) The extent to which the works are likely—

(*a*) to interfere with the improvement or construction of the road, as contemplated by the standard width, or

(*b*) to enhance the value of the land which will ultimately be required for the road.

(ii) Whether it would be cheaper—

(*a*) to refuse consent or attach conditions to the consent and pay such compensation as the refusal or conditions may involve, or

(*b*) to give consent and pay, when the time comes for acquisition, for such enhancement, if any, in the value of the land as may have resulted from the work carried out under the consent, or

(*c*) to purchase the land forthwith.

As to (i), where the effective standard width has been increased by a 20 feet unit in order to accommodate a slope of an embankment or cutting that will not be more than say, 10 feet wide, the purpose of section 1 would in no way be defeated by any consent to works outside the area which will actually be required for the slope.

As to (ii), the time factor will generally determine the decision. If the land will be required for the road in the near future the Council may deem it necessary to refuse consent to everything but works of a purely temporary character and to consider the immediate purchase of the land should substantial compensation be payable as the result of the refusal of consent. On the other hand if there is likely to be a lapse of several years before the land is wanted for the road the Council may be disposed to be less rigid, especially if the owner, in consideration of the consent, is prepared to agree that he will claim no compensation in respect of the buildings provided the land is not taken for incorporation in the road until after an agreed period of years.

30. Applications for consent to new means of access will give rise to different considerations and may prove more difficult to deal with, especially in the case of land, adjacent to a classified road, which was sold before August 2nd, 1935, as a frontage strip (see section 9 (4) (*c*) of the Act); but Mr. Hore-Belisha trusts that in the interests of public safety every endeavour will be made, by the construction of service roads or otherwise, to limit the number and prescribe the sites of new means of access to the road. Where service roads are to be constructed parallel to the road they should where practicable be sited on land outside the standard width so as not to interfere with the development of the road for general traffic purposes.

31. A highway authority which is desirous of preventing ribbon development on any road existing before restrictions came into force will deem it wise to take all possible steps to discourage the sale of frontage strips or building plots along that road. The highway authority may agree with the town planning authority, or, if there is no planning scheme in operation or in course of preparation, determine themselves, the number and position of the new street entrances to be permitted. Given a reasonable number of new street entrances landowners will be encouraged to think of development based on the new streets rather than of ribbon development along the traffic roads. It is, of course, desirable that the highway authority's policy in this matter should be made known as soon as possible to landowners and others concerned. Attention is drawn to the provisions of section 9 (4) (*c*) of the Act in which the arbitrator is directed that if a piece of land in respect of which compensation is claimed "has since the date on which the restrictions came into force become or ceased to be separate from other land, the amount of compensation shall not be enhanced by reason of its having so become or ceased." Highway authorities will appreciate the importance of this provision as a measure for preventing the creation of special values by the sale of frontages.

32. In cases where new frontages will be created by the widening or construction of a road on land acquired by a highway authority after August 2nd, 1935, the authority will incur no liability by the refusal of access (see section 9 (3)) provided that the frontage lands are not part of lands which were adjacent to the road before it was widened, or, in the case of a new road, to a road incorporated in the new road. It follows that if they decide to limit the number of new street entrances and prohibit access to the road along the intervening frontages, they will incur no liability by so doing.

33. *Selection of Roads for the Adoption of Standard Widths.*—It is clear that some time must elapse before the surveys and other work preliminary to the adoption of standard widths can be completed even for the more important roads. I am, therefore, to suggest that priority of consideration should be given to:

(*a*) roads along which building development is taking place or is known to be imminent.

(*b*) proposed new roads, or roads proposed to be widened, in respect of which an application for grant has been, or is about to be, submitted to the Minister.

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(c) roads serving areas which are zoned for building development in planning schemes, particularly where the schemes are in an advanced stage of preparation.

For the purposes of the Act, the expression "road" includes any part of a road, and I am to suggest that so soon as the Council have determined the effective standard width for any road, they should pass a resolution adopting that width as the standard width for all sections of the road, the future development of which will be based on the existing middle of the road and will not require a cutting or embankment. The remaining sections of the road can then be dealt with as and when the necessary surveys required for fixing the new middle of the road or determining the extended standard widths necessary for accommodating the slope of the cuttings or embankments, as the case may be, are completed.

34. I am further to suggest for the consideration of the Council that they may find it desirable in order to expedite the adoption of standard widths to delegate to a committee their powers to pass the necessary resolutions. The Minister is advised that in England and Wales such delegation would be competent under the provisions of section 85 of the Local Government Act, 1933, and in Scotland under section 73 of the Local Government (Scotland) Act, 1889, or section 13 of the Local Government (Scotland) Act, 1929, or section 74 of the Town Councils (Scotland) Act, 1900.

35. *Co-operation with Town Planning Authorities.*—Finally I am to draw attention to section 7 (2) of the Act which requires that with a view to securing that the exercise of their powers as to the giving of consents under sections 1 or 2 shall be co-ordinated with the exercise by planning authorities of their powers in relation to planning schemes, the highway authority shall from time to time consult with any planning authorities concerned. The Minister attaches importance to this provision, and hopes that should there be any planning scheme or schemes in operation or in course of preparation in their area, the Council will make every effort to co-ordinate their activities under the Restriction of Ribbon Development Act with those of the planning authorities.

36. It is essential that the planning authority should be informed as quickly as possible of standard widths proposed to be adopted for roads in the area covered by the planning scheme, as this may have considerable bearing upon the planning of the lands adjacent to the roads.

37. The highway authority should bring the planning authority into consultation upon the important matter of access to the roads, as the proposals of the highway authority will require careful consideration from the planning aspect. Provisions in a planning scheme limiting the number and prescribing the sites of new street entrances should prove of great assistance to highway authorities in the exercise of control over access.

I am, Sir,
Your obedient servant,
CYRIL HURCOMB,
Secretary.

The Clerk of the Council.

(An additional copy of this Circular Letter is forwarded for the information of the Surveyor or Engineer to the Council and in the case of Scottish Councils a further copy is transmitted for the information of the Auditor. Copies of this Circular have been placed on sale and may be obtained from H.M. Stationery Office.)

APPENDIX 1.

STATUTORY RULES AND ORDERS, 1936, No. 161.

The Road Standard Widths Regulations, 1936, *dated February 29th*, 1936, *made by the Minister of Transport.*

[*Printed*, ante, *p.* 3950]

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APPENDIX 2.

(Form of advertisement and notice of resolution to adopt a Standard Width.)

. . . . . COUNCIL OF

RESTRICTION OF RIBBON DEVELOPMENT ACT, 1935.

THE . . . . . COUNCIL OF . . . . . HEREBY GIVE NOTICE that they have resolved to adopt as respects the road(s) specified in the Schedule hereto the standard width(s) set out therein, and that application is about to be made to the Minister of Transport for the approval of that resolution. A/The plan(s) showing the road(s) and the limits of the standard width(s) adopted by the Council's resolution may be inspected at my office during the usual office hours, and any person affected by that resolution may give notice of objection to the approval of that resolution by letter addressed to the Assistant Secretary, Roads Department, Ministry of Transport, 7, Whitehall Gardens, London, S.W.1, on or before the (1) . . . . . day of . . . . . and a copy of every such objection should at the same time be forwarded to the undersigned at the address stated below.

SCHEDULE.

Road.	Standard Width(s) adopted.
(2)	(3) . . . . .

Dated this . . . . day of . . . . . , 19 . . .

(Name of Clerk)
(Title)

(Address of Clerk)

(1) Insert a date not less than 21 days after the date of the advertisement.

(2) Insert a sufficient description of the road(s). In the case of an existing road give the name of the road and, if classified, the classification number; in the case of an existing road "as proposed to be improved in accordance with plans approved by the Minister of Transport" add these words after the name and number; in the case of a proposed new road, insert "A road which the Council are (constructing) (intending to construct) in accordance with plans approved by the Minister of Transport". In all cases the terminal points of the road should be clearly defined.

(3) If more than one standard width is adopted for the road indicated insert "widths of . . feet, ... feet and . . . . feet, as respects the several lengths of that road respectively as indicated on the plan(s)."

(Form of advertisement and notice of approval of resolution to adopt a standard width.)

THE . . . . . COUNCIL OF . . . . . .

RESTRICTION OF RIBBON DEVELOPMENT ACT, 1935.

THE . . . . . COUNCIL OF . . . . . HEREBY GIVE NOTICE that the Minister of Transport on the (4) . . . . . day of . . . . approved (a) resolution(s) passed by the Council in pursuance of the powers vested in them as highway authority by subsection (1) of Section 1 of the Restriction of Ribbon Development Act, 1935, adopting as respects the road(s) specified in the Schedule hereto the standard width(s) set out therein.

The effect of the Minister's approval of the said resolution(s) is that on and after the (5) . . . . . day of . . . . . , subject to the provisions of the said Act as to exemption, it will not be lawful without the consent of the highway authority—

(*a*) to construct, form or lay out any means of access to or from (any of) the said road(s); or

(*b*) to erect or make any building or permanent excavation, or to construct, form, or lay out any works upon land nearer to the middle of (any of) the said road(s) than a distance equal to one-half the standard width adopted.

A/The plan(s) showing the road(s) and the limits of the standard width(s) adopted by the Council's resolution may be inspected at my office during the usual office hours.

(4) Insert the date of the Minister's approval of the resolution.

(5) Insert actual date of first publication of advertisement.

SCHEDULE.

Road.	Standard Width(s) adopted.
(1)	(2) . . . . .

Dated this . . . day of . . . , 19. . . .

(Name of Clerk)
(Title)

(Address of Clerk)

(1) Insert a sufficient description of the road(s). In the case of an existing road, give the name of the road and, if classified, the classification number; in the case of an existing road "as proposed to be improved in accordance with plans approved by the Minister of Transport", add these words after the name and number; in the case of a proposed new road, insert "a road which the Council are (constructing) (intending to construct) in accordance with plans approved by the Minister of Transport". In all cases the terminal points of the road should be clearly defined.

(2) If more than one standard width is adopted for the road indicated insert "widths of . . . . . feet, ... feet and . . . . . feet, as respects the several lengths of that road respectively as indicated on the plan(s)".

CIRCULAR NO. 463 (ROADS).

County Councils,
County Borough Councils,
Non-County Borough Councils,
Urban District Councils,
in England and Wales.

MINISTRY OF TRANSPORT,
WHITEHALL GARDENS,
LONDON, S.W.1.
14th May, 1936.

RESTRICTION OF RIBBON DEVELOPMENT ACT, 1935.

ACQUISITION OF LAND.

SIR,—1. I am directed by the Minister of Transport to bring to the notice of your Council the provisions of Sections 13, 14 and 15 of the Restriction of Ribbon Development Act, 1935 (*a*), dealing with the acquisition of land and rights by a highway authority for road purposes.

2. *Powers.*—Under sub-section (1) of Section 13 highway authorities are authorised to acquire land within 220 yards from the middle of any road the acquisition of which is in their opinion necessary for the purposes of:

(*a*) the construction or improvement of the road, or
(*b*) preventing the erection of buildings detrimental to the view from the road.

3. If land for these purposes *cannot be obtained by agreement on terms which are in the opinion of the highway authority reasonable* the authority may be authorised to purchase the land compulsorily by means of a Compulsory Purchase Order.

4. In addition highway authorities are authorised by sub-section (2) of Section 13 to acquire *by agreement only* any land in the neighbourhood of any road being land which they consider it desirable to acquire for the purpose of preserving the amenities of the locality in which the road is situated (including the purpose of preventing the erection of buildings detrimental to the view from the road). It will be noted that where land is being acquired by agreement under this sub-section for the purpose of preventing the erection of buildings there is no limit to the distance from the middle of the road within which the land may be purchased. It is only where land for this purpose is purchased compulsorily under sub-section (1) that the limit of 220 yards from the middle of the road applies.

(*a*) *Ante*, p. 2026.

5. The expression " Road " is defined in Section 24 of the Act as including any proposed road. " Proposed road " is defined as meaning land upon which, in accordance with plans approved by the Minister, a highway authority are for the time being constructing or intending to construct a highway or part of a highway shown in the plans which will be repairable by the inhabitants at large. From this it follows that before land can be acquired under Section 13 either for the purposes of the construction of a road or for other purposes referred to in Section 13 relating to a new road, plans of the proposed road must first have been approved by the Minister. Information regarding the submission of plans for approval is given in Circular No. 454 (Roads).

6. *Procedure for compulsory purchase.*—The procedure to be followed in connection with the making of a Compulsory Purchase Order is given in detail in Section 161 of the Local Government Act, 1933, and should be carefully followed by the highway authority. In particular it should be noted that all references to the " Minister " in Section 161 should be read as meaning the Minister of Transport.

7. Regulations (S.R. & O., 389) (*a*) have been made by the Minister prescribing forms of Orders and Notices and a copy of the Regulations is enclosed with this Circular. While it has not been considered necessary to require specifically in the First Schedule and the First and Third Schedules to the Forms (Nos. 1 and 4) of Order that the " quantity " of land shall be stated, it will be open to the highway authority to insert this information, if readily available, as part of the " description " and there may be cases in which a notification that only a few yards are concerned will save trouble to all parties.

8. The Minister is not required to prescribe the form of notice of the making of a Compulsory Purchase Order for publication in local newspapers but for the guidance of highway authorities a form is given in Appendix 1.

9. The manner in which any notice required to be served on any person is to be served is set out in Section 22 of the Act of 1935.

10. An Order should be made by the highway authority and, *after* the notices referred to in sub-section (3) of Section 161 of the Act of 1933 have been published and served, submitted to the Minister for confirmation. If objections are duly made and not withdrawn a public inquiry must be held before the Minister confirms the Order, unless the Minister is satisfied that every such objection relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is to be assessed.

11. When submitting an Order for confirmation, the highway authority should at the same time forward to the Minister:

(*a*) a certified copy of the Council's resolution authorising the making of the Order;

(*b*) three additional copies of the Order;

(*c*) a duplicate of the sealed map, referred to in the Order;

(*d*) a copy of the newspaper or newspapers in which the notice of the making of the Order was published;

(*e*) a copy of the notice served on the owners, lessees and occupiers; and

(*f*) a certificate by the Clerk of the authority to the effect that the procedure laid down by sub-section (3) of Section 161 of the Act of 1933 has been complied with.

12. The Order becomes operative at the date on which notice of its confirmation is published in a local newspaper.

13. By means of the special provisions contained in sub-section (5) of Section 13 of the Act of 1935, entry may be made on the land authorised to be purchased compulsorily by giving to the owner and occupier not less than 14 days notice at any time after notice to treat has been served. This is similar in effect to the provisions of sub-section (2) of Section 2 of the Public Works Facilities Act, 1930. Highway Authorities will note that in the form of Compulsory Purchase Order (paragraph 4 (1)

(*a*) S. R. & O., 1936, No. 389, *ante*, p. 3163.

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of Form 1 and paragraph 6 (1) of Form No. 4 in the Schedule to the Regulations) it is provided that Section 85 of the Lands Clauses Consolidation Act, 1845 (*a*), shall have effect with certain modifications. Authorities will appreciate that these paragraphs are rendered necessary by reason of the provisions of sub-section (2) of Section 161 and the Sixth Schedule of the Act of 1933 (*b*). If, however, entry is made on land in pursuance of the powers conferred by sub-section (5) of Section 13 of the Act of 1935 compliance with Section 85 of the Lands Clauses Consolidation Act, 1845, will not be necessary.

14. The validity of a Compulsory Purchase Order may be questioned by means of an application to the High Court by any person aggrieved within two months after the Order comes into operation (Local Government Act, 1933, Section 162).

15. *Restrictions on compulsory acquisition.*—Under Section 174 of the Act of 1933, where a Compulsory Purchase Order includes land forming part of a common, open space or allotment as defined in that Section the Order shall be provisional only and have no effect unless and until confirmed by Parliament. But this does not apply where the Order provides for giving in exchange for such land, other land not being less in area, certified by the Minister, after consultation with the Minister of Agriculture and Fisheries, to be equally advantageous to the persons, if any, entitled to commonable or other rights and to the public.

16. In the form of Compulsory Purchase Order printed as Form No. 1 of the Schedule to the Regulations, paragraphs 6 and 7 are included to deal with a case where it is decided to provide in a Compulsory Purchase Order for the acquisition of land forming part of a common, open space or allotment and for other land to be given in exchange for such land, and paragraph 9 is included to meet the case where common etc. land is to be acquired and no land given in exchange. These paragraphs are to be omitted where not appropriate as indicated by the footnotes to the Form.

17. Section 175 of the Act of 1933 which applies, contains the usual reservation with regard to land in the neighbourhood of Royal Palaces or Parks. The prescribed distance is given in Article 4 of the Regulations. Section 179 (*a*) of the same Act prohibits the compulsory acquisition by means of a Compulsory Purchase Order of land which is the site of an ancient monument or other object of archaeological interest.

18. Under paragraph (*a*) of sub-section (3) of Section 13 of the Act of 1935, the compulsory acquisition of certain classes of land such as private parks or gardens is prohibited except where that land is required for the purposes of the construction or improvement of a road.

19. Sub-section (6) of Section 13 of the Act of 1935 prohibits the compulsory acquisition of land belonging to a local authority (including any drainage board) or which has been acquired by any statutory undertakers (as defined in Section 24 of that Act) for the purposes of their undertaking.

20. *Compensation.*—Highway authorities will note that in addition to the modifications made by the Act of 1933 (see sub-section (2) of Section 161 of and the Sixth Schedule to that Act), the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, as incorporated in a Compulsory Purchase Order are also modified by the directions to the arbitrator contained in paragraphs (*a*) and (*b*) of the proviso to sub-section (1) of Section 13 of the Act of 1935.

21. Highway authorities will also note that special provisions dealing with the payment of compensation for land which is subject to restrictions under Section 1 or Section 2 of the Act of 1935, are contained in Section 15 of that Act. Where such land is acquired by means of an Order under the Act of 1935 or any other Act if compensation has not been paid in respect of injurious affection due to the restrictions, then compensation for the acquisition of the land is to be assessed as if restrictions were not in force.

22. *Provisions relating to land acquired.*—Under paragraph (*b*) of sub-section (3) of Section 13 of the Act of 1935 highway authorities are required to furnish to the Minister in an approved form sufficient particulars of the purposes for which any

(*a*) See Vol. IV, *post.* (*b*) *Ante*, pp. 985, 1263.

land is acquired under the Section and of the manner in which it is intended to be used for those purposes.

23. If land is acquired by means of a Compulsory Purchase Order the necessary particulars are to be given in the Order (see paragrapy 2 of Form No. 1 and paragraph 4 of Form No. 4 of the Schedule to the Regulations) and no other form giving these particulars is required. Where, however, land is acquired by agreement under the powers conferred by the Section the particulars should be furnished to the Minister by means of the approved form which is set out in Appendix 2 to this Circular.

24. Paragraph (*c*) of sub-section (3) of Section 13 provides that a highway authority shall not have power to use in any manner other than that specified in the particulars furnished to the Minister or to let, sell or exchange any land which has been acquired for the purpose of preventing the erection of buildings detrimental to the view from a road or for the purpose of preserving the amenities of the locality unless the authority are authorised to do so by a Provisional Order made by the Minister of Health and confirmed by Parliament. The highway authority may, however, be authorised by means of an Order which does not require to be confirmed by Parliament to let such land for a term not exceeding seven years for purposes which in the opinion of the Minister of Health are consistent with the preservation of the amenities of the locality.

25. Sub-section (4) of Section 13 extends the powers of highway authorities under Section 1 of the Roads Improvement Act, 1925 (which relates to the planting of trees and shrubs and the laying out of grass margins), to land acquired under Section 13 notwithstanding that the land does not form part of a highway.

26. *Compulsory Acquisition of Rights.*—As already stated, land which is the property of any local authority (including any drainage board) or which has been acquired by statutory undertakers for the purposes of their undertaking may not be acquired compulsorily but Section 14 provides that a Compulsory Purchase Order may authorise a highway authority to acquire compulsorily a right upon, under or over any such land if the acquisition is

(*a*) for the purposes of the construction of any bridge (not including the reconstruction or alteration of an existing bridge) upon, under or over such land or of the approaches to any such bridge ; or

(*b*) for the purposes of any system of road drainage.

It will be noted that purpose (*a*) is limited to the construction of new bridges. Highway authorities already have powers in connection with existing bridges over statutory undertakings under the Bridges Act, 1929.

27. Appropriate forms for use in connection with the compulsory acquisition of rights (with or without the acquisition of land in the same Order) are contained in the Schedule to the Regulations.

28. *Conditions.*—A Compulsory Purchase Order for the acquisition of any such right must be made subject to such conditions as the Minister considers necessary for securing that unreasonable interference with the functions and future development of the local authority or statutory undertakers shall be avoided and must provide for the bridge and approaches or the drainage system to be constructed and maintained, except so far as may be otherwise agreed, at the expense of the highway authority. Where, however, a right is acquired for the purpose of substituting a bridge for any level crossing over a railway the expenses of construction and maintenance are to be apportioned as may be agreed between the parties or failing agreement settled by arbitration. The provisions of Sections 6 and 7 of the Bridges Act, 1929, as set out with modifications in the Fourth Schedule to the Act of 1935 apply to the apportionment of cost and arbitration.

29. It will also be observed that under sub-section (3) of Section 14 any additional expense which in consequence of the construction of a bridge or approaches or of a drainage system, may be incurred by the local authority or statutory undertakers in connection with the subsequent widening or alteration of any railway, canal or other works or apparatus belonging to them upon land vested in them before the confirmation of the Order shall be defrayed by the highway authority. Any question whether such additional expense has been so incurred or as to the amount, in default of agreement, is to be determined by arbitration.

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30. Where a right upon, under or over land is acquired for the purpose of any system of road drainage the Order must be made subject to such conditions as the Minister considers necessary for securing that no road shall be drained into any watercourse under the control of a Drainage Board without the consent of that Board or into any reservoir, river, canal or other works belonging to or under the jurisdiction of any local authority or statutory undertakers without their consent.

31. *Savings.*—Following the precedent of Section 11 of the Bridges Act, 1929, the special position of the Manchester Ship Canal has been recognised and no right may be acquired compulsorily in under or over any land for the purposes of the construction of a bridge under or over the Manchester Ship Canal.

32. "*Claimed*" *County Roads.*—Section 18 of the Act of 1935 provides that in relation to any road as respects which the functions of maintenance and repair are under Section 32 of the Local Government Act, 1929, for the time being exercisable by the council of a borough or urban district, the functions conferred by the Act of 1935 on highway authorities shall be exercised by that council and not by the county council. In the case of a "claimed" road the borough or urban district council as the case may be is therefore the appropriate authority to exercise powers of acquisition and to take conveyance of any land required for the improvement of such road.

33. "*Delegated*" *roads.*—The Minister is advised that the delegation by the county council to a district council pursuant to Section 35 of the Act of 1929 does not include the delegation of any of the county council's functions under the Act of 1935. It is considered therefore that the county council are the proper authority to exercise in relation to a "delegated" road, the powers of acquisition of land required for any of the purposes referred to in Section 13 of the Act of 1935.

34. *Specimen Forms.*—Specimen forms of Notice to Treat, Form of Claim and Notice of Intention to Enter, are given in Appendix 3.

35. *Appointment of Official Arbitrator.*—Applications for the appointment of an official arbitrator under the Acquisition of Land (Assessment of Compensation) Act, 1919, or for information in connection with such appointments should be addressed to the Secretary, Reference Committee for England and Wales, Law Courts, London, W.C.2.

36. *Arbitration without prior Compulsory Powers.*—It is understood that the Reference Committee and the official arbitrators are prepared to accept voluntary references for the assessment of compensation when the acquiring authority is either a Government Department or a local authority and that application may be made in the usual way to the Reference Committee for the appointment of an arbitrator in such cases. This facility is of use where the only dispute between the owner or other person who has an interest in the land and the acquiring authority is the amount of compensation to be paid. It should be agreed between the parties that the reference to the arbitrator is to be made in all respects as if a notice to treat had been served in pursuance of a compulsory purchase order duly made and confirmed under Section 13 of the Act of 1935.

The Committee will, however, require that the procedure in these voluntary references shall, as far as possible, be regulated by the rules governing official references, and that the arbitrators shall be paid on the scale approved for official references.

37. *Crown Lands.*—Compulsory purchase powers cannot be exercised in respect of any estate or interest held by the Crown, or by a Government Department.

I am, Sir,

Your obedient Servant,

CYRIL HURCOMB,

Secretary.

The Clerk of the Council.

APPENDIX 1.

FORM OF ADVERTISEMENT OF THE MAKING OF A COMPULSORY PURCHASE ORDER.

Restriction of Ribbon Development Act, 1935.

*The**

Notice is hereby given that the† in pursuance of the powers vested in them by Section 13 [and 14] of the Restriction of Ribbon Development Act, 1935, on the day of , 19 , made a Compulsory Purchase Order entitled* " The which is about to be submitted to the Minister of Transport for confirmation authorising them to acquire compulsorily for the purpose of‡ the lands described in the Schedule hereto.

Copies of the Order and of the map referred to therein have been deposited at the offices of the Council (and at§) and may be seen at all reasonable hours.

SCHEDULE.

(Here insert description of land comprised in the Order.)

Dated

Signature of Clerk of Highway Authority.

* Insert title of Order.
† Description of highway authority.
‡ Insert purpose[s] for which the land is to be acquired.
§ If the Council's offices are not within the locality in which the land is situated add name of place within that locality.

APPENDIX 2.

PARTICULARS TO BE FURNISHED TO THE MINISTER IN THE CASE OF LAND ACQUIRED BY AGREEMENT.

Restriction of Ribbon Development Act, 1935.

Section 13 (3) (*b*).

Name of Highway Authority ....
Description and situation of land acquired .....
(A plan showing the land should be attached.)
Date of purchase ....
Particulars of the purposes for which the land was acquired ....
Manner in which the land is intended to be used for the stated purposes ....
Dated this.....day of..... .....19 .

Signature of Clerk of Highway Authority.

APPENDIX 3.

SPECIMEN FORMS.

The Restriction of Ribbon Development Act, 1935, *the Order*, 19 , *and the Acts incorporated therewith.*

NOTICE TO TREAT

(under the Lands Clauses Consolidation Act, 1845, Sec. 18).

To
of
Notice is given you by the hereinafter called the " Acquiring Authority ",

1. That in pursuance of the Acts above referred to or some or one of them and the above-mentioned Order the Acquiring Authority for* requires to purchase absolutely and take the land described in the Schedule and coloured on the plan (Nod.) annexed hereto.

2. That the Acquiring Authority is willing and hereby offers to treat and agree with you according to your title, estate, power and interest (if any) for such purchase and as to the compensation to be made to you for the damage that may be sustained by you by reason of the*

* Insert purpose[s] as specified in the Order.

TOWN AND COUNTRY PLANNING

3. That you are hereby required to state (within twenty-one days after the service of this notice) the particulars of your claim in respect of any of such land and to treat with the Acquiring Authority as to the amount of purchase money, compensation or consideration to be paid in respect of the same.

4. That you are further required to state the particulars of your estate and interest in such land.

5. That if, within such twenty-one days, you fail to state such particulars of your claim, as aforesaid, in respect of the said land or to treat with the Acquiring Authority in respect thereof, or if you and the Acquiring Authority shall not agree as to the amount of compensation to be paid by the Acquiring Authority for your estate and interest in the said land or for any damage that may be sustained by you by reason of the*

the amount of such compensation will be settled in the manner provided by the Acts above referred to or some or one of them for settling cases of disputed compensation.

Dated this day of 19 .

NOTE.—In order to assist the Claimant and to indicate the particulars which will be required *two* copies of a form of claim accompany this notice. The claim may be made on one of the forms, which, when completed and signed by the Claimant, should be sent (within 21 days from the date on which this notice was served) to the Clerk of the Council.

THE SCHEDULE.

Colour on Plan.	Number of Plan.	Estimated Area.
	Nod. (one plan Nod. annexed)	or thereabouts.

DESCRIPTION OF LAND.

All that in or contiguous to the District of in the County of
Together with the mines and minerals therein.

NAME OF OWNER OR REPUTED OWNER.

NAME OF LESSEE OR REPUTED LESSEE.

NAME OF OCCUPIER.

NOTE.—Only the land coloured on the annexed plan is required.

THE RESTRICTION OF RIBBON DEVELOPMENT ACT, 1935.

TOWN AND COUNTRY PLANNING

the

ORDER, 19 .

and the Acts incorporated therewith.

Road.

Nod. on Reference Plan.

NOTICE TO TREAT.

Notice to Treat dated 19 .

Notice to Treat served 19 .

Claim to be lodged by 19 .

Failing voluntary agreement the compensation to be paid for the land is to be ascertained in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, as modified by the Restriction of Ribbon Development Act, 1935.

All communications with respect to this Notice to Treat are to be sent to:—

The Clerk of the Council.

acknowledge to have received this day of 19 and hereby accept service of a Notice of which the within written Notice is a true copy.

TOWN AND COUNTRY PLANNING

The Restriction of Ribbon Development Act, 1935, *and the* *Order*, 19 .

CLAIM FOR COMPENSATION.

FORM OF CLAIM

required under a Notice to Treat served on me on the day of 19 by the .

The particulars of my estate and interest in the property comprised in the said notice and of the claims made by me in respect thereof are as follows :—

(1) Name ... . Address . . . . . and Business or Description of the Claimant	
(2) Number on plan (Nod.) annexed to the Notice to Treat, Nod.	
(3) Situation and short description of the property (from the Notice to Treat).	
(4) Dates and other short particulars of documents of title.	
(5) Names of persons having custody of the documents and the place where the same may be inspected.	
(6) (A) Nature of Interest (freehold, copyhold, leasehold, or yearly tenancy or other interest). If freehold (state whether absolutely entitled or otherwise, etc.), or If copyhold (state name of manor, names and addresses of the Lord and Steward, and full particulars as to rents, services, etc.), or If leasehold (state Landlord's name, rent reserved, and length of term), or If yearly tenancy or less interest (state date of commencement of tenancy, the rent, how determinable, and any special covenants or circumstances). (B) (i) Particulars of Mortgages or other charges or incumbrances affecting any of these interests. (ii) The names and addresses of any Mortgagees, Incumbrancers, etc.	
(7) (A) Names of Occupiers (whether Lessees or yearly or other Tenants). (B) the rent paid . . . . (C) The terms of years (i.e., the length of the tenancy) and (D) The date of commencement of the tenancy . ..	
(8) Particulars of compensation claimed, distinguishing the amount under separate heads, and showing how the amount claimed under each head is calculated.	

Dated the day of , 19 .

(Signature of Claimant.)

Name and address of Solicitor :

Name and address of Surveyor :

THE RESTRICTION OF RIBBON DEVELOPMENT ACT, 1935.

and the

ORDER, 19 .

TOWN AND COUNTRY PLANNING

Nod. Road. on Reference Plan.

FORM OF CLAIM.

Notice to Treat Nod.	
Notice to Treat dated	19 .
Notice to Treat served	19 .
Claim to be lodged by	19 .
Claim dated	19 .
Claim lodged	19 .

This form is to be lodged (within twenty-one days from the receipt of the notice to treat) with

The Clerk of the Council.

The Restriction of Ribbon Development Act, 1935, *and the* *Order*, 19 .

NOTICE OF INTENTION TO ENTER UPON LAND.

To
of

Take notice that, upon or after the expiration of fourteen days from the date of the service of this notice upon you, the

in exercise of the powers given by Section 13 of the Restriction of Ribbon Development Act, 1935, and the above-mentioned Order, intend to enter on and take possession of the land, described in the schedule hereto, in respect of which a Notice to Treat has been served on you, which said land is required for*

Dated the day of 19 .

THE SCHEDULE.

Description and Situation of the Land Required.

Land situated in the District of
in the County of shown coloured and numbered
on the plan (numbered annexed hereto.

* Insert purpose[s] as specified in the Order.

TOWN AND COUNTRY PLANNING

THE RESTRICTION OF RIBBON DEVELOPMENT ACT, 1935.

and the

ORDER, 19 .

Road.

Nod. on Reference Plan.

NOTICE TO ENTER.

Notice to Treat dated	19 .
Notice to Treat served	19 .
Notice to Enter dated	19 .
Notice to Enter served	19 .
Entry made	19 .

All communications with reference to this notice or to the works referred to therein should be addressed to—

The Clerk of the Council.

and the following reference quoted :—

I acknowledge to have received this day of 19 and hereby accept service of a Notice of which the within written Notice is a true copy.

S. R. & O., 1936, No. 777.

THE RESTRICTION OF RIBBON DEVELOPMENT (DETERMINATION OF INTERNAL SPACE OF BUILDINGS) ORDER, 1936, DATED JULY 28TH, 1936, MADE BY THE MINISTER OF HEALTH UNDER SECTION 17 (8) OF THE RESTRICTION OF RIBBON DEVELOPMENT ACT, 1935.

The Minister of Health in exercise of the powers conferred on him by sub-section (8) of section 17 of the Restriction of Ribbon Development Act, 1935, and all other powers enabling him in that behalf, hereby orders as follows :—

1. This order may be cited as the Restriction of Ribbon Development (Determination of Internal Space of Buildings) Order, 1936, and shall come into operation on the first day of September, 1936.

2. For the purposes of section 17 of the Restriction of Ribbon Development Act, 1935 (*a*), the space contained by the external or containing walls of a building shall be measured and determined in accordance with the following directions :—

(*a*) The cubic contents of the building shall be deemed to be the space whether or not occupied by any fixture or other solid matter within the external or containing walls of the building.

(*b*) The horizontal measurements shall be taken on each storey from the internal surfaces of the external or containing walls.

(*c*) The vertical measurement or measurements shall be taken on each storey from the upper surface of the floor to the upper surface of the floor next above it or if there is no floor above it to the ceiling.

(*d*) If the building has any space within a pitched or curved roof any necessary measurements other than measurements taken in accordance with the directions given in paragraphs (*b*) and (*c*) above shall be taken from the main internal surface of the roof.

Given under the official seal of the Minister of Health this twenty-eighth day of July, nineteen hundred and thirty-six.

(L.S.)

E. H. RHODES,
Assistant Secretary, Ministry of Health.

S. R. & O., 1937, No. 34.

THE TRUNK ROADS (DELEGATION OF POWERS) ORDER, 1937, DATED JANUARY 25TH, 1937, MADE BY THE MINISTER OF TRANSPORT.

Whereas it is provided by subsection (4) of Section 5 of the Trunk Roads Act, 1936 (*b*) (hereinafter called " the Act "), that as soon as may be after the passing of the Act the Minister of Transport (hereinafter referred to as " the Minister ") may by order provide that such of his functions with respect to the construction, maintenance, repair and improvement of, and other dealing with trunk roads as may be specified in the order shall be exercised by such Councils and subject to such conditions as may be so specified :

And whereas the Minister has consulted with such associations as appear to him to represent the Councils specified in the First Schedule hereto (hereinafter referred to as " the said Councils "):

Now, therefore, the Minister hereby orders as follows :

1. As from the 1st day of April, 1937, each of the said Councils shall in relation to any trunk road which, but for the Act, would at that date be vested in that Council—

(*a*) exercise such of the functions set out in the Second Schedule hereto as but for the Act it would have been empowered to exercise in relation to that road ;

(*b*) execute or supervise the works set out in the Third Schedule hereto until the completion thereof or until the expiry of this Order, whichever shall first occur, unless otherwise directed by the Minister in any particular case.

2. In the exercise of the functions referred to in sub-paragraphs (*a*) and (*b*) of paragraph 1 of this Order, the said Councils shall act as agents for the Minister and in accordance with the conditions set out in the Fourth Schedule hereto :

Provided that where by delegation under Section 35 of the Local Government Act, 1929 (*c*), or by agreement with the Council of a county, any such functions would but for the Act have been exercisable on the 1st day of April, 1937, by the Council of a county district.

(*a*) that Council shall continue to exercise the said functions as agent for the county Council, with such variations in the conditions of such delegation or agreement as the Minister may in default of agreement between the two Councils determine to be necessary or equitable in consequence of the conditions imposed upon the County Council by this Order.

(*a*) *Ante*, p. 2033. (*b*) 29 Halsbury's Statutes 183. (*c*) Vol. V, *post*.

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(*b*) those functions shall cease to be exercisable by any such district Council as from the 1st day of April, 1938, if by notice given before the 1st day of October, 1937, the county Council terminates or the district Council relinquishes the agency.

3. This Order shall remain in force up to and including the 31st day of March, 1939.

4. [*Scotland.*]

5. The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order as it applies for the purpose of the interpretation of an Act of Parliament.

6. This Order may be cited as "The Trunk Roads (Delegation of Powers) Order, 1937."

Given under the seal of the Minister of Transport, this twenty-fifth day of January, One thousand nine hundred and thirty-seven.

(L.S.) 9152
W.D.D.

ROBERT H. TOLERTON,
An Assistant Secretary.

SCHEDULES.

FIRST SCHEDULE.

The Councils.

1. County Councils.

2. Borough Councils and Urban District Councils which on the 1st day of April, 1937, would, but for the Act, have been exercising the functions of maintenance and repair under Section 32 of the Local Government Act, 1929, in respect of any road which becomes a trunk road.

SECOND SCHEDULE.

Functions of the Minister referred to in paragraph 1 (*a*) *of this Order.*

(A) MAINTENANCE, REPAIR AND IMPROVEMENT OF TRUNK ROADS.

1. Construction of new and strengthening of existing foundations.

2. Resurfacing of carriageways.

3. Surface dressing of carriageways.

4. Patching gritting and siding.

5. Cleansing, watering and snow clearing necessary for the maintenance of the road and the safety of traffic thereon.

6. Provision and maintenance of kerbing and channelling.

7. Provision and maintenance of surface water drainage, grips and gullies.

8. Provision and maintenance of footpaths.

9. Provision and maintenance of cycle tracks.

10. Provision, planting and care of trees and shrubs, laying out, cutting and maintenance of grass verges.

11. Provision and maintenance of fences and maintenance of retaining or sea walls necessary for the support or protection of the highway.

12. Provision and maintenance of refuges, guard posts, guard rails and milestones (including illumination of refuges).

13. Provision, maintenance and operation of light signals.

14. Provision and maintenance (including illumination thereof when not in substitution for street lighting) of traffic signs erected in accordance with Regulations and Directions issued by the Minister under Section 48 of the Road Traffic Act, 1930, or otherwise authorised by him.

15. Provision and maintenance of markings on the carriageway.

16. Maintenance of speed limit signs and pedestrian crossing markings and signs and the provision thereof where authorised by the Minister.

17. Maintenance and lighting of subways.

18. Maintenance of bridges and culverts, including in the case of opening bridges their operation and the maintenance and repair of plant and provision of power.

(B) OTHER DEALING WITH TRUNK ROADS.

1. Functions under Sections 18, 20 and 29 of the Public Health Acts Amendment Act, 1907, Sections 25 and 27 of the Public Health Act, 1925, Section 27 of the Road Traffic Act, 1930, and Section 77 of the Public Health Act, 1936.

2. Functions of the Minister as highway authority under the Telegraph Acts, 1863 to 1925, or in relation to statutory undertakers or transferred to him by virtue of Section 3 (4) of the Act.

THIRD SCHEDULE.

Works referred to in paragraph 1 (b) of this Order.

Any works of construction or improvement (other than those set out in the Second Schedule hereto) for which prior to the 1st day of April, 1937, the Minister has approved plans and estimates and has made or has indicated his intention to make a grant from the Road Fund towards the cost of the works.

FOURTH SCHEDULE.

Conditions.

(A) CONDITIONS APPLICABLE TO THE EXERCISE OF FUNCTIONS UNDER PARAGRAPH 1 (*a*) OF THIS ORDER.

1. On or before the 1st day of March, 1937, and the 31st day of October, 1937, respectively, the Council shall submit for the approval of the Minister on a form supplied by him, a statement of the works proposed to be undertaken for the financial year beginning the following 1st day of April and an estimate of the expenditure to be incurred thereon (excluding administrative expenses of the Council), and the Minister may approve such statement and estimate with or without modification.

2. When any work is carried out by the Council—

(*a*) the wages to be paid, the hours of work, and conditions of service shall correspond with those appertaining to the Council's employees of a similar grade and engaged upon similar work;

(*b*) materials shall be charged at a price equivalent to the net cost of those materials to the Council;

(*c*) charges for the use of plant shall be calculated in accordance with the scale of charges for Road Fund grants currently in operation.

3. The Minister may, if he thinks fit, and with the concurrence of the Council concerned, carry out any of the works by himself or by other agents.

4. The Council shall carry out the works in accordance with the approved statement and shall not alter or vary any work or materials described therein or exceed the approved estimate of expenditure without the written consent of the Minister.

5. The Council shall comply with any general or particular directions the Minister may give from time to time as to the materials to be used, acceptance of tenders, the terms of contracts to be entered into and the manner in which works are to be carried out.

6. The Council shall comply with any general or particular directions the Minister may give from time to time as to the superintendence of, authorisation of, or consent to the execution of works and the reinstatement of the road by any other authority, body or person: provided that no Council shall authorise the erection of a bridge over, or permanent obstruction on a trunk road without the written consent of the Minister.

7. The Council shall, at the end of each financial year, supply to the Minister in such form as he may require an account of the receipts and expenditure for that year, which shall be certified by its principal finance officer and by its surveyor.

8.—(*a*) There shall be added to the expenditure shown in the account so certified a sum equal to six per cent. of that expenditure to cover the administrative expenses of the Council and no other charge in respect of those administrative expenses shall be included in the account;

(*b*) There shall be added to the receipts shown in the said account a sum equal to the advances made by the Minister to the Council under condition (C) 3 of this Schedule;

(*c*) Any resulting balance of expenditure over receipts or of receipts over expenditure shall be payable by the Minister, or the Council as the case may be to the other: provided always that after the accounts of the Council for that year have been audited the certified account and the additions thereto and any payment made under this sub-paragraph shall be adjusted between the parties in accordance with the accounts so audited.

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(B) CONDITIONS APPLICABLE TO THE EXERCISE OF FUNCTIONS UNDER PARAGRAPH 1 (*b*) OF THIS ORDER.

1. The Council shall carry out the works in accordance with the plans and estimates approved by the Minister subject to any modifications to which he may have assented before the 1st day of April, 1937, and the plans and estimates and the terms of any contracts shall not be varied in any respect without the written consent of the Minister.

2. When at the 1st day of April, 1937, the works or any of them had not been effectively commenced, the Council shall comply with any directions of the Minister as to the manner in which they are to be carried out (including directions relating to the employment of labour) and with any directions as to the acceptance of tenders and the terms of contracts to be entered into.

3. On completion of each work described in the Third Schedule hereto the Council shall submit to the Minister an account of the receipts and expenditure relating to the works executed under this Order in such form as he may require, which shall be certified by its principal finance officer and by its surveyor.

4.—(*a*) There shall be added to the expenditure shown in the account so certified a sum equal to three per cent. of the expenditure (except the expenses of acquisition of land) to cover the administrative expenses of the Council and no other charge in respect of those administrative expenses shall be included in the account;

(*b*) There shall be added to the receipts shown in the said account a sum equal to the advances made by the Minister to the Council under Condition (C) 3 of this Schedule;

(*c*) Any resulting balance of expenditure over receipts or of receipts over expenditure shall be payable by the Minister or the Council as the case may be to the other: provided always that after the accounts of the Council have been audited the certified account and the additions thereto and any payment made under this sub-paragraph shall be adjusted between the parties in accordance with the accounts so audited.

(C) CONDITIONS APPLICABLE TO THE EXERCISE OF FUNCTIONS UNDER PARAGRAPH 1 (*a*) AND (*b*) OF THIS ORDER.

1. The works shall be completed to the satisfaction of the Minister.

2. The Council shall give credit for any amounts received by it in respect of trunk roads from any source other than the Minister.

3. The Minister shall make advances to the Council in accordance with the following conditions:—

(i) The Council shall, as soon as may be after the 1st day of April, the 1st day of July, the 1st day of October, and the 1st day of January in each year, submit to the Minister in forms approved by him, statements in relation to any works described in the Second and Third Schedules hereto on account of which advances are claimed, showing—

- (*a*) the approximate expenditure, if any, on the said works to the end of the preceding quarter;
- (*b*) the estimated expenditure on the said works for the succeeding quarter;
- (*c*) the appropriate percentage charges for administrative expenses;
- (*d*) the amount already advanced by the Minister to the end of the preceding quarter;
- (*e*) the amounts received by the Council in respect of trunk roads from any source other than the Minister to the end of the preceding quarter;
- (*f*) the amount required for the succeeding quarter;

(ii) The Minister shall, as soon as may be after the receipt of the statements referred to above, pay to the Council such sum as may in his opinion be necessary to meet the expenditure of the Council during the succeeding quarter: provided that the Council may submit, if necessary, a supplementary estimate of expenditure, to be incurred during a quarter, and the Minister may, if he approves the supplementary estimate, make a supplementary advance.

4. The accounts, records, documents and vouchers in relation to works carried out under this Order shall be open to inspection by the Minister at all reasonable times.

5. All sums payable to contractors under any contract transferred to the Minister by the Act in respect of works which are delegated to Councils by this Order shall be paid by the Council direct to the contractors as and when they become due.

6. The Council shall as agents for the Minister do all things which the Minister is entitled to do under the terms of any contract transferred to him by the Act subject to the terms of this Order.

7. The Council shall in executing works and in other dealings under this Order take all reasonable precautions for the protection of public and private interests as if the Council were the highway authority.

In this Schedule the expression " administrative expenses " includes—

(*a*) salaries, wages, allowances (including travelling and subsistence allowances), insurance and superannuation charges in respect of supervisory, technical, legal, accounting, costing, clerical and other staff for whom no direct charge is included in the cost of the works ;

(*b*) office accommodation and office expenses (including rent, rates, lighting, heating, cleaning, water, fuel, stationery, printing, postage, telegrams, telephone and all office equipment) ;

(*c*) expenditure in connection with stores, depots and roadside dumps, and the provision and use of instruments.

CIRCULAR 1750.

Local Authorities and Joint Town and Country Planning Committees (England and Wales).

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
15th December, 1938.

TOWN AND COUNTRY PLANNING ACT, 1932.

Control of Premature or Unsightly Development in the Country and on the Sea Coast.

SIR,—I am directed by the Minister of Health to draw the attention of your Authority to the report on the Preservation of the Countryside recently made to him by his Advisory Committee on Town and Country Planning.* The Minister hopes that this report will be carefully studied by all members and officers of Local Authorities who are concerned with planning, and in particular commends to the attention of Authorities responsible for rural planning the observations of the Committee on the destruction of rural amenities and the suggestions made for safeguarding these amenities more effectively in the future.

In the present Circular the Minister proposes to deal in particular with the question of the zoning of the countryside and the sea coast.

In preparing their planning schemes Authorities appear hitherto to have been proposing to include the rural or agricultural land in their area either in a low density zone (one house to 5 acres, 10 acres, 50 acres), or in a zone in which all development is temporarily restricted pending the coming into operation of a General Development Order. Both these methods may be appropriate in certain circumstances. The low density may be useful in an area whose character is primarily " rural residential," such as many in the south of England, where land is held in large ownerships and owners are willing to agree to fairly drastic restrictions provided that a few houses are allowed. The method of temporary restriction may be suitable where the proper future of the area is uncertain and some small development should probably be permitted in the meanwhile, subject to control of siting. This latter zoning is particularly appropriate to rural areas within the influence of growing towns or villages.

Another method has been suggested for areas where rural land is held in large ownerships. Under this method an agreement would be made between an owner and the local authority for a very restrictive zoning or reservation of the bulk of an estate without compensation, on the understanding that the local authority would not only allow development on the rest of the estate in and around villages but would undertake to provide various public services for the development permitted there as and when required. There seems to be no objection to such an arrangement provided that the amount of compensation likely to be saved would justify the cost of providing the services.

In their Report the Committee have reviewed the methods which have been adopted for rural zoning, but they have come to the conclusion that none of these

* Report on the Preservation of the Countryside, 1938. Price 6*d.* net.

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arrangements is adequate for the genuinely rural or agricultural areas which it is desirable in the general public interest to maintain as such and that a special form of zoning is desirable for such areas. The Committee have indicated generally the form which such zoning might take.

The Minister concurs in their recommendation, and the modifications of the Model Clauses necessary to give effect to the recommendation are set out in Appendix A to this Circular, while Appendix B contains a brief memorandum on the scope and intention of the new zone.

If there is any rural land of this kind within the area of your Authority's Scheme, the Minister trusts that the Authority will lose no time in considering the application to it of the new rural zoning.

Preservation of the Sea Coast.

The sea coast of our Island is a most important factor in the life and recreation of the people and will become even more so with the advent of holidays with pay. Suitable accommodation of various kinds must be provided for the increased numbers of people who may be expected to visit the coast, and unless adequate control over the location and type of building is exercised in time, the very characteristics which make the coast so attractive and valuable in the national life are in danger of being overwhelmed by a tide of misplaced building. By the exercise of proper control it should be possible to direct development on to sites where it will be least damaging to the general amenities and to secure that in design and external appearance, such development as is permitted conforms to standards suitable to its surroundings. Ample land must, of course, be allocated for the extension of existing seaside towns and villages; but the Minister feels no doubt but that a check should with the least possible delay be put on the ribbon development which has already ruined the charm of so many miles of beautiful coast.

Some suggestions for the planning of sea coast areas, including the provision of public access, are given in Appendix C, and the Minister desires me to urge all Authorities who are planning such areas, to give early and careful consideration to these suggestions. So far as zoning is concerned, the suggestions consist in appropriate modifications of the new Rural Zone, the general principles of which, however, are maintained.

It is recognised that these new zones may require modification in the light of experience, or adaptation to particular circumstances; and in these matters and generally in the application of the new zoning the Minister desires me to say that the services of his Officers will always be available to give help and advice to Planning Authorities.

An additional copy of this Circular is forwarded for the use of the Surveyor or Planning Officer of the Authority.

Copies of this Circular have been placed on sale and may be obtained from His Majesty's Stationery Office at any of the addresses shown below, or through any bookseller.

I am, Sir,
Your obedient Servant,
J. C. WRIGLEY,
Director of Housing and Town Planning.

To the Clerk to the Authority.

APPENDIX A.

AMENDMENTS REQUIRED TO THE MODEL CLAUSES TO GIVE EFFECT TO THE NEW RURAL ZONE.

(1) *Clause* 28 (*Interpretation*).

Add to definitions :—

" Country dwelling " means a dwelling-house with not less than [ ] acres of land within its curtilage, or a dwelling-house occupied in conjunction with not less than [ ] acres of neighbouring land on which no building operations are to be undertaken other than the erection of buildings ordinarily incidental to the enjoyment of a country dwelling-house ;

"Agriculture" for the purpose of use zone X includes, in addition to the purposes mentioned in Section 12 (3) of the Town and Country Planning Act, 1932, dairy farming, poultry farming and pig farming, and the use of land for osier beds, market gardens, nursery grounds or allotments, for the breeding of horses, dogs and other domestic animals, for bee keeping, and for the rearing and preservation of game and for scientific agricultural research;

"Horticulture" includes the growing of plants, fruit or vegetables under glass and the use of land for scientific horticultural research;

"Pisciculture" includes the breeding and preservation of fish and the use of land for scientific piscicultural research;

"Forestry" includes arboriculture, the cutting, dressing and preparation for sale of wood and the use of land for scientific forestry research;

"Rural industry" means a local industry connected with agriculture, horticulture, pisciculture or forestry, and includes any industry the staple material employed in which is grown or reared, or is the product of some thing or animal grown or reared, on land in the locality.

(2) *Clause* 30 (*Erection and Use of Buildings and Use of Land*).

(i) Add to Table C—

Use Zone.	Reference to Map.	Purposes for which buildings may be erected and used without Council's consent.	Purposes for which buildings may be erected and used only with Council's consent.	Purposes for which buildings may not be erected and used.
1	2	3	4	5
X Rural	Edged green with wide-spaced green hatching.	Buildings required in connection with agriculture, horticulture, pisciculture, or forestry. Dwelling-houses for the occupation of persons employed locally in agriculture, horticulture, pisciculture or forestry and out-buildings ordinarily incidental to the enjoyment or use of such dwelling-houses. Buildings other than special industrial buildings required for rural industry, having a floor space (whether on one or more floors or in one or more buildings) not exceeding [ ]* square yards. Buildings required in connection with the winning of minerals.	Buildings other than those specified in column 3.	—

* It is suggested that 500 square yards would ordinarily be suitable.

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(ii) Amend the proviso to Sub-clause (4) as follows:

Provided that before consent to the erection and use of a building in use zones [and] X is given or withheld, or conditions are imposed thereon, consideration shall be given—

(a) in use zones to the question whether the use for which the building is intended or designed is likely to cause injury to the amenity of the neighbourhood, including, in the case of an industrial building, injury due to the emission of smoke or fumes or to dust, noise or smell;

(b) in use zone X to the question whether the building is likely to injure the amenity of the neighbourhood, or to involve danger or injury to health by reason of the lack of roads, sewers, water supply or any public services and the provision of the necessary services would be premature or likely to involve excessive expenditure of public money.

(3) *Clause* 32 (*Advertisement and third party appeal*).

Amend Sub-clauses (1) and (2) to read—

(1) *If an application is made to the Council for their consent to the erection and use of a building or the use of land, whether wholly or partially, for the purposes of a—*

Dwelling-house (not being a country dwelling) residential building, place of assembly, shop, business premises, petroleum filling station, industrial building (not being intended or designed for a rural industry), special industrial building, special building in use zone X.

the Council shall, as soon as may be, give notice of their receipt of the application and of their proposal to determine the same by advertisement in some local newspaper circulating in the Area.

The notice shall be at the cost of the applicant, and shall state that any objections, including in the case of applications for consent to a building in use zone X, objections from any local association formed for the purpose of protecting rural amenities, *addressed to the Council in writing, within fourteen days after the date of the advertisement will be considered.*

(2) *The Council shall take into consideration any objections received within the said period of fourteen days and shall notify the persons, if any, from whom objections were received of their decision at the same time as they notify the applicant, and any of the persons aforesaid, including the applicant, if aggrieved by the decision, may appeal.*

(4) *Clause* 35 (*Declaration of land units*).

Amend Sub-clause (1) by inserting after the word "Area" in line 3, the words "other than land in use zone X."

(5) *Clause* 39 (*Minimum size of plots*).

39. *Except where under Sub-clause* (2) *or Sub-clause* (4) *of Clause* 37 (*Number of dwelling-houses which may be erected*) *the Council permit an increase in the number of dwelling-houses which may be erected, no dwelling-house shall have a site of an area less than square yards in density zone or square yards in density zone*, and no dwelling-house which may be erected in use zone X without the consent of the Council shall have a site with an area of less than 400 square yards.

Provided that the Council shall have power to allow dwelling-houses to have sites less in area than is required by the foregoing provisions where the buildings are arranged to the satisfaction of the Council.

Note.—The following clauses will apply, or should be applied, to use zone X:

Clause 42 (Space about buildings), 43 (Breaks in buildings), 44 (Height of buildings), 45 (External appearance of buildings), 46 (Siting of buildings), 51 (Maintenance of private gardens, etc.), and 52 (Advertisements).

Words in italics are Model.

APPENDIX B.

NOTE ON RURAL ZONE.

Rural Zone.

This zone should be applied only to land which is genuinely rural in character and is likely to retain that character in the future. While allowing freely every form of rural activity, the zoning enables a fairly strict control to be maintained over all other forms of development. The justification for imposing this control will lie in the adequacy of the provision made for ordinary development in and around existing centres of population.

Around most of these centres an adequate amount of land should be zoned for immediate development—residential, business, and also industrial if there is land suitable for industry, although it is not necessary that every hamlet or aggregation of houses should be so treated. Those centres which have appropriate land available and which already have services capable of economical expansion and those for which services could, if necessary, be economically provided, are normally the nuclei to which it is most desirable to divert further development. The area of land required for immediate development does not amount to a great quantity in the aggregate, but a sufficient area must be allocated to allow a reasonable freedom of choice. Also in order to meet unforeseen needs a reasonably substantial area of land between the zone for immediate development and the Rural Zone might be made subject to a General Development Order restriction without any underlying zoning. In fixing the limits of such an area consideration should be given to the likelihood of services having at some time to be provided at the public expense.

In exercising control in the Rural Zone the Responsible Authority should bear in mind the nature of the zone, which is to provide primarily for the use of the land on normal rural lines with as little interference as possible.

The zone provides for three classes of buildings :—

(*a*) Those entitled to free entry, namely, buildings for agriculture, horticulture, etc., houses for persons in those occupations, and buildings for the smaller type of rural industry and the winning of minerals.

(*b*) Buildings permitted only with the consent of the Responsible Authority, the application for consent being advertised and a right of appeal against consent being given to aggrieved third parties, including local bodies interested in preserving amenities.

(*c*) An intermediate class of buildings requiring the consent of the authority, but without the necessity for advertisement or the third party right of appeal. This intermediate class includes country dwellings, and buildings for rural industries of a more extensive kind.

Houses for workers in rural industries are controlled because it is desirable, if possible, to secure their erection in village centres within reasonable distance of the industry ; but, if this is not practicable, they must clearly be allowed in the Rural Zone. Again, the control of the more extensive rural industries should be used, not to keep the industries out of the zone (to which they are quite appropriate), but to secure the best siting, design and arrangement of the necessary buildings.

It is important, moreover, to recognise that industries of certain types are better placed in rural than in urban surroundings, and indeed sometimes a rural siting may be essential. In such cases the question for the Responsible Authority will be to ensure that in the inception and carrying out of the proposed development proper regard is had to preserving the character and desirable features of the district. The Responsible Authority must nevertheless realise that choice of site and arrangement and design of buildings depend upon industrial considerations and must make allowance for this fact.

Definitions.

"*Country dwelling.*"

It is thought that five acres might be the normal figure for the purposes of this definition. Some local authorities may wish to include "country dwellings" in column 3 of Table C in Clause 30 ; and in that case the acreage of land specified should normally not be less than five.

APPENDIX C.

CONTROL OF DEVELOPMENT ON THE SEA COAST.

The following notes apply primarily to stretches of coast land (including sometimes the borders of rivers and lakes) which do not yet carry a general and substantial building value ; but they may be applicable to any length of coast land which is not fully developed.

(1) *Preliminary Investigation.*

As a preliminary it is desirable to obtain sufficient information on the following points :—(*a*) topography (especially in relation to the configuration of the coast, the area of landscape related to the sea, and the contours as affecting the conspicuousness of any possible building) ; (*b*) ownership of lands above H.W.M.O.T. to which it may appear desirable to apply special control other than Rural Zoning (see paragraph 3 (1) below ; (*c*) outstanding natural features or historic buildings or monuments ; (*d*) existing use of soil (*e.g.* arable, pasture or heath) ; (*e*) details of existing footpaths ; (*f*) erosion or accretion ; (*g*) points of access to beach ; (*h*) distance of the coastal road from beach ; (*i*) commons (noting the nature of the common rights in each case) and existing public open spaces ; (*j*) restrictions

against building development, *e.g.* National Trust covenants; (*k*) existing services and areas to which they can be economically extended; (*l*) present methods of sewage disposal with particular attention to cases where areas of sea are fouled by the discharge of untreated effluent; (*m*) particulars of any areas which should be protected as Nature Reserves.

(2) *Boundary of Coastal Schemes.*

Normally the seaward boundary of a coastal scheme should be L.W.M.O.T. H.W.M.O.T. is not likely to be safe in view of the possibility of building on tidal lands and will obviously be inappropriate where accretion is taking place. Care should be taken to see that the L.W.M.O.T. shown on the Resolution Map is substantially the present L.W.M.O.T.

On the landward side the depth to which coastal control should be carried will vary according to the physical features of the coast and of the country adjoining. Much more than the coastal area will often be included in one planning scheme, and the question will arise whether a scheme for the part comprising the coastal area should be proceeded with first, in view of the urgency of securing its protection. A decision on this point must depend on local circumstances, but it is most important that the urgency of protecting the coastal area should not be lost sight of. If division of the scheme is found expedient, it will probably be convenient to include in the coastal scheme the whole of coastal parishes rather than to attempt to define an arbitrary boundary.

(3) *Contents of Schemes relating to Coastal Areas.*

The two main considerations are—

(1) the control of development, including prevention of premature or incongruous development, and

(2) the provision of public access.

(1) *Control of Development, including prevention of premature or incongruous development.*

For the purposes of zoning the various types of coast may be broadly classified as—

(*a*) high cliff with no dry beach below;

(*b*) high cliff with dry beach below; and

(*c*) flat coast, coombe, or low cliff accessible from dry beach.

For (*a*) the appropriate zoning appears to be the Rural Zone, modified in respect of a substantial strip along the cliff so as to provide control of any form of building except, of course, agricultural within the meaning of Section 12 (3) of the Act.

The main modification will be in Table C in Clause 30 as follows:

Use Zone.	Reference to Map.	Purposes for which buildings may be erected and used without Council's consent.	Purposes for which buildings may be erected and used only with Council's consent.	Purposes for which buildings may not be erected and used.
X Rural	Edged green with wide-spaced green hatching.	(As in the full Rural Zone.)		
XI Coastal	Edged green with wide-spaced green cross hatching.	—	Any buildings.	—

For (*b*) a zoning similar to (*a*) might be applied up to the cliff edge, but for the dry beach the rural zoning requires to be further modified so as to allow for development appropriate to the locality. The dry beach and the foreshore down to L.W.M.O.T. might accordingly form a separate zone—Sea-shore Zone, and for the purpose of this zone the principles of the Rural Zone might be followed with these modifications:

Clause 28 (*Interpretation*) (additional definition).

"Marine industry" means the taking of fish or shell-fish or other marine creatures or marine plants or the making, repairing, storing or letting of boats, and includes any local industry ordinarily carried on near the sea wholly or mainly for the purpose of supplying articles required in connection with those operations or any of them.

CLAUSE 30, TABLE C.

Use Zone.	Reference to Map.	Purposes for which buildings may be erected and used without Council's consent.	Purposes for which buildings may be erected and used only with Council's consent.	Purposes for which buildings may not be erected and used.
XII Seashore.	Fine hatched alternately green and purple.	Buildings required for the purposes of marine industry.	Other buildings.	—

Though marine industry is allowed free entry, the buildings should be subjected to reasonable control under Model Clause 45 (External appearance of buildings) and Model Clause 46 (Siting of buildings).

For the type of coast (*c*) it will depend largely on the ease of access from the land to the shore whether the three zones suggested under (*b*) above should be applied or whether zones X and XII would suffice, the latter zone being carried back over land which would otherwise have been covered by the Coastal Zone.

It will be appreciated that following on the major modifications of the Rural Zone suggested above certain consequential amendments of other clauses relating to the zone will be necessary.

Other zoning control.—In addition to the above-mentioned zonings building on saltings, marshland, and other similar areas might in many cases be permanently prohibited or restricted under Section 19 (1) (*c*) of the Act.

Permanent Holiday Camps.

Where any of the zones above-mentioned is applied, the erection of a permanent holiday camp will always require consent. There will no doubt be a demand for such camps, even in areas far removed from the regular holiday resorts, and the demand will have to be met within reason. The Planning Authority should consider, therefore, whether it is practicable to specify areas in which on grounds of amenity the erection of camps should be prohibited, leaving them to come elsewhere with consent, or whether the requirement of consent generally is sufficient by itself. If the first method is adopted it will clearly be essential that the land remaining available for camps should be land suitable for the purpose of a camp and should have ready access to the sea.

Interspersed among the stretches of coast to which these notes refer, there will be areas allotted to building development in which the zoning applied will be one under which dwelling-houses have free entry. In such a zone the erection of permanent holiday camps can be controlled under Model Clause 31 (3) (Use of land) and a special clause can be inserted giving control of the extent of the camps as follows:

"(1) The number of buildings to be erected in connection with a permanent holiday camp to which consent is required under Model Clause 31 shall not exceed the number to be decided by the Council upon the application for approval of the person proposing to erect the camp, which application shall be accompanied, in addition to the plans and particulars required by Model Clause 61 (Submission of plans), by information showing the number of persons which the buildings are designed to accommodate.

(2) The Council shall give notice to the applicant of any decision under this Clause, and the applicant, if aggrieved by their decision, may appeal."

An addition will also be needed to Model Clause 28 (Interpretation) providing that Model Clauses 35 to 43 shall not apply to buildings erected in connection with permanent holiday camps.

TOWN AND COUNTRY PLANNING

Tents, Vans and other Moveable Dwellings.

These erections are now controllable under Sections 268 and 269 of the Public Health Act, 1936. Special control under Model Clause 31 (3) (Use of land) should not be attempted, but it may sometimes be desirable to make use of Model Clause 31 (1) and specify certain limited areas as land, the use of which for the erection of moveable dwellings is to be prohibited on the ground of serious detriment to the neighbourhood. For example, much of the land included in the Coastal Zone might be so specified.

Beach and Bathing Huts.

The ribbon development of the coast with this type of building is doing much to destroy amenity, and it is desirable to secure the grouping of huts and the siting of groups or of individual huts in the most inconspicuous places that the type of coast affords.

The Minister is advised that huts of this kind are not "moveable dwellings" under Section 269 of the Public Health Act, 1936, but in order to remove any possible doubt on the matter and to make it clear that these huts are to be controlled by the Scheme, it is suggested that the following addition should be made to the definitions in Model Clause 28 (Interpretation):

"Beach hut" means a building designed for use by persons bathing or intending to bathe in the sea or frequenting any land in use zone(s) [XI] [XII] [XI and XII] for the purpose of rest or recreation, but does not include a dwelling-house or residential building.

The Minister does not think that a third party right of appeal should normally be given in respect of beach huts.

(2) *Provision of Public Access.*

(*a*) *Reservations for Open Spaces and Car Parks.*—Besides zoning control there will be need for open spaces, public or private. If possible, a strip of land right along the cliff top or immediately adjoining the beach should be reserved for a public or private open space or partly for one and partly for the other. If complete reservation is not practicable, efforts should be made to secure for the public view points or limited areas of special attractiveness, as, for example, headlands.

There is a growing tendency to bring motor vehicles down on to the sea-shore or as far down the approach to the shore as possible. This practice often goes so far as to interfere with the enjoyment of visitors and to cause congestion and inconvenience; and, where this is likely to occur, it is suggested that land should be reserved for free parking places in situations reasonably convenient for the shore, and such steps as are available should be taken to prevent parking on the beach or its approaches. Where a car park is provided, especially if it is free, the use of the sea-shore and part of the coastal zone for parking might be prohibited under Model Clause 31 (1) (Use of land) subject to a saving for vehicles being used for local business or industry.

In some circumstances permission to establish a private parking place, for the use of which a charge might be made, may be a useful factor in negotiating for public access to coast lands.

(*b*) *Public Walks and rights of way.*—In so far as public open spaces adjoining the sea-shore cannot be secured, provision for public access coastwise or to the shore is of great importance. For coastwise access it is desirable to have a right of way for pedestrians all along the coast. Efforts might be made to secure a strip of land covering old coastguard paths where they exist; elsewhere a strip of land should be reserved for a public walk along the coast, and seaward of the strip the land should be kept so far as possible to agricultural or similar uses without buildings. The strip will not necessarily follow every irregularity of the coast. Where, *e.g.* access to a headland would not be of value as a view point, the strip might well cut across behind it; or where a private open space abuts on the coast, the strip may have to be carried round behind it.

The necessary reservations of land could of course be effected by the highway authority, but it is thought preferable, as amenity is the chief consideration, that the land should be provided by the District Council as a public walk within the meaning of Section 164 of the Public Health Act, 1875. It is only necessary that the land should be made available for a way; it will be quite unnecessary generally speaking to make up a path; given the land the public can be left to make it. In choosing the site of the strip of land the convenience and safety of the general public should be kept in mind.

Ideally, the walk should always be through open ground, over stiles where it passes through fields. It may, however, often be necessary to fence a walk in order to provide protection for animals; and where this is the case the strip of land provided should be of a substantial width, at least 20 or 30 feet, as a narrow fenced footway for any considerable distance is undesirable. Fences should where possible be of local materials.

When the coast is liable to erosion, the walk should be sited at some distance from the cliff edge.

The map notation suggested for a public walk of this kind is alternate red and green colourings.

The following modifications of the Model Clauses will be required :

Model Clause 5 (Reservation of lands).

Table A.

Part IIA.

Coloured alternate red and green and numbered	Public Walks.

Model Clause 6 (Buildings, etc., not to be erected on reserved lands).

Sub-Clause (5).

(a) In the case of land reserved for use as a private open space and numbered or as a public walk and numbered	the date on which this scheme comes into operation ;

Model Clause 7 (Acquisition of land).

Sub-clause (1).

Add " or for public walks " after "playing fields."

Model Clause (8) *(Power to maintain open spaces).*

Add " or as a public walk " after " playing field."

It is assumed that public rights of way will be safeguarded and that every effort will be made to restore rights of way which have been obstructed or have fallen into disuse.

MINISTRY OF HEALTH.

T. & C.P. 10.

(Revised)

TOWN AND COUNTRY PLANNING.

RESTRICTION OF RIBBON DEVELOPMENT ACT, 1935.

Reservation of land for new streets and widenings.

1. Memorandum T. & C.P.10, issued in June, 1936, expressed the joint views of the Ministers of Health and Transport as to the best means of co-ordinating the powers available under the Restriction of Ribbon Development Act, 1935, with those of the Town and Country Planning Act, 1932. Experience since then has shown that in the main the principles laid down in that memorandum were sound. In detail, however, they have proved to need alteration, and the present memorandum accordingly expresses somewhat modified views which should govern future practice.

2. Under the Restriction of Ribbon Development Act highway authorities can, with the approval of the Minister of Transport, adopt a " standard width " of 60 ft. or upwards for any new or existing road for which they are the highway authority, and once the width is approved nobody may build, construct any works, or excavate on the land within the proposed width, or make any access to it, without the consent of the highway authority The approval of a standard width under the Act of 1935 has, therefore, much the same effect as reserving land for a new road or widening under a planning scheme—with the addition of the restriction on individual access—and, as duplication is undesirable, the question arises which of the two powers, those of the Act of 1935 or the scheme, are the more appropriate for the purpose.

3. The Ministers of Health and Transport are agreed that *major* roads should ordinarily be dealt with under the Act in preference to reservation by planning schemes Major roads include all roads which are, or are intended to be ultimately, of a width of 60 ft. or more, and along which individual access will normally be restricted. There is administrative convenience if, by the use of the Act of 1935, the lines of these roads can be settled in advance of and without delaying schemes, and in

TOWN AND COUNTRY PLANNING

addition highway authorities may find the procedure of the Act of 1935 more attractive financially. The Minister of Transport attaches great importance to the restriction of access along major roads, and he is not ordinarily prepared to contribute to the construction of a new road, or to the improvement of an existing one, unless he is satisfied that in appropriate cases the highway authority intend to limit access—access from individual buildings as well as access by streets—to such extent as may be requisite in the interests of traffic and public safety, paying compensation where necessary.

In the case of new roads constructed by the highway authority on land acquired by them after the passing of the Act of 1935, compensation for restriction of access is expressly excluded under Section 9 (3) of the Act. Restrictions along existing roads may, however, result in claims, and to be eligible for Exchequer assistance towards meeting these, a highway authority must have had a standard width approved for the road in question under Section 1 of the Act before agreement has been reached as to the amount of compensation payable or the arbitrator has made his award, as the Minister of Transport's only power to make advances for the purpose is contained in Section 19 (2) and is limited to Section 1 cases

4. Planning authorities should show on the planning map any "standard width" roads approved under the Act of 1935 by means of a special notation. The notation suggested is two solid violet lines showing the limits of the standard width over the appropriate colour for use or density zones. The reference on the map should be "Standard widths approved under the Restriction of Ribbon Development Act, 1935" No reference should be made to standard widths in the clauses of the scheme except for the two special clauses mentioned below.

As soon as a standard width is approved, the highway authority should furnish the planning authority with sufficient particulars to enable them to show the standard width on the map of any planning scheme in course of preparation. If the planning scheme is already operative, a plan showing the standard width should be attached to the scheme map for information.

5. It is being found in practice that schemes are often ready for submission to the Minister of Health before standard widths in the area have been approved. In general, before the actual approval of a standard width there is no protection for the line of a proposed new road under the Restriction of Ribbon Development Act and there is consequently advantage in protecting the line, or approximate line, of any such road under planning powers until the standard width has been approved.

6. Where a widening only is proposed and the road is one to which Section 2 of the Act of 1935 is, or has been made applicable, development can be controlled under that section even if no standard width has yet been approved. Concurrent control of development will, however, be available under the Planning Act and there may be advantage in showing the widening in the planning scheme.

7. Without prejudice to the policy of eventually adopting standard widths, therefore, highway authorities should consider the question of asking planning authorities to reserve land in the scheme for suitable road proposals.

8. It was suggested in the first Memorandum T. & C.P.10 that where a standard width was proposed, but had not been approved, it should be indicated on the planning map by a broken purple line. This method has not proved satisfactory, since it is feared that the notation prejudices land without enabling the owners to defend their position by objecting to the planning scheme or making claims for compensation. It is now thought that road proposals, which are reasonably well settled, though standard widths have not actually been adopted, should be shown by means of reservations in the planning scheme, the highway authority, of course, accepting responsibility for any compensation resulting. Model Clauses 10 and 25 provide machinery for adjusting the provisions of the scheme relating to a new road or widening when a standard width becomes operative in respect of the same road.

9. The reservation of land for existing or proposed minor roads will continue to be the responsibility of the planning authority. These include roads required principally for estate development, or for links of mainly local interest, along which the restriction of individual access is not appropriate; and even where such roads are as wide as the minimum standard width of 60 ft., the machinery of planning

should be preferred to the Act, since the scheme will enable the authority, in suitable circumstances, to recover a proportion of the costs of the construction of the road from frontagers.

Restriction of access by streets and building lines.

10. Restriction of access by streets to classified roads or roads declared by the Minister of Transport to be intended to be classified roads will continue to be a matter for the schemes, and planning authorities should ascertain in advance from highway authorities what their requirements are in this respect, notwithstanding that the latter have their own powers under the Restriction of Ribbon Development Act. Compensation for limited restrictions can be excluded under planning, and in addition the location of new street entrances is of vital importance to the authority responsible for controlling development behind the main road.

11. Building lines for major roads should take account of the fact that the highway authority will presumably restrict access to the road from individual buildings. This will mean the provision of service roads if building is to be permitted fronting the major road, and where this is contemplated the building line should allow for the extra depth required for the site of the service road. Building lines should not be omitted simply because a proposed new road or road improvement is shown by means of a standard width and not as a scheme reservation.

12. In conclusion, it is emphasised that, though major roads will ultimately be dealt with under the Restriction of Ribbon Development Act, the necessity of considering them in relation to the general planning of the area is not thereby diminished. The normal procedure should still be for the highway authority to confer with the planning authority as to the general proposals for controlling development, and then to arrange their proposals accordingly.

Ministry of Health.
January, 1939.

CIRCULAR 1834.

County Borough Councils.
Non-County Borough Councils.
Urban District Councils.
Rural District Councils
(England and Wales).

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
19th July, 1939.

TOWN AND COUNTRY PLANNING.

SIR,—I am directed by the Minister of Health to state that representations have been made to him with regard to the undesirable situation which may arise in an area where a Planning Scheme is being prepared by a Joint Committee or the County Council if decisions as to interim development are issued by the Interim Development Authority which conflict with the proposals of the Planning Authority.

The provision in the Town and Country Planning (General Interim Development) Order, 1933, under which the Interim Development Authority in respect of any land in regard to which a scheme is being prepared by a County Council or a Joint Committee is, with certain exceptions, the Council of the District in which the land is situate, was devised primarily for the sake of expedition and administrative simplicity and for the convenience of the persons desirous of undertaking development. Proposals for development must necessarily be referred to the Local Authority of the District in compliance with the local byelaws as to new streets and buildings, and it is of manifest advantage that the authorities to whom a developer must apply for the necessary consents to proceed should be as few as possible. It is, however, contemplated that Interim Development Authorities will at all times work in close liaison with the Planning Authority, and it is of the utmost importance that in dealing with proposals for interim development the Interim Development Authorities should be aware of, and pay due regard to, the intentions of the Planning Authority with respect to the planning of the area as a whole.

While the responsibility for the control of interim development rests with the District Council and it is not suggested that their position is merely that of agents

TOWN AND COUNTRY PLANNING

for conveying the decisions of the Planning Authority, none the less a serious conflict of views between the two bodies must necessarily create difficulties for the latter. It is indeed obvious that the work of the Planning Authority would be largely wasted if interim decisions out of harmony with the intentions of the proposed scheme were given with any frequency, and in the event of a situation of this kind developing the Minister might well have to consider the question of transferring the control of interim development to the County Council or some other appropriate Authority.

I am Sir,
Your obedient Servant,
H. H. GEORGE,
Assistant Secretary.

The Town Clerk,
or
The Clerk to the Council.

MINISTRY OF HEALTH.

TOWN AND COUNTRY PLANNING.

MODEL CLAUSES FOR USE IN THE PREPARATION OF SCHEMES (*a*).

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(*a*) Dated June, 1939.

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GENERAL NOTE.

The new edition of the Model Clauses incorporates a number of changes which are either corrections or recastings to secure greater clarity. Those of importance are listed below. A number of the explanatory notes have also been recast.

In addition the rural, coastal and seashore zones and the reservations for public walks suggested in Circular 1750 of December 15th, 1938, have been incorporated in the Model.

The principal amendments in the present edition are as follows:

Clause Number.	
4	Note redrafted.
5, 6, 7 and 8	Provision for reservation of land as public walks.
10	Recast: new Sub-clause (2) added.
15 and 17	The alternative forms for use where Section 150, etc., of the Public Health Act, 1875, is in operation have been moved to Appendix II.
16 (3) and Table B Part III.	Amendment of wording.
25	Sub-clause (1): amendment of wording.
28, 30, etc.	Provision has been made for the zones referred to in Circular 1750.
30	Sub-clause (2) deleted: now forms part of the note on the Clause.
31	Re-arrangement of Sub-clauses.
32	Provision has been made for third party appeal in the case of special industrial buildings in intermediate zones.
34	A saving for travelling showmen has been added.
41	Previously numbered 38: Clauses Nos. 39, 40 and 41 in the previous Edition are now numbered 38, 39 and 40 respectively.
58	One month has been altered to five weeks.

FIRST SCHEDULE.

Modified to allow of junction of certain types of streets with a street of Type G. A general amendment of the wording of Column 8 has been made.

APPENDIX I.

An explanatory addition has been made to the definition of " Fence " and " hedge."

APPENDIX II.

1. Alternative Clause 4 (Responsible Authorities) has been recast.
3. Further amendments to be made where it is decided to include special provision as to underground working of minerals have been included.
4. Alternative Clauses 15 and 17 for use where Section 150, etc., of the Public Health Act, 1875, is in operation have been added.
7. Supplementary Clause 47 (A)—(Protection of aerodrome) added.

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PLANNING SCHEME.

PART I.—GENERAL.

1. This Scheme may be cited as the Planning Scheme and is divided into the following Parts:

Part I.	. .	General.
Part II.	. .	Reservation of Lands.
Part III.	. .	Streets and Buildings Lines.
Part IV.	. .	Building Restrictions and Use of Land.
Part V.	. .	General Amenity and Convenience.
Part VI.	. .	Maintenance, Use, Alteration, Extension and Replacement of Existing Buildings and Continuance of Existing Use of Land.
Part VII.	. .	Plans, Approvals, Appeals.
Part VIII.	. .	Miscellaneous.

2.—(1) In this Scheme, except where the context otherwise requires or it is otherwise expressly provided, the following words and expressions have the respective meanings hereby assigned to them:

"the Borough [District]" means the ;

"the Borough [District] Council" means the ;

"the County Council" means the ;

"the Council" means in relation to any provision of this Scheme the authority responsible for enforcing and carrying into effect that provision;

"the Minister" means the Minister of Health;

"the Act" means the Town and Country Planning Act, 1932 (22 & 23 Geo. 5, c. 48);

"the Regulations" means the Regulations made by the Minister under Section 37 of the Act and for the time being in force in the Borough [District];

"the Map" means the map which has been prepared in duplicate, each map being sealed with the official seal of the Minister and with the common seal of the Borough [District] Council, and marked "Map referred to in the Planning Scheme," of which one is deposited in the office of the Minister and the other in the offices of the said Council;

"the Area" means the area described in Clause 3 (Area of Scheme);

"interim development order" includes an order relating to interim development made under any Act repealed by the Act;

"the Public Health Acts" means the Public Health Acts, 1875 to 1932, or any enactments amending or extending those Acts;

"the byelaws and local Acts" means the byelaws, local Acts, orders and regulations for the time being in force in the Area;

"person having control" in relation to any land or building means the person who receives the rack-rent of the land or building, whether on his own account or as agent or trustee for any other person, or who would so receive it, if the land or building were let at a rack-rent;

"the material date" means the day of 19 ;

"the erection of a building" includes the structural alteration of, or the making of any addition to, a building;

"street" has the same meaning as in the Public Health Acts, and includes part of a street;

Any reference to land is limited to land in the Area.

(2) The Interpretation Act, 1889, applies to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

"*the Map.*"—In large areas it will usually be convenient to prepare the Map in sections. The definition should then be amended to read—

"the Map" means the Map, in sections (numbered to consecutively), which has been prepared in duplicate, each of such sections being sealed with the official seal of the Minister and with the common seal of the Council and marked "Map referred to in the Planning Scheme." One duplicate of the Map is deposited in the office of the Minister and the other in the offices of the said Council.

[If the Map of the area has been prepared on a six-inch scale and there are also sheets on a twenty-five inch scale the following should be substituted for the definition given above:—

"the Map" means the plan of the area prepared in duplicate on sheets drawn to a scale of six inches to one mile, sealed with the official seal of the Minister and with the common seal of the , and marked "Map referred to in the ", one duplicate being deposited in the office of the Minister and the other in the offices of the ;

Provided that in relation to such parts of the area as are also shown on the plan prepared in duplicate on sheets drawn to a scale of 1/2500 and similarly sealed, marked and deposited, "the Map" means that plan;]

"*person having control.*"—This expression has the same meaning as "owner" in the Public Health Act, 1875. "Owner" in the Town and Country Planning Act, 1932, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, or of any term of years therein granted or agreed to be granted by a lease or agreement the unexpired term whereof exceeds three years, and the expression is used in the same sense in the Model Clauses. The expression "persons interested in the land" is used where still other interests have to be covered.

"*the material date.*"—The date to be inserted is the date on which the resolution took effect or such later date as may be appropriate either generally or for the purposes of any particular provision. Where a Scheme covers more than one resolution area each area can have its own "material date", and in that case the separate areas will be defined on the Map. An alternative is to apply the latest date to the whole area of the Scheme, but as buildings erected before the "material date" rank as "existing buildings", this alternative would be inappropriate if buildings have been erected or commenced between the date when the resolution took effect and the latest date proposed to be applied without permission, and in contravention of the Scheme provisions, and it is desired to deal with them under Section 13 of the Act.

Expressions not defined have the same meaning as in the Act. For convenience definitions in the Act are reproduced in Appendix I to these clauses and might with advantage be similarly printed with the Scheme.

3. The Area to which this Scheme applies shall consist of that part of the Borough [District] which lies within the inner edge of the boundary line coloured dark blue on the Map [excluding the parts edged black and hatched in black lines on the Map].

4.—(1) Except as hereafter in this Clause provided, the Borough [District] Council shall be the authority responsible for enforcing and carrying into effect the provisions of the Scheme.

(2) The County Council shall be the authority responsible for enforcing and carrying into effect the provisions of the Scheme in relation to—

(*a*) roads chargeable to the county and building lines thereon;

(*b*) the site and levels of the approaches of a new street not chargeable to the county to a road chargeable thereto;

(*c*) the imposition under Clause 27 (Prevention of obstruction to view at corners and bends) of restrictions in regard to the height and position of proposed fences or other obstructions to view at the junction of a road or proposed road with a road chargeable to the county.

(3) The whole of the powers and duties of the County Council as responsible authority under the last preceding Sub-clause shall be deemed to have been delegated by the County Council to the Borough [District] Council subject to such conditions as have been agreed between the two Councils or to such other conditions as may from time to time be agreed between them or in default of agreement as the Minister may on the application of either Council determine.

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(4) The Borough [District] Council in discharging the powers and duties delegated to them under this Clause shall act as agents for the County Council, and a person entering into any transaction with the Borough [District] Council in relation to any of those powers or duties shall not be bound to inquire whether the Borough [District] Council have authority to enter into the transaction on behalf of the County Council.

(5) The provisions of Section 33 of the Local Government Act, 1929, relating to the repayment by County Councils to District Councils of the expenses of the improvement of roads the maintenance and improvement of which have been claimed by District Councils under that Act shall extend to expenses incurred by the Borough [District] Council under this Scheme or the Act in respect of the widening of, and the fixing of building lines on, any road the maintenance and improvement of which have been so claimed.

(6) The expression "road chargeable to the county" means—

(*a*) any road for the time being vested in the County Council under the Local Government Act, 1929, or any enactment amending that Act; and

(*b*) any street or proposed street on land reserved for streets and numbered on the Map.

For an area wholly included in a county borough, this Sub-clause only, omitting the opening seven words, is all that is needed.

In all other cases the whole of this Sub-clause should be included, except that where any road in the area vests in the County Council and there is no delegation of highway functions under the Local Government Act, 1929, the alternative Sub-clause (1) on page 123 [*post*, p. 4050] should be substituted.

Where there is only partial delegation of highway functions the authority should consider in consultation with the Minister how best to correlate the scheme proposals with the position under the Act of 1929.

For an area wholly included in a rural district where there is no delegation of highway functions the County Council can deal with the matters mentioned in the latter part of alternative Sub-clause (1), in the agreement made under Sub-clause (3), which would enable a variation to be made more readily, and accordingly the alternative Sub-clause should in such an area end with the words "Responsible Authority" in line 9 and "the restriction that with" should be substituted for "the following restrictions—(*a*) With . . . ."

For an area wholly included in a rural district substitute for the words after "Scheme" the words "in relation to roads and building lines thereon and the imposition of restrictions under Clause 27 (Prevention of obstruction to view at corners and bends)."

Where there is no delegation of highway functions the alternative Sub-clause (3) on page 123 [*post*, p. 4050] should be substituted.

Should be included only where the area includes a district or part of a district the council of which have claimed their classified roads or are likely to be able to do so in the near future.

If all classified roads have already been claimed and the County Council are not taking responsibility for any new roads under the Scheme, Sub-clauses (2), (3) and (4) should be omitted.

Is not required for an area wholly included in a rural district.

Where Sub-clause (6) is used the numbers to be inserted under (*b*) should be those of the new streets (excluding widenings) for which the county council are taking responsibility under the Scheme.

In schemes covering the areas of more than one authority, composite forms of Clause 4 and the alternative Sub-clauses are often necessary. If it is desired to consult the Ministry of Health as to the proper drafting of such a composite clause full particulars as to the extent of the delegation, claiming, etc., of highway functions in the areas of each authority should be given.

PART II.—RESERVATION OF LANDS.

5. The several pieces of land specified in column 1 of the following Table are reserved for use for the respective purposes indicated in column 2 of the Table.

TABLE A.

Indication on Map of lands reserved. 1.	Uses for which lands are reserved. 2.
Part I.	
Coloured and numbered	New streets and widenings of existing highways which upon the execution by the Council of any necessary street works become repairable by the inhabitants at large.
Part II.	
Coloured and numbered	New streets and widenings of existing highways which upon declaration become private streets.
Part III.	
Coloured and numbered	Public open spaces.
Part IV.	
Coloured and coloured	Private open spaces.

Reservations for purposes other than those indicated in column 2 of the Table (allotments, cemeteries, etc.) should be arranged in successive Parts.

Public Walks.—Land reserved for public walks in the manner suggested in Circular 1750 should be included in a separate Part IIA of the Table.

Green belts, agricultural reservations, etc.—Lands reserved for these or similar purposes, which the authority may not be proposing to acquire at all, or if they do propose to acquire them may not be intending to throw open generally to the public, should be shown in the Table under a separate heading and not as ordinary public open space. The "appointed day" for such reservations will as a rule be the date on which the Scheme comes into operation, and the lands should accordingly be specified in Sub-clause (5) (*a*) of Clause 6. It will be desirable also to include them in Sub-clause (1) of Clause 7.

See in addition the note to Clause 8.

Private open spaces.—The object of the reservation of land as a private open space is to prohibit its use for building purposes generally, but, subject to that, to allow any use which will not injure the amenity of the locality. The uses specified in sub-paragraphs (*a*) and (*b*) of paragraph (1) of Clause 9 are selected as being unlikely to injure amenity. In particular cases it may be desirable to allow private open spaces to be used for other purposes, for example, market gardens or allotments, or a sports ground ordinarily open or intended to be ordinarily open to the public on payment of a charge, and provision is made for expanding the clause, as indicated by the square brackets, to include any such case. It may, however, sometimes be more convenient to provide for cases of this kind by means of an agreement scheduled to the Scheme allowing the particular use.

Clause 9 is open to modification in other respects to meet the facts in a particular Scheme. For example, paragraph (*b*) would ordinarily be inappropriate in the case of a Scheme relating wholly to built areas.

Proposals to reserve land as private open space should be fully discussed with owners, so that they may be aware of the implications of the reservation. Ordinarily it will not be desirable to reserve land for a private open space except in agreement with the owner, and in some cases it may be desirable to make an agreement under Section 34 of the Act in anticipation of the Scheme.

Cemeteries.—Where land is reserved for cemeteries, Supplementary Clause 7A. (No. 2, Appendix II) should be included in the Scheme. Under the Cemeteries Clauses Act, 1847, as amended by the Burial Act, 1906, a cemetery may not be constructed within a hundred yards of dwelling-houses without the consent of the owners, lessees and occupiers; and if there is any reason to fear that the necessary consents may be withheld so that a part of the proposed cemetery will be sterilised, the authority should consider reserving rather more land than is actually needed. In appropriate circumstances the surplus land can subsequently be sold for development subject to the condition that consent to the cemetery will be forthcoming, and where this is intended

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the surplus land should be specially hatched on the Map and a Sub-clause added to Clause 6 as follows :—

(7) If the Minister signifies his consent to the sale by the Council, under Clause 69 (Disposal of land), of the part of the land reserved for a cemetery which is hatched ..... on the Map, the provisions of this Clause shall cease to apply to the land so hatched, and the land shall thereafter be deemed to be coloured ..... on the Map.

The blank in the last line should be filled in by reference to the colour of the adjoining use and density zone.

6.—(1) Before the appointed day no person shall, except with the consent of the Council, erect a building, or execute works of a permanent character, on land reserved under this Part of the Scheme, and no person shall, except with the like consent, make any permanent excavation on or near such land, if it would be necessary to remove or alter the building or works or to re-instate the land in order to enable the land to be used for the purpose for which it is reserved.

Sub-clause (1) does not preclude the continuance of the existing use of any reserved land until the appointed day, but the consent of the Council is required to the erection of buildings or the execution of works of a permanent character or to the making of excavations.

(2) After the appointed day no person shall—

(i) erect a building or execute works or make any permanent excavation upon land reserved under this Part of the Scheme, other than buildings or works required for or incidental to the purpose for which the land is reserved ;

(ii) use any land specified in Part IV of the Table in the preceding Clause otherwise than as a private open space, or use any building on such land for any purpose other than that for which it was used before the appointed day except a purpose which is incidental to or required in connection with the private open space.

(3) Save as provided by Sub-clause (1) of this Clause, no person shall, whether before or after the appointed day, spoil or waste land reserved under this Part of the Scheme so as to destroy or impair its use for the purpose for which it is reserved:

Provided that the Council may consent to the deposit on such land of waste materials or refuse before the appointed day.

It would be a breach of this Clause to carry on mining operations which had the result of leaving insufficient support for land reserved for streets and for streets constructed on reserved lands. As this Part of the Scheme carries a right to claim compensation within twelve months of the coming into operation of the Scheme, the unqualified insistence on a right of support may be thought in some areas—particularly in mining areas—to be too expensive. The inclusion of the amendments set out in No. 3, Appendix II, should then be considered ; they provide that the underground working of minerals may be carried on freely, under or near land reserved for streets, and under streets constructed on such land, except where, subject to compensation, the Council serve a notice prohibiting the working.

(4) In giving consent under this Clause the Council may impose conditions with respect to the removal or alteration of the building or works or the re-instatement of the land, or the removal of the waste materials or refuse, or otherwise as they think fit.

(5) For the purposes of this Clause the "appointed day" means—

(*a*) in the case of land reserved for use as a private open space and numbered , the date on which this Scheme comes into operation ;

(*b*) in the case of any other land reserved for use as a private open space, such later date as the Council may in any particular case determine, not being less than six months after the date on which they have notified the person having control of the land of their determination ;

(*c*) in the case of land reserved for use as a street, the date on which the land is declared by the Council under this Scheme to be a street ; and

(*d*) in the case of land reserved for any other use, the date on which the land is laid out or appropriated by the Council for the use in question.

"the appointed day" in relation to private open spaces should be deferred in cases, such as quarrying, in which it is expedient to permit for a time after the Scheme comes into operation, the continuance of a use which is not in conformity with Clause 9. The private open space reservations which can conveniently become effective on the coming into operation of the Scheme should be specified in paragraph (*a*) of the Sub-clause.

If land is reserved for public walks the words " or as a public walk and numbered " should be inserted before the comma in paragraph (*a*).

(6) Nothing in this Clause shall be construed as prohibiting the reasonable fencing of the land.

7.—(1) Land reserved in the foregoing Table for new streets and widenings of existing highways or for public open spaces or playing fields may be purchased by the Council, whether by agreement or compulsorily, under and in accordance with the provisions of Section 25 of the Act.

(2) The reservation of land as a private open space shall not prevent the Council from purchasing the land, or any part thereof, by agreement (but not otherwise) for the purpose of a public open space or playing field.

This Clause should not be extended to authorise the purchase, under Section 25 of the Act, of land reserved, *e.g.* for allotments or aerodromes, where full powers of purchase exist in the general law but are there subject to a rather different procedure from that contemplated by Section 25.

If land is reserved for public walks the words " or for public walks " should be added after " playing fields " in Sub-clause (1).

8. As soon as any land reserved as a public or private open space or as a playing field has been acquired by the Council, the Council shall have the like powers and duties as if the land had been acquired for the purposes of public walks, parks and pleasure grounds or playing fields under the Public Health Acts.

If land is being reserved for public open space or playing fields, which the Council do not propose to throw open to the public as soon as it is acquired, it should be expressly excepted from the operation of this Clause. See also the note to Clause 5 under the heading of green belts, etc. It is ordinarily inappropriate that the provisions of Clause 8 should be applied to lands reserved for green belt or agricultural purposes, and this is another reason why such lands should not be included under the heading of public open spaces in Table A.

Add " or as a public walk " after " playing field " if similar amendments are made elsewhere.

9. For the purposes of this Part of the Scheme land shall be deemed to be used as a private open space if, and only if, it is used—

[(2) in the case of any of the lands numbered]

(*a*) as an ornamental garden or pleasure ground or as a private ground for sports, play, rest or recreation, other than a sports or recreation ground ordinarily open or intended to be ordinarily open to the public on payment of a charge; or

(*b*) as arable, meadow or pasture land, osier land, orchards or nursery grounds, other than land used wholly or principally for the purpose of cultivation under glass, or as a plantation or wood or for the growth of saleable underwood; [and

(2) in the case of any of the lands numbered as ; and

(3) in the case of any of the lands numbered as].

See note on Clause 5.

10.—(1) If at any time after the coming into operation of this Scheme a standard width is, with the approval of the Minister of Transport, adopted for a road under the Restriction of Ribbon Development Act, 1935, or any enactment amending that Act, and such standard width is intended to take the place of a new street or widening (including any section of a new street or widening) for which land is reserved under Clause 5 (Reservation of lands), or is adopted for the purpose of a route alternative to the new street or widening, the Council may by resolution determine that the

provisions of this Part of the Scheme relating to the reservation of lands shall no longer apply to the new street or widening, or the section thereof, and thereupon the said provisions shall cease to apply.

(2) Where the standard width so adopted includes part only of the new street or widening or of the section of the new street or widening which it is intended to replace, or to which it is intended to form an alternative route, so much of the land released from its reservation as is not included in the standard width shall be deemed to be included in the use zone or density zone (if any) which adjoins it, and the provisions of this Scheme shall apply to the land so released accordingly:

Provided that where the released land adjoins more than one zone the released land shall be divided proportionately between the zones.

(3) Where the standard width so adopted includes land other than that included in the whole width of the new street or widening or of the section of the new street or widening it is intended to replace, or to which it is intended to form an alternative route, so much of the land included in the standard width as it not included in the land released from its reservation shall be deemed to be no longer included in any use zone or density zone and the provisions of this Scheme shall cease to apply to the land included in the standard width accordingly.

(4) As soon as may be after making a decision under Sub-clause (1) of this Clause the Council shall cause to be prepared in duplicate a plan showing the land to which the decision applies and the use zone and density zone (if any) in which it or any part of it is deemed to be included, or from which it is deemed to be excluded, as the case may be, and within one month of making the decision they shall inform the person having control of any such land that the reservation has been removed and as to the use zone and density zone (if any) in which the land or any part of it is deemed to be included, or from which it is deemed to be excluded, as the case may be, and they shall further inform him where the plan prepared in accordance with the provisions of this Sub-clause may be inspected.

(5) The duplicate plans prepared under the provisions of the last preceding Sub-clause shall be sealed with the seal of the Council and thereafter one plan shall be attached to the Map and the other shall be forwarded to the Minister.

Where the County Council are the responsible authority for roads and the District Council are responsible for the zoning provisions of the Scheme, it is considered that the plan required by Sub-clause (4) should be prepared by the District Council. In this event the opening lines of Sub-clause (4) will need to be amended as follows:

(4) As soon as may be after making a decision under Sub-clause (1) of this clause the County Council shall notify the District Council of their decision and the District Council shall cause to be prepared in duplicate a plan . . . .

In Sub-clause (5) the word "District" will need to be inserted before the word "Council."

PART III.—STREETS AND BUILDING LINES.

11. In this Part of the Scheme, except where the context otherwise requires or it is otherwise expressly provided, the following words and expressions have the respective meanings hereby assigned to them:

"the Act of 1892" means the Private Street Works Act, 1892 *(a)*, as amended by any subsequent Acts, whether public, local or private, which are in operation in the Area;

"a byelaw street" means a street constructed so as to comply with any enactments, regulations or byelaws in operation in the Area;

"private street" means a street as defined by the Public Health Acts not being a highway repairable by the inhabitants at large;

"incidental works" means any slopes, approaches, embankments, cuttings, retaining walls, bridges, arches, girders, culverts, drains or other works necessary and incidental to the construction of a street, and includes any works required for fencing the street;

(a) See Vol. IV, *post.*

" the cost of a standard street " means—

(i) in relation to a proposed new street or an existing private street widened in accordance with the provisions of the Scheme, the amount which would at the date of the commencement of the works have been the cost of the execution of street works (as defined in Section 27 of the Act), in the course of the construction of the street, if it had been carried out so as to comply with any enactments, byelaws or regulations in operation in the Area ; and as respects matters for which no provision is made in any such enactments, byelaws or regulations, so as to comply with such specification as a highway authority for the Area would at the date of the commencement of the works have required as a condition of declaring a street to be a highway repairable by the inhabitants at large ; and

(ii) in relation to an existing highway repairable by the inhabitants at large which is widened in accordance with the provisions of this Scheme, such proportion of the amount which would at the commencement of the works have been the cost of the execution of street works (as defined in Section 27 of the Act) on a street the construction of which had been carried out in the manner referred to in the last preceding paragraph, as the width of the added strip bears to the width of a byelaws street. For this purpose the term " added strip " means the extent, if any, by which the existing highway is less in width than a byelaw street ;

" *The cost of a standard street.*"—The definition is appropriate only in areas where byelaws with respect to new streets or corresponding provisions in local Acts are in force. It is expected, however, that byelaws with respect to new streets or corresponding provisions in local Acts will ordinarily be in force in areas in which schemes are made ; and the Minister has intimated that the fact that a scheme is being prepared will be considered *prima facie* evidence that byelaws should be made.

Clauses 11, 15 and 17 are drafted on the assumption that the Private Street Works Act, 1892, is in operation in the Area. Alternative forms of Clauses 15 and 17 are set out in Appendix II for use where the Public Health Act, 1875, is in operation.

If these alternative forms are used the first definition in Clause 11 should be amended to read :

" the Act of 1875 " means the Public Health Act, 1875, as amended by any subsequent Acts, whether public, local or private, which are in operation in the Area

If both Acts are in operation in different parts of the Area or if there are special local Acts the Ministry of Health should be consulted as to the form of these Clauses.

" street works " includes, in addition to the works mentioned in Section 27 of the Act, incidental works and works required for planting a street with grass, trees or shrubs, and erecting guards therefor, or treating it in other suitable manner ;

" the making " of a street means the execution of all necessary street works from the commencement to the final completion of the street.

Streets.

Clauses 12, 13, 14 and 15 provide for the construction by the Responsible Authority, at any time after declaration, of new streets and widenings for which land is reserved by Clause 5, and for the recovery, in proper cases, and subject to the limit of the cost of a standard street, of the cost of construction from owners.

Streets should be included in Part I of the Table if the circumstances are such that it is impossible or unlikely that a charge would become recoverable from frontagers in respect of the works provided for by the Scheme, *e.g.* the widening of a street which is already of byelaw width, or the construction of a new street on a high embankment, or of a street to which access is to be refused.

12.—(1) The Council may declare any land reserved for new streets and widenings of existing highways in Part I or Part II of the Table in Clause 5 (Reservation of lands) to be a street either—

(*a*) with the consent of the persons interested in the land, including persons having a mortgage or charge on the land ; or

(*b*) after acquiring the land.

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(2) If the land so declared is reserved in Part I of the Table, it shall, upon the Council's executing any necessary street works, become a highway repairable by the inhabitants at large.

(3) If the land so declared is reserved in Part II of the Table, it shall, upon the declaration being made, be deemed to have been dedicated to the public and shall become a private street.

13.—(1) The Council shall have power under this Scheme to execute street works upon the land reserved in Part I or Part II of the Table in Clause 5 (Reservation of lands) and subject to the provisions of Clause 14 (Land adjoining sites of streets) and Clause 15 (Application of Private Street Works Act, 1892 [Section 150, etc., of the Public Health Act, 1875]), they shall in the exercise of that power have the same rights and be subject to the same liabilities as they would have had or been subject to if the works had been executed under the Public Health Acts.

(2) Not less than twenty-eight days before commencing to execute street works upon any of the land reserved in Part I or Part II of the Table, whether under this Clause or under the Public Health Acts, the Council shall serve on any statutory undertakers whose apparatus is situate in or under any part of such land or is otherwise in such a position that it will or may be affected by the execution of such works, notice in writing of their intention so to commence, with particulars of the proposed works and of the manner in which they are to be executed, together, where necessary, with plans and sections thereof.

(3) Where the removal or alteration of apparatus belonging to statutory undertakers, or the execution of works for the provision of substituted apparatus whether permanent or temporary, is in their opinion reasonably necessary or expedient for the purposes of their undertaking by reason of any proposal to execute street works of which notice is given under the preceding Sub-clause, the undertakers may within fourteen days of receiving the notice serve a counter-notice in writing on the Council, declaring their intention of removing or altering the apparatus, or executing works for the provision of substituted apparatus; and, unless it is agreed between the Council and the undertakers that the Council shall carry out the operations of removal, alteration or substitution, the Council shall give the undertakers reasonable facilities for carrying out the operations at whatever time during the execution of the street works is most convenient for such operations.

(4) In this Clause—

"apparatus" means mains, pipes, wires, tubes, valves, cables, syphons, transformers, standards, poles or other works or apparatus laid down, constructed or used for, or in connection with the carrying, conveying or supplying of water, water for hydraulic power, gas or electricity; and

references to the alteration of apparatus include references to diversion and to alterations of position or level.

14.—(1) The council may, after giving not less than three months' notice to the owners and occupiers of any land which adjoins land reserved for a new street or widening of an existing highway and is required for the purpose of executing incidental works, enter upon that land for the purpose of executing the works.

(2) The Council may at any time after giving reasonable notice to the owners and occupiers of the land upon which incidental works have been executed enter upon that land for the purpose of maintaining the works.

(3) Where land which is reserved in Part II of the Table in Clause 5 (Reservation of lands) becomes a private street, the Council may declare any adjoining land belonging to them and required for the execution of incidental works to be, and the land shall thereupon become, a part of the private street.

15. If the Council decide to execute street works under the power conferred on them by Sub-clause (1) of Clause 13 (Execution of street works on reserved land) upon any land reserved in Part II of the Table in Clause 5 (Reservation of lands) and the land has become a private street by virtue of Clause 12 (Sites of new streets and widenings) the provisions of the Act of 1892 shall *in relation to streets or proposed streets which are roads chargeable to the county within the meaning of Clause* 4 (*Responsible Authorities*) *apply as though the County Council were an urban authority who had adopted that Act and shall in any case* apply subject to the following modifications, as though they were incorporated in this Clause:

(1) The Council shall not be entitled to apportion—

(i) any sum in respect of the execution of street works for the purpose of widening an existing highway of which the width is equal to or greater than the width of a byelaw street; or

(ii) a sum in excess of the cost of a standard street made on the site of the street;

(2) The grounds of objection set out in Section 7 and Section 12 of the Act of 1892 shall be deemed to include the ground that expenses which under this Clause are to be borne by the Council have been provisionally or finally, as the case may be, apportioned against the premises of the objector;

(3) If the land so reserved and becoming a private street in manner aforesaid abuts on and is intended to form the site of a widening of an existing highway, and the existing highway is less in width than a byelaw street, the part of the existing highway upon which the land abuts shall as to its whole width be deemed to be part of the private street;

(4) As soon as the Council have made the street, it shall become a highway repairable by the inhabitants at large;

(5)—(i) No expenses incurred in the execution of street works and apportioned against land or buildings which at the time of apportionment are agricultural land or buildings within the meaning of Section 67 of the Local Government Act, 1929, shall be recoverable until the land or buildings cease to be agricultural land or buildings as aforesaid;

(ii) No expenses incurred in the execution of street works for the purpose of making a new street shall be recoverable in respect of land (whether the site of a building or not) unless and until access is provided for and used by persons or vehicles from that land to the new street;

(iii) No expenses incurred in the execution of street works for the purpose of widening an existing highway repairable by the inhabitants at large and apportioned against any land abutting on that highway shall be recoverable unless after the day of 19 a building has been erected on the land other than an agricultural building within the meaning of the said Section 67 or a building—

(*a*) begun before the said date; or

(*b*) erected in pursuance of a contract made before the said date; or

(*c*) erected within the site of a building existing at that date and ordinarily incidental to the purpose for which that building is used; or

(*d*) the erection of which is permitted under Clause 57 (Replacement of existing and certain other buildings);

and the amount recoverable shall in any case be limited to so much of the apportioned sum as is properly attributable to the land forming the site of the building.

Interest shall not be payable to the Council on any money in respect of a period during which under this Clause the money is irrecoverable.

Where Section 150, etc., of the Public Health Act, 1875, is in operation the alternative form of this Clause on page 125 [*post*, p. 4052] should be used.

The words in italics are required in a borough or urban district where some of the roads to be widened or constructed under the Scheme as private streets vest in the County Council.

Paragraph (1), in conjunction with the definition of the cost of a standard street in Clause 11, is intended to give effect to the provisions of Section 27 of the Town and Country Planning Act, 1932.

The other paragraphs are necessary because the Clause applies to streets laid out and made on the initiative of the Responsible Authority, which may be constructed in advance of development and to a higher standard than would be required simply for estate development, and extends to a widening by the Responsible Authority of an existing highway to which the Act of 1892 does not apply. The general effect is—

(1) where land reserved for the widening of an existing highway, which is less in width than a byelaw street, becomes on declaration a private street, the high-

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way as widened is deemed to be a private street for its whole width, with the result that—

(*a*) an apportionment in respect of the widening may be made upon the frontagers on both sides of the road and not merely on the side on which the widening is carried out;

(*b*) the works as a whole, including any reconstruction of the existing highway which may be necessary, may be carried out under the same powers;

(2) the expenses incurred in the execution of street works (whether the construction of a new street or the widening of an existing highway) may be apportioned upon any land or buildings upon which an apportionment could be made under the general law. The right of the Responsible Authority to recover the amount apportioned is, however, postponed—

(*a*) if the land or buildings upon which the apportionment is made are agricultural land or buildings within the meaning of Section 67 of the Local Government Act, 1929, until they cease to be agricultural land or buildings;

(*b*) in the case of a new street, unless and until access to the new street is provided for and used by persons or vehicles from the land subject to the apportionment (whether the site of a building or not);

(*c*) in the case of a widening of a highway repairable, unless a building (other than an agricultural building, or a building of some other class specified in sub-paragraph (iii) of paragraph (5)) has been erected on the land after the date of the last personal notice of the adoption of the draft Scheme or the date of the second advertisement given, in accordance with Article 13 of the Town and Country Planning Regulations, 1933, whichever is the later. This date should be inserted in the sub-paragraph.

16.—(1) No new street shall be laid out or made so as to enter any of the roads or proposed roads specified in Part I of the Table below.

It is to the advantage of the Council to fix the sites of new street entries as far as possible by the Scheme, and for this purpose to use the form of Clause set out in the main model; but an alternative Clause is given (No. 5, Appendix II) leaving determination of the points of entry to a later date, for use where the Council do not find it practicable to avail themselves of the main Clause.

(2) Save as hereinafter in this Clause provided, no new street shall be laid out or made so as to enter any of the roads or proposed roads specified in Part II or in the first column of Part III of the Table, except on land reserved for streets.

(3) In the case of a road or proposed road specified in the first column of Part III of the Table the Council shall, in addition to any new streets on land reserved for streets, permit in each of the sections of the road or proposed road specified in the second column of the said Part the entry of such number of new streets as is specified in the second column of that Part at such point or points as they may approve.

(4) The Council may permit the entry into a road or proposed road specified in Part II or in the first column of Part III of the Table of a new street which is required to provide temporary access from neighbouring land to the said road or proposed road pending the construction on land reserved for streets, or in a position approved by the Council in accordance with the provisions of the preceding Sub-clause, of a street which will provide permanent access from the said land to the said road or proposed road.

Any street constructed to provide such temporary access is hereby declared to be diverted or stopped up and all public rights therein are declared to cease as from the date on which the street provided permanent access as aforesaid is constructed to the satisfaction of the Council and opened for public traffic.

(5) For the purposes of this Clause a new street does not include a new street not intended for use as a carriageway.

TABLE B.

PART I.

Existing or intended classified roads on which no new street entrances are to be allowed.

PART II.

Existing or intended classified roads on which new street entrances are to be allowed only on land reserved for streets.

PART III.

Existing or intended classified roads on which new street entrances are to be allowed on land reserved for streets and also at points to be approved.

Description of road or intended road. 1.	Section of road and side of road on which one new street entrance is to be approved. 2.

17. Where after the date on which this Scheme comes into operation the Borough [District] Council construct a sewer under land reserved for a street and the construction takes place before the land becomes a private street the Borough [District] Council or the County Council, as the case may be, may, if they propose to execute street works upon the land, include particulars of the sewer in the specification of any street works to be executed by them on the street and the cost of the sewer in the estimate of the probable expenses of such works, and thereupon the Act of 1892, as modified by this Scheme, shall, so far as applicable, apply to those expenses as if they formed part of the estimated expenses of the proposed street works.

The County Council shall pay over to the Borough [District] Council any monies received by them from frontagers in respect of, or properly attributable to, the construction of the sewer, but shall be entitled to deduct any expenses reasonably incurred by them in the recovery of the said monies.

Where Section 150, etc., of the Public Health Act, 1875, is in operation the alternative form of this Clause on page 127 [*post*, p. 4052] should be used.

Where the Scheme relates wholly to a rural district in which powers in regard to private streets have not been delegated, the words " the Borough [District] Council or " in line 5, and the words " as the case may be " in line 6 should be omitted.

In the case of a Scheme relating wholly to a county borough the reference throughout the Clause should be to " the Council " and the last paragraph of the Clause omitted.

18. Except in relation to streets proposed to be constructed by a highway authority the following provisions shall have effect with respect to new streets proposed to be constructed whether on land reserved for streets or not :—

(1) The laying out or making of any new street shall be subject to the approval of the Council, and a person intending to lay out or make a new street (in this and the next succeeding Clause referred to as " the applicant ") shall before commencing any work apply to the Council for their approval to the laying out or making of the new street, submitting for the purpose plans, sections and specifications in accordance with the provisions of Clause 61 (Submission of plans) (*a*).

The Responsible Authority may require the street to be of such width and standard of construction as they consider necessary provided that they pay for any additional cost above that of a standard street and do not, unless the Minister expressly approves additional types of street for the purpose, relax the byelaws or local Acts below the standards permitted under the First Schedule to the Scheme.

As regards the plans to be submitted by applicants, and the time within which the Council must deal with them, see Clauses 61 and 62 in Part VII of the Scheme.

(*a*) The entrance drive to a block of flats has been held to be a street for the purposes of this clause (*Cowan* v. *Hendon Borough Council*, [1939] 3 All E.R. 366 ; 103 J. P. 285 ; Digest Supp.).

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(2) On receiving an application the Council shall notify the person having control of any neighbouring land, the development of which is in their opinion likely to be substantially affected by the determination of the site of the proposed street—

(*a*) that plans and sections have been submitted to them; and

(*b*) that before approving the plans and sections they will have regard to any proposals for the development of such land which he may produce to them

referred to as " the communicating street ") upon neighbouring land, in continuation of, or communicating with, that new street, the Council may, when approving the plans and sections of the street, fix a site for the communicating street.

The site for a communicating street (which by definition includes the continuation of a street) and the site of the proposed street with which it will communicate become reserved land, in order to enable the Responsible Authority, in suitable circumstances, to declare and construct any part of the street themselves (whether as a highway repairable by the inhabitants at large or as a private street).

Whether the Responsible Authority desire to fix the sites for additional estate streets without any proposals for streets being submitted to them, they are entitled in suitable circumstances to take this course by making a supplementary order.

(2) The communicating street may be a new street or a widening of an existing street, and the Council may fix the site thereof either by approving, with or without modification, a proposed street or widening included in any proposals submitted to them under the last-preceding Clause, or by themselves preparing a plan for the purpose.

(3) As soon as the plans and sections of the new street and the site of the communicating street have been approved, the Council shall notify the person having control of the said site of their decision and shall afford him reasonable facilities for inspecting the plans and sections and a plan of the said site, and, if he is aggrieved by the decision of the Council whether in respect of the new street or of the site of the communicating street, he may appeal.

(4) On an appeal under the last-preceding Sub-clause the applicant, and on an appeal by the applicant under Sub-clause (7) (*a*) of Clause 18 (Construction of streets by owners) the person having control of the site of the communicating street, shall be entitled to appear and be heard.

(5) The decision of the Council to approve the plans and sections and to fix the site of the communicating street shall not take effect pending the determination of any appeal made under this or the last-preceding Clause by the applicant or by the person having control of the site of the communicating street, and, if on any such appeal the decision of the Council with regard to the plans and sections of the street or the site of the communicating street is varied, the Council may modify their decision with regard to the site of the communicating street or to the plans and sections as the case may require, so as to bring it into conformity with the decision given on appeal, and no appeal shall lie against any modification made by the Council for this purpose.

(6) Where the Council decide under this Clause to fix the site of a communicating street, the land which forms the site of the new street in respect of which application was made to them, and the land which forms the site of the communicating street, shall thereupon become reserved for a new street or widening of an existing highway as though they had been reserved for the purpose in Part I or Part II of the Table in Clause 5 (Reservation of lands).

(7) The Council shall forthwith determine whether the sites of the new street and of the communicating street shall become a highway repairable by the inhabitants at large or a private street, and shall notify the applicant and the person having control of the site of their determination, and the applicant and such person, if aggrieved by the decision of the Council so far as it relates to the land belonging to them respectively, may appeal.

20.—(1) A person who proposes to lay out or to make a street, shall, before commencing to lay out the street or to execute any street works, give not less than twenty-four hours' notice to the Council of the date on which he proposes to commence the work.

If such notice is not given and a duly authorised officer of the Council, on inspecting any work in connection with the street, finds that the work is so far advanced that he cannot ascertain whether anything has been done or omitted contrary to the plans and specifications approved by the Council or to the conditions upon which approval of the street has been granted, the officer may, within a reasonable time after inspection, give notice to such person requiring him, within a reasonable time to be specified in the notice, to remove, lay open or pull down so much of the work as prevents the officer from ascertaining whether anything has been done or omitted as aforesaid.

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If the said person fails or refuses to comply with the requisition, the Council may themselves remove, lay open or pull down so much of the work as aforesaid and may recover from him summarily as a civil debt the expenses incurred by them.

(2) A person who has laid out a street or executed any street works thereon, other than temporary works, shall within a reasonable time after the completion thereof give notice to the Council that the street is laid out or the works executed as the case

sewers, gas or water mains, electric cables or wires, or other works lying on or under the highway, and the Council and such statutory undertakers and other persons shall have the same powers in relation thereto (including the power of inspecting, maintaining and repairing the works and connections thereto, and of entry upon the land for that purpose), as if the highway had not been diverted or stopped up:

Provided that the Council may, if they think fit, divert or transfer any such works with the consent of the statutory undertakers or other persons in whom the works are vested, and execute any works necessary and incidental to such diversion or transfer, and may enter into agreements for the purpose.

Building Lines, etc.

22.—(1) When the plans and sections of a proposed street are submitted to the Council for their approval under Clause 18 (Construction of streets by owners) and the proposed street is neither on land reserved for streets under Part II of the Scheme nor a street intended for use as a secondary means of access or as a footway only, the Council may fix a building line for the street, and, if in approving the plans of the street the Council fix the site of a communicating street, they may also fix a building line for the communicating street.

(2) If a building line is so fixed, the notice that the plans of the street have been approved or that the site for the communicating street has been fixed, as the case may be, shall, unless it is accompanied by a plan showing the position of the building line, include a statement that a plan indicating the position of the building line will be open for inspection at a specified place. The fixing and position of the building line shall be matters on which an appeal may be made under Clause 18 or Clause 19 (Communicating streets), as the case may be.

23.—(1) In the case of a street existing at the date on which this Scheme comes into operation for which no building line is shown on the Map by a broken red line, the Council may fix a building line either for the street or for such part thereof as they think fit at such time as may appear to them expedient.

(2) The Council shall give notice of the proposal to fix the building line to the person having control of any land to which the building line relates and to the person having control of any neighbouring land who may, in the opinion of the Council, be affected. The Council shall include in the notice a statement that a plan indicating the position of the building line will be open for inspection at a specified place and that, if any person on whom a notice is required to be served desires to make any representations or objections with respect thereto, he may address them in writing to the Council within a specified period, not being less than fourteen days or more than twenty-eight days from the date of the notice.

(3) Before fixing the building line, the Council shall consider any representations or objections made to them within the specified period.

(4) Upon the fixing of the building line the Council shall forthwith give notice thereof to the persons on whom a notice is required to be served under the provisions of Sub-clause (2) of this Clause and shall include in the notice a statement that a plan indicating the position of the building line will be open for inspection at a specified place.

(5) Any person on whom a notice is required to be served under this Clause and who is aggrieved by the fixing or position of the building line may appeal.

24.—(1) Where a building line for any street or proposed street is shown on the Map by a broken red line or is fixed under Clause 22 (Fixing of building line for new street not shown on Map), Clause 23 (Fixing of building line for existing street for which no building line is shown on Map), or Clause 25 (Modification of building lines where a standard width is adopted under the Restriction of Ribbon Development Act, 1935), no building other than boundary walls or fences, or buildings permitted in pursuance of Sub-clause (1) of Clause 6 (Buildings, etc., not to be erected on reserved lands) shall be erected in front of the building line:

Provided that the Council may, if they think fit, permit—

(*a*) the erection of a building in front of the building line—

(i) for the purpose of architectural effect; or

(ii) if, on account of the levels of the site or of adjoining land, or the propinquity of buildings already in front of the building line, or any other

special circumstances, compliance with the building line would seriously hamper the development of the site;

(b) the erection in front of the building line of—

(i) a bay window, porch or other projecting portion of a building;

(ii) an industrial building or special industrial building at such distance, not being less than fifteen feet from the boundary of the street, as the Council may specify;

(iii) groups of shops or business premises at such distance, not being less than ten feet from the boundary of the street, as the Council may specify;

(iv) a lodge or a garage, or other out-building used or intended to be used in connection with a dwelling-house, if the building does not exceed ten feet in height (measured from the mean level of the ground surrounding the building to the top of the parapet or half of the height of the roof, whichever is the higher) and is not less than ten feet from the boundary of the street.

Paragraphs (b) (ii) and (iii) of the proviso to the Clause are appropriate to undeveloped areas, since in that case the depth of building lines will normally be substantially greater than fifteen or ten feet. Shorter distances than those named in the paragraphs would be appropriate in developed areas.

(2) Before giving permission under the last preceding Sub-clause for any part of a building to be erected at a greater distance in front of the building line than three feet six inches, the Council shall, at the expense of the applicant, give notice of the application by advertisement in some local newspaper circulating in the Area, and shall consider all objections which may be addressed to them in writing within a period, not being less than fourteen days, to be specified in the notice.

25.—(1) If at any time the Council decide under Clause 10 (Adjustment of reservations where a standard width is adopted) to remove a reservation imposed by the Scheme on land required for a new street or widening, the Council may at the same time determine that any building line shown on the Map by a broken red line or fixed under Clause 22 (Fixing of building line for new street not shown on Map) or Clause 23 (Fixing of building line for existing street for which no building line is shown on Map) shall cease to have effect, and thereupon the provisions of the preceding Clause shall cease to apply to the land between the land released from its reservation and the building line.

(2) The Council shall when informing a person having control of any land of their decision in regard to the removal under the provisions of Clause 10 of the reservation of such land, inform him also of their decision under this Clause in regard to any building line fronting such land, and they shall similarly inform the Minister when forwarding to him the duplicate plan in accordance with Sub-clause (5) of Clause 10.

(3) Where a building line shown on the Map by a broken red line or fixed under Clause 22 or Clause 23 has ceased to have effect by reason of a decision by the Council under Sub-clause (1) of this Clause, or such building line has been included in a standard width adopted with the approval of the Minister of Transport under the Restriction of Ribbon Development Act, 1935, the Council may fix a new building line for the street of standard width at such time as may appear to them expedient, and the provisions of Sub-clauses (2) to (5) of Clause 23 shall apply to the new building line proposed to be fixed under this Clause.

26. In any street for which a building line is in operation under this Scheme a person shall not be precluded by Section 3 of the Public Health (Buildings in Streets) Act, 1888, from erecting or bringing forward a building beyond the front main wall of the building on either side thereof, if the erection or bringing forward of the building would not contravene the provisions of the Scheme, and the operation of the said Section is hereby suspended so far as is necessary for the purpose of this Clause.

27.—(1) Where the Council are satisfied that in the interests of safety the height to which, or the position in which, walls, fences or hedges may be erected, planted or grown on land at or near the corners or bends of roads ought to be regulated, they may serve upon the owner and occupier of the land a notice imposing restrictions in regard to the height or position of proposed walls, fences or hedges, and the notice shall be accompanied by a plan showing the land to which the notice relates.

(2) The restrictions imposed by a notice served under this Clause shall take effect upon the service of the notice and, subject to any decision upon an appeal against the restrictions imposed, shall remain in force until the notice is withdrawn by the Council.

(3) If any person upon whom a notice has been served under this Clause is aggrieved by any restriction imposed by the notice, he may appeal.

(4) A breach of any restriction imposed under this Clause shall be a contravention of this Scheme.

(5) This Clause does not apply to a highway maintainable at the material date by the Minister of Transport, or by a County Council or other Highway Authority.

See Section 19 (1)(h) of the Act.
This Clause is complementary to Section 4 of the Roads Improvement Act, 1925 (*a*), which confers powers on the Highway Authority in respect of roads maintainable by them.

PART IV.—BUILDING RESTRICTIONS AND USE OF LAND.

28. In this Part of the Scheme, except where the context otherwise requires or it is otherwise expressly provided, the following words and expressions have the respective meanings hereby assigned to them:

If the scheme includes no rural zone the following definitions should be omitted: country dwelling, agriculture, horticulture, pisciculture, forestry, rural industry.

"dwelling-house" means a house designed for use as a dwelling for a single family, together with such outbuildings as are ordinarily used therewith;

"country dwelling" means a dwelling-house with not less than [ ] acres of land within its curtilage, or a dwelling-house occupied in conjunction with not less than [ ] acres of neighbouring land on which no building operations are to be undertaken other than the erection of buildings ordinarily incidental to the enjoyment of a country dwelling-house;

It is thought that five acres might be the normal figure for the purposes of the definition of country dwelling.

"flat" includes any separate dwelling, not being a dwelling-house, which is designed for use by a single family, whether the dwelling is on more than one floor or not, and a "block of flats" means a building containing two or more flats;

"residential building" means a building, other than a dwelling-house, designed for use for human habitation together with such outbuildings as are ordinarily used therewith, and includes a block of flats, a hotel designed primarily for residential purposes and a residential club, but does not include any building mentioned, whether by way of inclusion or exclusion, in the definitions of "place of instruction" and "institution";

"place of public worship" means a building designed for use as a church, chapel, oratory, meeting-house, or other place of public devotion, and includes a building designed for use as a Sunday school, and an institute or other building designed for purposes of social intercourse and recreation, within the same site as and associated with any of the foregoing buildings;

"place of instruction" means a building designed for use as a school, college, technical institute, academy, lecture hall or other educational centre, and includes a monastery, convent, public library, art gallery, museum and gymnasium, but does not include a building designed for use wholly or principally as an approved school for the purposes of the Children and Young Persons Act, 1933 (*b*), or as a school for mentally defective or epileptic children;

"institution" means a building designed for use as a public or charitable institution, and includes a building designed for use as a hospital, clinic or dispensary,

(*a*) Printed in a later volume of this work.
(*b*) 26 Halsbury's Statutes 168.

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whether public or private, but does not include buildings designed wholly or principally for any of the following uses, namely, as—

(*a*) a hospital, sanatorium, dispensary or clinic for the treatment of infectious or contagious diseases;

(*b*) a certified institution, certified house or approved home for mental defectives;

" horticulture " includes the growing of plants, fruit or vegetables under glass and the use of land for scientific horticultural research ;

" pisciculture " includes the breeding and preservation of fish and the use of land for scientific piscicultural research ;

" forestry " includes arboriculture, the cutting, dressing and preparation for sale of wood and the use of land for scientific forestry research ;

" rural industry " means a local industry connected with agriculture, horticulture, pisciculture or forestry, and includes any industry the staple material employed in which is grown or reared, or is the product of some thing or animal grown or reared, on land in the locality ;

" marine industry " means the taking of fish or shell-fish or other marine creatures or marine plants or the making, repairing, storing or letting of boats, and includes any local industry ordinarily carried on near the sea wholly or mainly for the purpose of supplying articles required in connection with those operations or any of them ;

| If the scheme includes no seashore zone the definition of marine industry should be omitted. |

" zone " means a portion of the Area shown on the Map by distinctive colouring, hatching or edging or in some other distinctive manner for the purpose of indicating the restrictions imposed by this Part of this Scheme on the erection and use of buildings or the user of land ; and the terms " density zone " and " use zone " mean zones indicating restrictions as to density and use of buildings respectively ;

| Reference to " height zone " should be included here, if it is proposed to apply different height restrictions to different parts of the Area. |

In Clause 29 (Predominant use of buildings) in its application to Clause 30 (Erection and use of buildings) and in Clauses 30 to 34 which relate to the erection and use of buildings and use of land, but not elsewhere in this Part of the Scheme a " building " includes a structure or erection.

29.—(1) Where a building is used, or a proposed building is designed, for more than one use, it shall be treated for the purposes of Clause 30 (Erection and use of buildings) as being used or designed partially for each of those uses, but for the purposes of the other provisions of this Part of the Scheme it shall be treated as being used or designed only for its predominant use, and the Council may, and shall, if the person having control of, or proposing to erect, the building makes an application for that purpose, decide which is the predominant use.

(2) The applicant, if aggrieved by the decision, may appeal.

Erection and Use of Buildings and Use of Land.

30.—(1) The purposes—

(*a*) for which buildings may be erected and used without the consent of the Council ;

(*b*) for which buildings may be erected and used only with the consent of the Council ; and

(*c*) for which buildings may not be erected and used

in each of the use zones specified in Part I or Part II of the following Table are shown in the third, fourth and fifth columns of the Table, but no building operations shall be undertaken on land within any of the zones specified in Part II of the Table, unless a general development order applying to the land has come into operation or permission to develop has been granted under Section 16 of the Act.

(2) Building operations are permanently restricted in each of the use zones specified in Part III of the following Table on the ground that by reason of the situation or nature of the land the erection of buildings thereon would be likely to involve danger or injury to health [or excessive expenditure of public money in the provision of roads, sewers, water supply or other public services] ; and the purposes—

(*a*) for which buildings may be erected and used without the consent of the Council ;

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(*b*) for which buildings may be erected and used only with the consent of the Council; and

(*c*) for which buildings may not be erected and used

in each of the said zones are shown in the third, fourth and fifth columns of the

The General Zone is suitable only in instances where existing development is a mixture of industrial and residential buildings and it is impracticable to decide that either use should predominate in the future. The mere existence of a few incongruous buildings is not enough to justify use of the general zone, since existing uses are protected, and it may be quite clear what the future character of the neighbourhood should be.

The Intermediate Zone is suitable for an area where some residential development is certain, but it is reasonable to anticipate some industrial and commercial development. In such a case it seems sufficient, as is proposed in the Table, to require the consent of the Responsible Authority to the erection of buildings other than dwelling-houses and residential buildings and certain types of buildings ancillary to residential development, but not, as in the residential zones, to confer on neighbouring owners the right to object to proposals for development other than residential development or to appeal against the decision of the Authority to consent to such development.

An exception has, however, been made by providing for appeal against a proposal to permit erection of a special industrial building.

The Undetermined Zone is suitable only in cases where it cannot be determined whether development when it takes place will be residential, commercial or industrial, but it is desired to prevent the uncontrolled intermixture of various forms of development. This zone should not be included unless a substantial measure of agreement with owners has been secured.

USE ZONES IN WHICH GENERAL DEVELOPMENT DEPENDS UPON THE ISSUE OF A GENERAL DEVELOPMENT ORDER. (SUB-CLAUSE (1) AND PART II OF TABLE C.)—Land should be included in this Part where it is necessary or desirable to prevent general development which is likely to result either in sanitary difficulties, or in premature expenditure of public money for public services, or in serious detriment to local amenities.

The Clause has been drafted on the assumption that it will ordinarily be possible to forecast in the Scheme the use and the density of the buildings to be allowed when a General Development Order is made. The use zones in Part II of the Table will as a rule correspond with those in Part I.

Where this forecast is not practicable the zoning can be left until the General Development Order is made, but if this is done it will ordinarily be necessary to make a Supplementary Order at the same time, as zoning provisions cannot properly be settled by the Development Order. Meanwhile the Clause should be amended by deletion of the reference to Part II of the Table in line 8 of Sub-clause (1), and substitution of " and no building operations shall be undertaken on land coloured pale blue and edged broken blue on the Map " for " but . . . Table " in lines 10–12. A new paragraph should also be added to Clause 31 as follows:

> (2) The use of land coloured pale blue and edged broken blue on the Map, whether forming the site of a building or not, for a purpose for which in use zone II [use zone VIII] a building may not be erected and used, or may be erected and used only with the consent of the Council, shall not be commenced without the consent of the Council.

USE ZONES IN WHICH BUILDING OPERATIONS ARE PERMANENTLY RESTRICTED (SUB-CLAUSE (2) AND PART III OF TABLE C.)—It will normally be enough to entitle the zone " Restricted " and insert the words " Any buildings " in column 4, leaving columns 3 and 5 blank. It may be justifiable to insert a few types of buildings in column 5 and in rare instances a complete prohibition of building may be appropriate. If this is so Part III of Table C should be omitted and the following substituted for Sub-clause (2):

> Building operations are permanently prohibited in the use zone edged green and broad cross-hatched yellow on the ground that by reason of the situation or nature of the land the erection of buildings thereon would be likely to involve danger or injury to health [or excessive expenditure of public money on the provision of roads, sewers, water supply or other public services].

RURAL, COASTAL AND SEASHORE ZONES.—For notes on the use of these zones see Circular 1750 (*a*).

(*a*) *Ante*, p. 3973.

TABLE C.

PART I.

USE ZONES IN WHICH IMMEDIATE DEVELOPMENT IS PERMITTED.

Use zone.	Reference to Map.	Purposes for which buildings may be erected and used without Council's consent.	Purposes for which buildings may be erected and used only with Council's consent.	Purposes for which buildings may not be erected and used.
1.	2.	3.	4.	5.
I. Residential.	Coloured.	Dwelling-houses.	Buildings other than those referred to in column 3 or column 5.	Special industrial buildings.
IA. Residential.	Coloured Hatched.	Dwelling-houses.	Buildings other than those referred to in column 3 or column 5.	Special industrial buildings.
II. Residential.	Coloured.	Dwelling-houses. Residential buildings.	Buildings other than those referred to in column 3 or column 5.	Special industrial. buildings.
III. General Business.	Edged and broad hatched grey over a density colour.	Shops. Business premises. Dwelling-houses. Residential buildings. Places of public worship. Places of instruction. Institutions. Places of assembly.	Buildings other than those referred to in column 3 or column 5. Buildings for the trade of a fish frier.	Special industrial buildings other than those referred to in column 4.
IV. Special Business.	Edged and broad cross-hatched grey.	Shops. Business premises. Places of assembly.	Buildings other than those referred to in column 3 or column 5. Buildings for the trade of a fish frier.	Special industrial buildings other than those referred to in column 4.
V. Industrial.	Edged and fine hatched purple.	Industrial buildings other than those referred to in column 4. Business premises.	Buildings other than those referred to in column 3. Industrial buildings for the production of or which employ pulverised fuel.	—
VI. Special Industrial.	Edged and fine cross-hatched purple.	Industrial buildings. Special industrial buildings. Business premises.	Buildings other than those referred to in column 3.	—

USE ZONES IN WHICH IMMEDIATE DEVELOPMENT IS PERMITTED—*continued.*

Use zone.	Reference to Map.	Purposes for which buildings may be erected and used without Council's consent.	Purposes for which buildings may be erected and used only with Council's consent.	Purposes for which buildings may not be erected and used.
1.	2.	3.	4.	5.
VII. General.	Edged and fine hatched broken purple lines over a density colour.	Buildings other than special industrial buildings.	Special industrial buildings.	—
VIII. Intermediate.	Fine hatched alternately grey and purple over a density colour.	Dwelling-houses. Residential buildings. Places of instruction. Institutions.	Buildings other than those referred to in column 3.	—
IX. Undetermined.	Fine cross-hatched alternately grey and purple.	—	Any buildings.	—
X. Rural.	Edged green with wide - spaced green hatching.	Buildings required in connection with agriculture, horticulture, pisciculture, or forestry. Dwelling-houses for the occupation of persons employed locally in agriculture, horticulture, pisciculture or forestry and outbuildings ordinarily incidental to the enjoyment or use of such dwelling-houses. Buildings other than special industrial buildings required for rural industry, having a floor space (whether on one or more floors or in one or more buildings) not exceeding [ ]* square yards. Buildings required in connection with the winning of minerals.	Buildings other than those referred to in column 3.	—
XI. Coastal.	Edged green with wide - spaced green cross hatching.	—	Any buildings.	—
XII. Seashore.	Fine hatched alternately green and purple.	Buildings required for the purposes of marine industry.	Other buildings.	—

* It is suggested that 500 square yards would ordinarily be suitable.

PART II.

USE ZONES IN WHICH GENERAL DEVELOPMENT DEPENDS ON THE ISSUE OF GENERAL DEVELOPMENT ORDERS.

Use zone.	Reference to Map.	Purposes for which buildings may be erected and used without Council's consent.	Purposes for which buildings may be erected and used only with Council's consent.	Purposes for which buildings may not be erected and used.
1.	2.	3.	4.	5.

PART III.

USE ZONES IN WHICH BUILDING OPERATIONS ARE PERMANENTLY RESTRICTED.

Use zone.	Reference to Map.	Purposes for which buildings may be erected and used without Council's consent.	Purposes for which buildings may be erected and used only with Council's consent.	Purposes for which buildings may not be erected and used.
1.	2.	3.	4.	5.

(3) Subject to the provisions of Clause 32 (Advertisement and third party appe in certain cases) if an application is made to the Council for their consent to tl erection and use of a building in a use zone in which a building of the type propose may be erected and used only with the Council's consent, the Council shall deci whether to give or withhold consent, and in the former event what, if any, co ditions shall be imposed :

Provided that before consent to the erection and use of a building in use zone(is given or withheld, or conditions are imposed thereon, considerati shall be given to the question whether the use for which the building is intended designed is likely to cause injury to the amenity of the neighbourhood, includin in the case of an industrial building, injury due to the emission of smoke or fum or to dust, noise or smell.

Where the rural zone is included the existing proviso should be marked (a) and a additional proviso (b) added :

(*b*) in use zone X to the question whether the building is likely to injure tl amenity of the neighbourhood, or to involve danger or injury to health l

reason of the lack of roads, sewers, water supply or any public services and the provision of the necessary services would be premature or likely to involve excessive expenditure of public money.

(4) The applicant, if aggrieved by the decision of the Council under the preceding Sub-clause, may appeal.

(5) In this Clause the expression " the erection and use " of a building for a particular use includes the conversion of the building, whether or not involving the structural alteration thereof, to that use.

31.—(1) The use of land comprised in a use zone whether forming the site of a building or not, for a purpose for which in that zone a building may not be erected and used, or may be erected and used only with the consent of the Council, shall not be commenced without the consent of the Council.

(2) No land comprised in any use zone, other than zone(s) , shall be used for the purpose of without the consent of the Council.

(3) The use, other than an existing use, of land comprised in use zone(s) for the purpose of is prohibited on the ground that it is likely to involve [danger or injury to health] *or* [serious detriment to the neighbourhood].

(4) Nothing in Sub-clause (1) or Sub-clause (2) of this Clause shall entitle the Council to withhold consent to the use of land (otherwise than for building operations) or to impose conditions thereon, except for the purpose of preventing danger or injury to health or serious detriment to the neighbourhood.

(5) Subject to the provisions of the next succeeding Clause with respect to advertisement and third party appeal in certain cases, if an application is made to the Council for their consent to the use of land for a purpose for which their consent is required, the Council shall decide whether to give or withhold consent and, in the former event, what if any conditions to impose, and the applicant, if aggrieved by the decision, may appeal.

Sub-clause (1) contemplates that restrictions on the use of land will, so far as they correspond, be similar to the restrictions on the erection and use of buildings, but the Responsible Authority are entitled under the Clause to consent to a use in the case of land to which they cannot consent in the case of a building. They are not entitled to refuse consent to any use of land (otherwise than for building operations) unless it can be shown that the use would cause danger or injury to health or serious detriment to the neighbourhood.

In addition, certain uses of land to which there is no corresponding use of a building may be dealt with expressly in Sub-clause (2)—for example, refuse tipping (but a saving for the disposal of refuse for agricultural or industrial purposes may be required), sewage disposal and cemeteries. If it can be shown that any particular use ought to be entirely excluded from particular zones, Sub-clause (3) is appropriate. Ordinarily, however, it will be best that the Responsible Authority should retain power to give consent as in Sub-clause (2). Except as provided in the last paragraph of the note, no uses of land for which there can be corresponding buildings should be referred to in Sub-clause (2) as these are covered by Sub-clause (1).

Another form of development which Authorities may wish to deal with under this Clause is the permanent holiday camp, consisting usually of sleeping huts grouped round a central dining hall. Reference to such camps may be made, in appropriate areas, in Sub-clause (2). Some minor adjustments may be needed to other Clauses since the huts ordinarily rank as buildings, and these will be suggested by the Department when required.

32.—(1) If an application is made to the Council for their consent to the erection and use of a building or the use of land, whether wholly or partially, for the purposes of—

place of assembly, shop, petroleum filling station, industrial building, special building	in use zone I or use zone II,
petroleum filling station, industrial building, building for the trade of fish frier, special building	in use zone III or use zone IV,
special industrial building	in use zone V or use zone VIII,

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the Council shall, as soon as may be, give notice of their receipt of the application and of their proposal to determine the same by advertisement in some local newspaper circulating in the Area.

The notice shall be at the cost of the applicant, and shall state that any objections addressed to the Council in writing within fourteen days after the date of the advertisement will be considered.

(2) The Council shall take into consideration any objections received within the said period of fourteen days, and shall notify the persons, if any, from whom objections were received of their decision at the same time as they notify the applicant, and any of the persons aforesaid, including the applicant, if aggrieved by the decision, may appeal.

(3) The decision of the Council shall not take effect until the expiration of twenty-eight days from the date on which the applicant and the objectors, if any, are notified thereof, or, if an appeal has been made under the provisions of this Clause, until such appeal is disposed of.

This Clause requires the advertisement of certain controversial proposals, including those which are prima facie likely to injure the amenity of a neighbourhood having regard to the predominant use of the zone. The uses suggested in the Clause can be varied, if desired, but the insistence on advertisement (and consequent third party right of appeal) must not be applied to all the uses which need consent in any particular zone, since some of these secondary uses must be expected to find their natural home in the zone—*e.g.* places of public worship, places of instruction, institutions in residential zones—and are not prima facie likely to cause any injury if properly sited.

Licensed premises.—Buildings for this purpose are in a rather special position, as they have to obtain the license of the Justices as well as the consent of the Planning Authority. In cases where it is customary for the Justices to hear applications for licensed premises before plans of the building are submitted to the Authority, an exception in favour of such premises should be made to the requirement that proposals for "shops" in residential zones must be advertised, since third parties will already have had an opportunity of making representations before the Justices. This can be done by adding after the word "shop" in the fifth line of Clause 32 (1) the words "other than a shop to which the provisions of the Licensing Acts, 1910 to 1934, apply."

If the Rural Zone is included the following should be incorporated in paragraph (1) of Sub-clause (1) :—

> dwelling-house (not being a country dwelling), residential building, place of assembly, shop, business premises, petroleum filling station, industrial building (not being intended or designed for a rural industry), special industrial building, special building in use zone X.

and after the words "that any objections" in the second line of the second paragraph of Sub-clause (1) the following words should be added :

> ", including in the case of applications for consent to a building in use zone X, objections from any local association formed for the purpose of protecting rural amenities."

33. The provisions of this Part of the Scheme with regard to consent to the erection and use of buildings for trade or industry and appeals in connection therewith shall be in substitution for the provisions of Section 107 of the Public Health Act, 1936 (*a*), and the operation of these provisions is hereby suspended so far as is necessary for the purpose of this Clause.

34. Nothing in the foregoing provisions of this Part of the Scheme shall be construed as prohibiting or restricting or enabling the Council to prohibit or restrict—

(i) the winning of minerals by underground working;

(ii) the winning of minerals by surface working as respects any land except the land edged red with serrated border in use zone(s) —

(iii) the use of land or the erection of buildings required for the purposes of a sports or recreation ground, not being a sports or recreation ground ordinarily open to the public on payment of a charge;

(iv) the use of land for a fair or a show by a travelling roundabout proprietor, a travelling showman or stallholder;

(*a*) *Ante*, p. 332.

(v) the letting by any occupant of a dwelling-house of any part of the house otherwise than as a separate tenement;

(vi) the occasional use of a place of public worship, place of instruction, or institution as a place of assembly;

(vii) the practice by any occupant of a dwelling-house or residential building of a profession or occupation which does not involve either—

(*a*) the use of the building as an industrial building or special industrial building; or

(*b*) the public display of goods, whether in a window or otherwise; or

(*c*) the exhibition of any notice or sign other than a notice or sign ordinarily exhibited on dwelling-houses to indicate the name and profession or occupation of the occupant.

The use zones to be filled in must be zoned for residential purposes, and the land edged red with serrated border must be land within those zones which is substantially developed for residential purposes. It is useless to include the whole of the residential zones in the exception, without regard to the question of substantial development, as the Minister is not able to accept that. Moreover, the Minister is advised that the "substantially developed" land must be precisely described in the Scheme, and not left to subsequent decision, since by Section 19 he is required *before* approving the exclusion of compensation to be satisfied that any restriction of surface working applies only to land which *has been* substantially developed for residential purposes, and this can only mean which has *at that time* been so developed.

A further proviso to the exception is that surface working must not be prohibited or restricted without payment of compensation over any land in respect of which it can be shown, to the satisfaction of the Minister, that the minerals or the right to win them had been acquired by some person before the material date for the purpose of winning them, or had before that date devolved upon some person desirous of winning them. In this case, however, it is for owners to make representations that their land should not be included in the exception when the Scheme is deposited.

The Minister is prepared to consider making exceptions to the saving in paragraph (iv), but he is of opinion that they should not often be necessary and that, where made, they should refer to strictly limited areas with special claims to protection on grounds of amenity.

Density.

It is possible to control the density of buildings—

(*a*) by prescribing the area of the site of each building;

(*b*) by prescribing an average density over an area of land called for convenience a "land unit";

(*c*) by a combination of the two methods.

In the Clauses the third of these courses is adopted so far as dwelling-houses are concerned the control contemplated being by prescription of average densities qualified (see Clause 38) by a provision fixing a minimum size for the site of each dwelling-house. Buildings other than dwelling-houses are left entirely to the operation of Clause 42 together, in the case of flats, with Clause 41. In the 1937 issue of the Model it was contemplated that buildings other than dwelling-houses (blocks of flats, shops, business premises, warehouses, etc.) would be taken into account in calculating density over a land unit, being assessed for the purpose in terms of building units—*i.e.* in effect, in terms of dwelling-houses. It has proved impossible, however, to find a formula which would cover all the various factors, and it is now considered that the new arrangement which provides for the exclusion from any land unit of the "site" of any building other than a dwelling-house (the "site" being at least large enough to comply with Clause 42) will be simpler and equally effective.

35.—(1) For the purpose of determining the number of dwelling-houses which may be erected on any land in the Area the Council shall, in accordance with the provisions of this Clause and upon the application of the person or persons having control of the land, declare that the land to which the application relates, or any part thereof, shall form one or more land units.

The area over which the density is to be measured is called a land unit and its size (subject to the provision contained in Clause 35 (2) and to a right of appeal) is within the discretion of the Responsible Authority. They should ordinarily accept any proposal submitted by an owner for the inclusion in the unit of land within a residential use zone or reserved as a private open space.

[If the rural zone is included Sub-clause (1) should be amended by inserting after the word "Area" in line 3, the words "other than land in use zone X."]

(2) The site of every dwelling-house erected before the material date, or in pursuance of a contract made before that date or begun before but completed after that date, shall form a separate land unit, unless the Council otherwise decide:

Provided that where the site of a dwelling-house exceeds the minimum area of land required to satisfy the provisions of Clause 37 (Number of dwelling-houses which may be erected) as regards that dwelling-house, only so much of the site as is needed to satisfy the provisions of that Clause shall be deemed to form a separate land unit, unless the person having control of the land otherwise agrees.

In the 1935 edition of the Model it was provided that the site of every existing dwelling-house should form a separate land unit unless it exceeded the minimum area of land required to satisfy the density provisions or the owner otherwise agreed. Sometimes, however, dense existing development surrounding or adjoining open land in the same ownership would be so seriously prejudiced by the development of the open land, that it may be right to include the whole or part of the existing development in any land unit declared for the open land. The point has, therefore, been left to the discretion of the Responsible Authority (subject to appeal) but authorities are reminded that in view of the statutory right to replace existing buildings it may not be fair to include dense existing development in a land unit applied for over a large area of open land, unless they are prepared to authorise some increase in the normal density contemplated by the Scheme over at least a part of the open land.

(3) Subject as aforesaid, the Council may include in a land unit—

(*a*) adjoining land belonging to the applicant other than that to which the application relates; and

(*b*) adjoining land given by or acquired from the applicant for the purpose of a public open space or of allotments.

(4) The Council may require an applicant for the declaration of a land unit to submit a plan showing the whole of his adjoining land which is not already included in a land unit or such part thereof as they think fit.

(5) On the application of a person having control of land included in a land unit, or, if no application is made, after giving notice to such person, the Council may vary the land unit; except that no variation of a land unit may be made unless—

(i) notification has been given to every person having control of any land which would be affected; and

(ii) the variation is consistent with the provisions of this Part of the Scheme relating to density and space about buildings.

(6) The half of the width of any road dedicated to the public on which land proposed to be included in a land unit abuts shall be included in the land unit.

The provisions of this Sub-clause contemplate the case where the road is of the width normally required by the byelaws. If the road substantially exceeds this width, the inclusion in the land unit of half its width would allow relatively small building plots, without imposing on the owner the obligation of leaving a corresponding portion of the land unit as open space.

This difficulty will not arise in respect of those parts of the Area to which Clause 38 applies, but in other parts of the Area it would be open to the Authority preparing the Scheme to modify the provisions of the Sub-clause so that only a suitable proportion of a road much in excess of byelaw width may be included in the land unit. It should be borne in mind that in the case of proposed new streets where the land in separate ownership fronting on the new street is shallow in depth, the cost of acquisition may be increased if the proportion of the width of the road which may be included in the land unit is limited too severely.

(7) The site of any building, other than a dwelling-house which is existing or proposed on the land at the date of the application, shall not be included in the land unit, and if any such building is subsequently erected on the land unit, the site shall be excluded from the unit.

(8) A person who has applied under this Clause for the declaration or variation of a land unit, or who has been notified by the Council of their intention of varying a land unit and is aggrieved by the decision of the Council may appeal.

(9) Where the site of a dwelling-house in a land unit is partly within and partly outside the Area, the Council shall, if the person having control of the site so requires, treat the site as wholly within the land unit:

Provided that the Council may make it a condition of so treating the site that no dwelling-houses shall be erected on the portion of the site outside the Area in excess of the number that would have been permissible if the whole of the site had been within the Area and included in the land unit.

(10) For the purpose of this Clause the submission of a plan for a dwelling-house shall be deemed to be an application for the declaration of a land unit in respect of the land included in the plan.

36.—(1) No dwelling-house shall be erected, and no building shall be converted into a dwelling-house, in any density zone, upon land not included in a land unit.

(2) No building other than a dwelling-house shall be erected on land included in a land unit which has been developed, if the exclusion of the site, in accordance with the provisions of Sub-clause (7) of the preceding Clause, would leave insufficient land to comply with the requirements of Clause 37 (Number of dwelling-houses which may be erected) and Clause 38 (Minimum size of plots).

37.—(1) The number of dwelling-houses on a land unit shall not—

(*a*) if the land is situate within a single density zone, exceed the number obtained by multiplying the number of acres in the land unit by the average per acre specified in the Table below for that zone; or

(*b*) if the land is situate in more than one density zone, exceed the sum of the numbers obtained by multiplying the number of acres in the land unit within each zone by the average per acre specified in the Table for that zone.

Averages of 12, 8 and 6 to the acre are common density standards in new residential neighbourhoods, but Authorities should not adhere rigidly to a maximum of 12 where conditions justify a higher figure. High cost of land, for example, may make a higher figure necessary. In fully or partly developed areas a higher density than 12 will frequently be necessary.

TABLE D.

Density zone. 1.	Reference to Map. 2.	Average number of dwelling-houses per acre. 3.
A.	Coloured	
B.		
C.		

(2) Where it appears to the Council upon the application of a person having control of a land unit that it would be unreasonable to require compliance with the provisions of this Clause owing to difficulty in developing the land in accordance with those provisions on account of—

(i) the lay-out of any street on or adjoining the land unit which was laid out before the material date; or

(ii) the small area of land belonging to the applicant and reasonably available for simultaneous development; or

(iii) the proximity of the land unit to other land (whether in the Area or not) already developed at a greater density than would be permissible under the foregoing Table, or if the said Table does not apply to such other land, at a greater density than would be permissible for the land unit itself,

the Council may permit a reasonable increase in the number of dwelling-houses on that land unit.

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(3) A person who has applied under the last-preceding Subclause for an increase in the number of dwelling-houses and is aggrieved by the decision of the Council may appeal.

Clause 42 (Proportion of site which may be occupied by buildings), 43 (Breaks in buildings), 44 (Limitation of height of buildings), 45 (External appearance of buildings), 46 (Siting of buildings), 51 (Maintenance of private gardens, etc.), and 52 (Advertisements).

9.—(1) If the land comprised in a land unit in respect of which an estate development plan has not been approved by the Council under Clause 46 (Siting of buildings) r becomes vested in two or more persons, and those persons fail to agree as to the nber of dwelling-houses to be erected on their respective portions of the land, the ncil shall, upon the application of the person having control of any portion of the d, decide what proportions of the maximum permissible number of dwelling-houses y be erected on the land belonging to the applicant and on the remainder of the d unit respectively.

2) Before deciding any application to them under the foregoing provisions of this use, the Council shall give notice thereof to the other person or persons in whom land is vested and shall consider any representations made to them in the matter. ter deciding the application the Council shall notify all the persons in whom the id is vested of their decision.

40. The Council shall keep, so as to be available for inspection at all reasonable nes, a register identifying each land unit by reference to a map, and showing the te on which the unit was fixed or varied, and the particulars and the date of any portionment made by the Council under the last preceding Clause.

41.—(1) The number of flats on a site shall not exceed a number to be decided by e Council upon the application for approval of a person proposing to erect flats hich application shall be accompanied, in addition to the plans and particulars quired by Clause 61 (Submission of plans) by a plan of each floor of the proposed ock of flats) and in making their decision the Council shall have regard to the ze of the flats proposed and the number of persons which the flats are designed to commodate.

(2) The Council shall give notice to the applicant of any decision under this Clause, id the applicant, if aggrieved by their decision, may appeal.

While it would not be reasonable to require for a flat as great a curtilage as for a dwelling-house with the same number of occupants, some curtilage, related to the number of the occupants, should be provided. In a previous issue of the Model the method of establishing a ratio between flats and houses was adopted to achieve this end. It has been found, however, that this method led some local authorities to fix a single ratio for the whole area, which failed to take account of the varying sizes of flats. The Advisory Committee on Town and Country Planning therefore suggested that it would be simpler and more satisfactory to calculate the density of flats according to their probable population, subject to a stiffened overall limitation of the proportion of site which may be occupied by buildings. Clauses 41 and 42 give effect to their suggestion.

Clause 41 leaves it to the Responsible Authority to decide what is a proper population standard in their particular circumstances. The Advisory Committee recommended that 100 persons per acre would be a reasonable maximum in the ordinary suburban 12 or 8 to the acre density zones. In the centres of towns a higher standard must be expected. One hundred persons per acre (to be calculated over the net site, by which is meant the area occupied by buildings together with the curtilage, but excluding land occupied by roads etc.) corresponds more or less to twice the population that would be accommodated in dwelling-houses (whose density is calculated over the gross site) at a density of from 8 to 12, and where the most common type of flat with two or three bedrooms is concerned, has much the same result as the ratio of two flats to one dwelling-house which has in the past been adopted by many Authorities.

It is suggested that in reckoning up the probable population of any proposed block of flats, the Authority should base their calculation on the number of rooms provided, assuming that where there is more than one main room, one will be used as a living room only.

In addition to density there are two other methods of controlling flats. The Authority should consider whether the site is suitable for flats at all (Clause 30); and whether the size, including height and external appearance of the building, is satisfactory in relation to neighbouring development (Clauses 44 and 45). It is important to keep these three issues distinct, and not, for example, to refuse consent for flats under the density provision (Clause 41), if the real ground for refusal is that flats are

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objected to as such (Clause 30) or that the building is disproportionate or ugly (Clause 45).

In the Minister's view flats are not necessarily incompatible with neighbouring dwelling-houses provided that due consideration is given to their setting and appearance. It is not, therefore, as a rule desirable to attempt to specify in the Scheme, areas which are suitable for flats, and areas which are not. Where, however, there is considered to be a special case for making such a distinction (as *e.g.* in a quarter which has established a consistent architectural character with which any flats, however designed, may be expected to be in conflict; or in a quarter whose street pattern is generally unsuited to the higher population of flats), this may be contrived without sacrificing control under Clause 30 over flats in the ordinary mixed areas, by providing for advertisement of and third party appeal against proposals to erect flats in the special quarters. See the note to Clause 30.

The control of size and external appearance is probably the most effective method of all. The Responsible Authority may refuse permission to a block of flats, notwithstanding that the population will not exceed the accepted number per acre, and that the neighbourhood is suitable for the erection of flats, if they consider that the block will be detrimental to adjoining houses because of its size or external appearance. In view of this wide power it has not been thought necessary to add a graded population standard for the low density zones, as here the quality of the building is likely to matter much more acutely than the number of people to be housed. If, however, authorities wish to grade down the normal population standard in the 6 and 4 density zones there is no reason why they should not do so, provided that they are able to maintain that the restriction is needed to protect the amenity or convenience of the neighbourhood.

Space about buildings.

42.—(1) The space occupied by buildings shall not exceed the proportion of their site indicated in the following Table:

TABLE E.

Height of building.	Dwelling-houses and blocks of flats.	Residential buildings other than blocks of flats, places of instruction and institutions.	Other buildings.
1.	2.	3.	4.
Buildings not exceeding 30 ft. in height nor more than one storey above ground level over more than one-quarter of the ground occupied by the building			
Buildings exceeding 30 ft. in height or more than one storey above ground level over more than one-quarter of the ground occupied by the building			

The limit which may properly be placed on the proportion of site which may be occupied by buildings will depend on local circumstances. In particular, the proportion which would be appropriate for land on the outskirts of towns will normally be inappropriate in the central areas of towns. The following figures are based on proportions which are generally suitable for land on the outskirts of towns.

Col. 2.	Col. 3.	Col. 4.
$\frac{1}{3}$	$\frac{1}{2}$	$\frac{3}{4}$
$\frac{1}{4}$	$\frac{1}{3}$	$\frac{2}{3}$

Provided that—

(i) in the case of a building to be erected upon a site which was in separate ownership or was separated from adjacent sites by walls or fences before the material date and is of less than square feet the proportions set out in the Table shall be increased in the ratio of to the number of square feet in the

plot, subject to a limit of in the case of a dwelling-house or block of flats, of in the case of a residential building other than a block of flats, an institution or place of instruction, and of in the case of any other building;

(ii) upon the application of any person who desires to erect a building the Council may permit a reasonable increase in the proportion of the site which may be occupied by buildings, if by reason of any of the circumstances mentioned in Sub-clause (2) of Clause 37 (Number of dwelling-houses which may be erected) or of the fact that the site abuts on two or more streets or other special circumstances it is proper so to do, and if the applicant is aggrieved by a decision of the Council under this paragraph, he may appeal;

As regards proviso (i), figures of 2,500 (in two places), and maximum limits of 3-5ths in the case of dwelling-houses or block of flats, 2-3rds in the case of other residential buildings, institutions or places of instruction, and 4-5ths in the case of any other building, are suggested where the figures set out above are adopted.

Where differentiation between different parts of the Area is necessary, as, for example, where the area includes both developed and undeveloped land, the necessary provision can be made by subdividing columns 2, 3 and 4 vertically, each subdivision relating to a specified part of the Area.

(iii) where a proposed building is designed predominantly for use as a dwelling-house or residential building, but the dwelling accommodation will be wholly above the ground floor, the space to be left unoccupied by buildings shall be measured at the level of the lowest floor on which the dwelling accommodation is provided and the space to be left unoccupied by buildings on the ground level shall be reckoned as though the building fell within column 4 of the Table.

(2) For the purposes of this Clause—

(*a*) an institution includes institutions of the kinds mentioned by way of exclusion in the definition of "institution" in Clause 28 (Building Restrictions and Use of Land.—Interpretation);

(*b*) a place of instruction does not include buildings of the kinds mentioned in the definition of the term in Clause 28 except a school, college, technical institute, academy, monastery or convent;

(*c*) the height of a building shall be measured from the mean level of the ground surrounding the building to the top of the parapet, or half the height of the roof, whichever is the higher;

(*d*) in measuring the space unoccupied by buildings at the level of any floor above ground floor level, space occupied by sky-lights, parapets, pitched-roofing or similar projections, in so far as they do not project more than three feet above the level of the floor, and space occupied by chimneys, shall count as unoccupied space;

(*e*) where the site of a proposed building is partly within and partly outside the Area, the Council shall, if the person having control of the land so requests, treat it as wholly within the Area, but they may make it a condition of so treating the site that no buildings are erected on the portion of the site outside the Area so as to occupy, together with the buildings on the portion of the site within the Area, a greater proportion of the site as a whole than could have been occupied if the whole of the site had been within the Area.

(3) This Clause does not apply to the erection in use zone(s) of an industrial building or a special industrial building.

43.—(1) The number of dwelling-houses which may be erected in one continuous block shall not exceed—

.....in.....zone(s) .....

.....in.....zone(s) .....

.....in.....zone(s) .....

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(2) No building shall be erected in such a position that the distance between a dwelling-house and any other building, whether a dwelling-house or not, on land in the same ownership, is less than—

.....feet.....in.....zone(s) .....
.....feet.....in.....zone(s) .....
.....feet.....in.....zone(s) .....

and no building shall be erected at a less distance from the owner's boundary, other than the boundary of a street, than—

.....feet.....in.....zone(s) .....
.....feet.....in.....zone(s) .....
.....feet.....in.....zone(s) .....

Provided that the foregoing requirements with retard to distance from other buildings or from the owner's boundary shall not apply to—

(*a*) an outbuilding not exceeding ten feet in height (measured from the mean level of the ground surrounding the outbuilding to the top of the parapet or half the height of the roof, whichever is the higher);

(*b*) the connection of two buildings by a connecting wall, arch or other architectural feature;

and in the case of a building which forms or is intended to form part of a continuous block and does not contravene the foregoing restriction on the number of dwelling-houses in one continuous block, the said requirements with regard to distance from other buildings or from the owner's boundary shall apply only to such parts of the said building as are not or would not be contiguous to any other building or intended building in the same continuous block.

Reasonable standards for minimum distances between buildings are six, eight and ten feet, according to the density of the development. Half the distances prescribed in the first Table of Sub-clause (2) should be inserted in the second Table.

(3) Notwithstanding the provisions of this Clause, the Council may, if they think fit, permit—

(*a*) a larger number of dwelling-houses in one continuous block where the buildings are arranged to the satisfaction of the Council;

(*b*) a building nearer to any other building or to the owner's boundary than the distance specified in Sub-clause (2) of this Clause, where it appears to the Council that in the special circumstances of the case it would be unreasonable to require compliance with the provisions of that Sub-clause;

(*c*) the connection of two buildings at or above their first floor level.

(4) A person who has applied under paragraph (*a*) of the last preceding Sub-clause for a larger number of dwelling-houses in one continuous block, and is aggrieved by the decision of the Council may, within twenty-eight days after receiving notice of the decision of the Council, appeal to the Tribunal constituted under Clause 45 (External appearance of buildings) and the Fourth Schedule to this Scheme, and the provisions of Part II of the said Schedule and Sub-clause (5) of Clause 45 shall apply as though the appellant were a building owner within the meaning of that Clause.

An appeal shall, in addition, lie against a refusal of the Council to give or unreasonable delay on their part in giving, a decision, and shall be made to the Tribunal as if it were an appeal against a decision of the Council.

If it is desired that appeals under Clause 45 should be to a Court of Summary Jurisdiction instead of to the Special Tribunal the appeal under Sub-clause (4) of Clause 43 should likewise be to the Court. The note on Clause 45 provides for a suitable amendment of both clauses.

(5) For the purposes of this Clause a dwelling-house includes a building designed externally in the form of a dwelling-house, though intended as a dwelling for more than one family.

44.—(1) No building shall be erected so as—

(*a*) to project above a line drawn from the centre of the street in front of the building at an angle of 56° from the horizontal or if the street is of any one of the types described in the First Schedule to this Scheme at an angle of 45° from the horizontal; or

(*b*) to exceed a maximum height of feet measured from the mean level of the ground immediately surrounding the building to the highest point of the building:

Provided that for the purposes of this Sub-clause—

(i) a street which was in existence at the material date and which has a less width than thirty feet shall be deemed to have a width of thirty feet;

(ii) account shall be taken of parapets but not of chimneys, or of ornamental towers, turrets or any other such architectural features;

(iii) if a part of a building abuts on two intersecting streets, the height of that part of the building fronting the narrower street shall, for such distance as the Council may consider proper, be determined by reference to the width of the wider street;

(iv) in the case of a place of assembly the Council may permit either or both of the limits imposed by this Sub-clause to be exceeded to such extent as they think fit.

(2) This Clause does not apply to the erection in use zone(s) of an industrial building or a special industrial building.

The figures in paragraph (*a*) are suggestions only, and may be altered according to the circumstances of each particular area. The maximum height limit (left blank in paragraph (*b*)) should not as a rule be lower than fifty feet, and, in some cases, should be not less than one hundred feet.

Where it is desired to apply different height restrictions to different parts of the Area, paragraphs (*a*) and (*b*) of Sub-clause (1) may be set out in table form with different heights applying in different use or density zones, or parts of such zones, specially hatched.

Proviso (iv) enables the Council to allow the limits to be exceeded in the case of a place of assembly. It is open to the Council to include a similar provision in the case of other buildings if they think it advisable.

45.—(1) The external appearance of any building intended to be erected on land in any of use zones or in any private open space shall, if the Council so require, be subject to their approval, and a person intending to erect a building on such land (in this Clause referred to as the "building owner") shall, if required by the Council so to do, apply to them for approval of the external appearance of the building, submitting for the purpose drawings and particulars in accordance with the provisions of Clause 61 (Submission of plans).

See Section 12 of the Act. Materials of construction are within the scope of control under the Clause only in so far as they affect external appearance. It is not contemplated that this power of controlling external appearance will necessarily be exercised over the whole of a planning area. Usually it will not be appropriate in zones which are primarily industrial. Even in these zones, however, control of the external appearance of buildings may sometimes be desirable either because the standard of existing factory development is high and ought to be maintained, or because the absence of control may be prejudicial to the amenity of neighbouring localities.

Attention is drawn to Circular 940, in which the Minister informed Local Authorities that the Royal Institute of British Architects and the Council for the Preservation of Rural England have appointed voluntary panels of Architects in all parts of the country and that these panels are prepared to advise Local Authorities and private developers.

A reference to size is included in the Clause. Some Local Authorities have desired to insert in a Scheme a limitation of the size of houses according to density, but in the Minister's view this is not reasonable and size should be controlled only to the extent to which it constitutes a disfigurement. Even so the power must be applied with caution especially in relation to houses of persons of small means.

(2) The Council shall approve the external appearance of the building, or if they consider that, having regard to the character of the locality or of the buildings erected

or proposed to be erected therein, the building would disfigure the locality by reason of its external appearance or of its size, withhold their approval or give it subject to appropriate modifications or conditions.

(3) For the purposes of this Clause the Council shall constitute in the manner provided in the Fourth Schedule to this Scheme a standing tribunal of appeal (hereafter in this Clause referred to as " the Tribunal "), and the procedure with respect to appeals shall be as provided in the said Schedule.

(4) Within twenty-eight days after receiving notice of the decision of the Council the building owner, if aggrieved by that decision, may appeal to the Tribunal, and the grounds of his appeal may include the ground that compliance with the Council's decision would involve an increase in the cost of the building which would be unreasonable having regard to the character of the locality and of the neighbouring buildings.

An appeal shall, in addition, lie against a refusal of the Council to give or unreasonable delay on their part in giving a decision, and shall be made to the Tribunal as if it were an appeal against a decision of the Council.

(5) The decision of the Tribunal shall be final and shall have effect as if it were the decision of the Council and the Tribunal may order by whom and in what manner any costs incurred in connection with the appeal shall be paid, and any costs so ordered to be paid shall be recoverable summarily as a civil debt.

Sub-clauses (3), (4) *and* (5).—The following amendments should be made where it is desired that the appeal shall be to a Court of Summary Jurisdiction instead of to the Special Tribunal:

(i) substitute for the Sub-clauses the following Sub-clause—

(3) The building owner, if aggrieved by the decision of the Council, may appeal, and the grounds of his appeal may include the ground that compliance with the Council's decision would involve an increase in the cost of the building which would be unreasonable having regard to the character of the locality and of the neighbouring buildings.

(i) Clause 63. Omit " other than a decision under Sub-clause (4) of Clause 43 (Breaks in buildings) or Clause 45 (External appearance of buildings) " and insert after " bends " in Clause 63 (1) (a) the words " Sub-clause (4) of Clause 43 (Breaks in buildings), Clause 45 (External appearance of buildings)."

(6) In any case in which particulars have to be furnished under this Clause the erection of a building before the particulars have been approved, or, if the particulars have been approved, otherwise than in accordance with them, shall be a contravention of the Scheme.

46.—(1) The siting of any building intended to be erected on land in any of use zones shall be subject to the approval of the Council, and a person intending to erect a building on such land (in this Clause referred to as the " building owner ") shall before commencing the erection apply to the Council for approval to the siting of the building, submitting for the purpose an estate development plan in accordance with the provisions of Clause 61 (Submission of plans).

This Clause should not be applied to industrial zones and may not always be thought necessary in business zones.

The object of the Clause is to enable Responsible Authorities to determine where on the land a building should be placed. The power is very wide and Authorities will be entitled to require a reduction in the total number of buildings proposed by the developer—even in an extreme case to prohibit any building—but compensation cannot be excluded, and if the number of buildings is reduced below what is permitted by the density provisions of the Scheme, a claim for compensation may follow.

The Clause should be useful in enabling Responsible Authorities to break up ribbon development; to prevent buildings from being placed where there is not sufficient access, or in the line of access to and from other land; and to improve the layout and arrangement of estates. Some Authorities have achieved excellent results where development is impending by preparing in advance skeleton layout plans for sections of their areas.

Where an Authority wish to disapprove a plan because access to neighbouring land will be blocked, they may reasonably ask the owner of the neighbouring land to co-operate as regards any expenditure that may be incurred.

(2) On receiving an application the Council shall notify the person having control of any neighbouring land the development of which is in their opinion likely to be substantially affected by the determination of the siting of the proposed building that—

(*a*) an estate development plan has been submitted to them; and

(*b*) before approving the siting they will have regard to any proposals for the development of such neighbouring land which he may produce to them within one month from the date of the notice.

(3) The Council shall afford the building owner and any person notified under the last preceding Sub-clause reasonable facilities for inspecting any plan submitted under this Clause.

(4) The Council shall approve the siting of the proposed building, or if they consider that the siting of the building will be—

(*a*) inconvenient on account of the insufficiency of means of communication between the building and a street which is either a highway repairable by the inhabitants at large or has been laid out and constructed in accordance with the byelaws for the time being in force with respect to new streets; or

(*b*) likely to prejudice the development of neighbouring land; or

(*c*) injurious to amenity,

they shall disapprove the siting of the building, or approve it subject to appropriate modifications or conditions. If any proposals have been submitted to the Council under Sub-clause (2) of this Clause, the Council shall notify the person who submitted the proposal of their decision under this Sub-clause at the same time as they notify the building owner.

(5) A person who proposes to sell land for the purpose of development or to divide it into parcels with a view to its sale and subsequent development, may submit an estate development plan to the Council under this Clause for their approval of the siting of the buildings, and if the plan so submitted is approved, any person subsequently intending to erect a building on the land may do so in accordance with the approved plan without submitting a further estate development plan under this Clause.

(6) On the application of a person having control of any land included in an approved estate development plan, the Council may, as regards land under his control, vary the plan or approve a new estate development plan, and the application shall be in all respects as though it were an application under Sub-clause (1) of this Clause.

(7) An applicant who is aggrieved by a decision of the Council under this Clause may appeal.

(8) No building shall be erected in any of use zones except in accordance with an estate development plan approved by the Council or by [the Minister] [a Court of Summary Jurisdiction] on appeal.

(9) For the purpose of this Clause the erection of a building does not include the structural alteration of, or the making of any addition to, a building.

General.

47. Where the site of a building or proposed building or a building plot is partly within the Area and partly within the area of some other planning scheme, the provisions of the other scheme corresponding to this Part of this Scheme shall apply to the part of the building or plot which is within the area of this Scheme in place of the provisions of this Part of this Scheme in the following cases, namely—

(*a*) if the greater part of the street frontage of the building or proposed building is or would be within the area of the other scheme;

(*b*) in the case of a building or proposed building which has or would have no street frontage, if the greater part of the building is or would be in the area of the other scheme; and

(*c*) in any other case if the greater part of the plot is within the area of the other scheme.

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PART V.—GENERAL AMENITY AND CONVENIENCE.

48. In this Part of the Scheme, unless the context otherwise requires or it is otherwise expressly provided, the following words and expressions have the respective meanings hereby assigned to them:

"private open space" means land reserved for use as a private open space under Clause 5 (Reservation of lands);

"public open space" includes land which is at the date on which this Scheme comes into operation a playing field belonging to a local authority and land reserved under Clause 5 for use as a public open space or a playing field.

If it is desired to provide for the protection of aerodromes, an additional Clause can be included (in Part V) immediately before Clause 48 [No. 7, Appendix II].

49.—(1) If at any time the Council, having regard to the amenity of any part of the Area, are of opinion that any growing tree of a height of more than thirty feet or having a trunk of a girth of more than two feet six inches, at a height of five feet above the ground, ought to be preserved, they may register the tree for the purposes of this Clause, and shall thereupon notify the owner and occupier of the land upon which the tree is growing that the tree has been registered.

The figures suggested in the Clause can be reduced where circumstances warrant it, *e.g.* normally in seaside towns, but the power to preserve trees should be exercised with discrimination; and Local Authorities should not attempt to preserve every tree in their area. The intention is to protect ornamental timber, and where groups are concerned Authorities should be able to indicate the important ones on the Map. If they are left to subsequent registration they may be destroyed before any action is taken.

(2) The register of trees so made shall be open to inspection at all reasonable times.

(3) The following provisions shall have effect in regard to a tree registered under this Clause and to any tree which forms part of any of the groups of trees, particulars of which are set out in the Table below:

(i) No person shall cut down, lop, top or wilfully destroy any such tree except—

(*a*) in compliance with an obligation imposed by or under any Act of Parliament; or

(*b*) in pursuance of a power conferred on the Postmaster-General by virtue of Section 5 of the Telegraph (Construction) Act, 1908; or

(*c*) in the case of a local or public authority or statutory undertakers, in the exercise of any powers conferred on the authority or undertakers by or under any Act of Parliament; or

(*d*) where the tree is dying or dead or has become dangerous; or

(*e*) to such an extent as may be necessary to prevent its constituting a nuisance, or permissible in pursuance of a right to abate a nuisance; or

(*f*) with the consent of the Council; or

(*g*) under an order on an appeal made under this Scheme; or

(*h*) in the course of thinning operations carried out in accordance with the principles of good forestry:

Provided that, if the Council do not notify their refusal to consent to the cutting down, lopping, topping or destruction of any such tree within one month from the date of an application for consent, their consent shall be deemed to have been given.

(ii) Any owner or occupier of land upon which any such tree is growing who is aggrieved by a refusal of the Council to consent to the cutting down, lopping, topping or destruction of such tree may appeal.

(4).—(*a*) The Council may at any time cancel the registration of any tree registered as aforesaid and shall thereupon make an appropriate alteration in the register of trees and notify the owner and occupier of the land upon which the tree is growing of the cancellation, and as from the date of such cancellation the provisions of this Clause shall cease to apply to such tree.

(*b*) The Council may at any time determine that the provisions of this Clause shall cease to apply to any group of trees of which particulars are given in the Table and if they so determine shall give notice accordingly to the owner and occupier of the land upon which the group of trees is growing.

TABLE F.

Reference to Map.	Description and situation.
Green crosses within a green edging.	

50.—(1) The areas of woodland of which particulars are given in the following Table shall be areas protected under Section 46 of the Act:

TABLE G.

Reference to Map.	Description and situation.

(2) If any part of an area of woodland specified under the preceding Sub-clause is felled, the owner shall undertake such replanting as would be in accordance with the practice of good forestry.

Owners should be consulted before these areas are settled. Any woodland to be scheduled should be land with timber or coppice; and should be large enough for forestry operations to be practicable—probably not less than five acres. It will be noted that where an area of woodland is specified for protection, the owner is not precluded from felling the trees or coppice; he is only obliged to undertake such replanting as is in accordance with the practice of good forestry. Any question whether replanting under Sub-clause (2) is or would be in accordance with the practice of good forestry is, on the application of either party, to be determined by the Forestry Commissioners, under Section 46 (3) of the Act.

51.—(1) Where it appears to the Council that the amenity of use zone(s) [or of the land coloured pale blue and edged broken blue on the Map] or of any public open space or private open space is seriously injured by the condition of any garden, curtilage or private open space in the Area, the Council may serve a notice on the person by whose action or omission the injury arises (including the owner of unoccupied premises), requiring him, within such period, not being less than twenty-eight days from the date of service of the notice, as may be specified in the notice, to take such action as may be necessary to abate the injury.

(2) If the person on whom the notice is served fails to comply with the notice, the Council may cause complaint to be made to a Court of Summary Jurisdiction, and that Court may issue a summons requiring the person to appear before them and, if satisfied that the alleged injury exists, may make an Order directing the person to comply with the requisition or otherwise to abate the injury and to do anything necessary for the purpose within a time specified in the Order. Failure to comply with such an Order shall be a contravention of this Scheme.

The Order may also empower the Council themselves to take any action which the person has been directed to take, if he fails to do so, and the Council may recover the cost of taking any such action from that person summarily as a civil debt.

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The use zones to be protected under this Clause should ordinarily be residential, and, possibly, intermediate and undetermined zones.

The words in square brackets are required only if the Scheme includes land temporarily restricted against general development which is not included in a use zone.

It may sometimes be appropriate to apply the Clause to any land in certain zones, but this should be confined to areas which are particularly important from the point of view of amenity. Thus coastlands or areas of exceptional beauty might be so treated, but it would not generally be appropriate to apply the Clause to, say, the whole of the rural zone.

52.—(1) The land included in use zone(s) [land coloured pale blue and edged broken blue on the Map] and any public open space or private open space shall be land protected under the provisions of Section 47 of the Act in respect of advertisements.

(2) The Council may, if they think fit, on the application of any person interested, authorise the display of any particular class of advertisements either unconditionally or subject to conditions in respect of the position or manner in which, or the period during which, the advertisement may be displayed.

(3) Any person who has applied to the Council for authority under this Clause and is aggrieved by the refusal of the Council to grant authority or by any conditions imposed by the Council may appeal.

(4) For the purposes of Sub-section (6) of Section 47 of the Act it is hereby provided that—

(i) advertisements which relate solely to a trade or business carried on, or to an entertainment, meeting, auction or sale to be held upon or in relation to the land upon which the advertisements are displayed, which do not contain letters, figures or advertising emblems or devices exceeding six inches in height [or nine inches in use zone . . .] and do not (except where affixed to and not projecting above a vertical wall of a building) exceed a height of twelve feet from the ground, and

(ii) advertisements on the door or in the window of a building which do not contain letters, figures or advertising emblems or devices exceeding six inches in height

shall not be subject to the provisions of Sub-section (1) of that Section.

See Section 47 of the Act. Not all use zones will need protection, and in some cases it may not be necessary to protect the whole of a particular use zone. The words in square brackets are required only if the Scheme includes land temporarily restricted against general development which is not included in a use zone.

By Clause 75 the operation of the byelaws which are similar to or inconsistent with any of the provisions of the Scheme is suspended, and the inclusion of this Clause will therefore affect byelaws under the Advertisement Regulation Acts, 1907 and 1925 (*a*). Suspension by the Scheme is, however, limited to "similar" or "inconsistent" byelaws, and as there might be some dispute about the precise effect of this, administration will be facilitated if they are repealed by an amending byelaw (which the Home Office are prepared to confirm) in so far as they extend to an area in respect of which provision in regard to advertisements is also made under the Scheme.

The words in square brackets in paragraph (i) of Sub-clause (4) should be included where it is proposed to protect the business zone, as in this zone it is reasonable to allow more latitude to advertisements relating solely to a trade or business carried on on the premises.

53.—(1) A person proposing to erect in the Area a building which is intended to be used for purposes of business or industry (in this Clause referred to as the "building owner") shall give not less than twenty-eight days' notice thereof to the Council before commencing to erect the building.

An application to the Council for consent to, or approval of, the erection of a building intended to be used for purposes of business or industry or the submission to the Council of plans, specifications or other particulars for approval under any other provision of this Scheme or under the byelaws or local Acts shall be a sufficient notice of the proposal for the purposes of this Clause.

(*a*) Printed in a later volume of this work.

See Section 17 of the Restriction of Ribbon Development Act, 1935 (*a*). The Clause is only required for the control of small buildings outside the scope of the Act.

The space for vehicles to be provided under the Clause must be within "the site" of the new building, but may be provided, where the Authority consider suitable, by throwing part of the site into the street in the form of a bay.

(2) For the purpose of preventing obstruction of traffic on any highway or intended highway to which the proposed building would have access the Council may within twenty-eight days of the receipt of the notice referred to in Sub-clause (1) of this Clause require the building owner to submit for their approval proposals for securing that, so far as is reasonably practicable, suitable and sufficient accommodation shall be provided within the site for any loading, unloading or fuelling of vehicles which is likely to be habitually involved in connection with the use of the building.

(3) If the Council require proposals to be submitted under this Clause, or if the building owner submits proposals together with the notice referred to in Sub-clause (1) of this Clause, they shall approve the proposals, or disapprove them, or approve them subject to appropriate modifications or conditions, and the building owner, if aggrieved by the decision of the Council, may appeal.

(4) It shall be a contravention of this Scheme—

(*a*) if a person who submits or is required to submit proposals under this Clause erects a building without the proposals having been approved; and

(*b*) if at any time the owner or occupier of the building in respect of which proposals under this Clause have been approved undertakes or knowingly permits the habitual loading or unloading or fuelling of vehicles otherwise than in accordance with the proposals.

(5) For the purposes of this Clause the erection of a building has the same meaning as in Sub-section (1) (*l*) of Section 19 of the Act.

This definition is necessary for the reason that the term "erection of a building" is not defined in Section 19 of the Act which governs this Clause, and may have a meaning different from that given to it in Clause 2 (1) for the general purposes of the Scheme.

(6) The foregoing provisions of this Clause shall not apply to any building to which Section 17 of the Restriction of Ribbon Development Act, 1935 (*a*), applies.

PART VI.—MAINTENANCE, USE, ALTERATION, EXTENSION AND REPLACEMENT OF EXISTING BUILDINGS, AND CONTINUANCE OF EXISTING USE OF LAND.

54. An existing building or an existing work may be maintained and may be used for its existing use and an existing use of land may be continued:

Provided that, except as provided in the next succeeding Clause—

(*a*) where there is an existing building or work the erection or carrying out of which would have contravened some provision of this Scheme if it had taken place after the date on which the Scheme comes into operation or had taken place after that date without the consent of the Council; or

(*b*) where there is an existing use of an existing building which would have contravened some provision of this Scheme, if the building had been erected after the date on which the Scheme comes into operation, or had been erected after that date without the consent of the Council; or

(*c*) where an existing use of land would have contravened some provision of this Scheme if it had been commenced after the date on which the Scheme comes into operation or had been continued after that date without the consent of the Council,

the Council may service on the owner and occupier of the building, work or land, notice (in this Part of the Scheme referred to as "warning notices") that at the expiration of a period to be specified in the notices, not being less than twenty-eight days, the retention of the building or work or the continuance of the use of the building or land will be a contravention of the provisions of the Scheme, and upon the expiration of that period the provisions of Section 13 of the Act relating to the removal, pulling down or alteration of contravening buildings and the prohibition

(*a*) *Ante*, p. 2033.

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of contravening uses, and of Section 18 and Subsection (2) of Section 20 of the Act enabling compensation to be claimed, shall apply accordingly.

55.—(1) If an existing building or work is such that its erection or carrying out after the date when the Scheme comes into operation would have been permissible with the consent of the Council, or if an existing use of an existing building would have been permissible with such consent had the building been erected after that date, or if an existing use of land is such that if it had been commenced after that date it would have been permissible with the consent of the Council, the person having control of the building or work or land may—

(*a*) at any time before the Council have served on him a warning notice apply to the Council for their approval of the building or work or of the continuance of the existing use, as the case may be, and may appeal against a decision of the Council withholding such approval; or

(*b*) after the Council have served on him a warning notice appeal against the notice,

and upon any such appeal the Minister shall have power, if he thinks fit, to approve the building or work or the continuance of the existing use, as the case may be.

(2) If an appeal is made against a warning notice, the operation of the notice shall be suspended pending the decision on the appeal.

(3) If the building or work or the continuance of the existing use is approved under this Clause, the Council shall not be entitled to serve a warning notice, and any such notice already served shall cease to have effect.

56. Notwithstanding the foregoing provisions of this Scheme, but subject to the provisions of Clause 58 (Power to prohibit alterations, etc., of existing and certain other buildings)—

(*a*) an alteration of an existing building may be made, if the alteration, together with any previous alteration made to the building since the material date, does not involve the demolition of the building to the extent of more than one-half of the superficial area of its main containing walls;

(*b*) an extension of an existing building, other than a building erected in pursuance of permission given by or under an interim development order, may be made and the building as extended may be used for any purpose of the same or similar character as that for which the existing building was used, or for any purpose which is in conformity with the provisions of this Scheme, if the Council or, on appeal, the Minister decides that the extension, with any previous extension made since the material date, does not measure in floor space more than one-eighth of the existing floor space, within the main containing walls, and an equivalent extension of floor space could not conveniently be secured on the site of the building without contravening or by contravening in less degree the relevant provisions of this Scheme:

Provided that the Council, or on appeal the Minister, may permit an alteration or extension of an existing building additional to that permitted under the preceding paragraphs, and the use of any extension so permitted for the purpose specified in the preceding paragraph, if satisfied that the case is a proper one.

It may be reasonable to modify the Clause in its application to particular buildings so as to allow their alteration or extension beyond the limits set out in the Clause or to allow extension even though the buildings were erected in pursuance of permission given by or under an interim development order.

57.—(1) Notwithstanding the foregoing provisions of this Scheme, but subject to the provisions of the next succeeding Clause, where an existing building or a building which was standing within two years before the material date is destroyed or demolished, a new building having no greater cubic content above the level of the ground and, in addition, in the case of premises used for business or industry, no greater superficial area on the ground floor may be erected on the same site, if the building is commenced within two years after the destruction or demolition of the previous building or within such longer period as the Council may permit:

Provided that—

(i) if the Council or, on appeal, the Minister decides that a new building having a cubic content above the level of the ground not less than that proposed and, in the case of premises used for business or industry a superficial area on the ground floor not less than that proposed, could conveniently be erected in such a manner as not to contravene the relevant provisions of this Scheme or to contravene them in less degree than would be involved in the erection of the proposed building, then the erection of the proposed building shall not be permissible under this Clause;

(ii) it shall not be permissible under this Clause to erect any building on land on which the erection of buildings is restricted under Sub-clause (2) of Clause 30 (Erection and use of buildings) except as provided in that Sub-clause; and

Paragraph (ii) (*d*) of Section 19 (2) of the Act provides that where the use of an existing building is declared in the Scheme to be noxious or offensive, replacement of the building may be prevented without payment of compensation. If the Authority desire to avail themselves of this power a proviso may be added to Sub-clause (2) in the following terms :—

> Provided that new buildings substituted for the buildings hatched in use zone(s) shall not be used for the purpose of being a use which would be contrary to the provisions of this Scheme, and also of a noxious or otherwise offensive character.

and reference to the proviso made at the end of Clause 78.

The building and the use where replacement is to be prohibited must be specified in the proviso, and the curtilage of the building must be shown on the Map by a special notation; and in order to justify the prohibition, the use of the building must be one to which, in accordance with Table C in Clause 30, consent would be required, or one which is shown in that Table as prohibited in the particular zone; and it should be either one of the uses specified in the Third Schedule to the Clauses or a use of a similar kind.

The word "prohibited" should be substituted for "restricted" if the substituted Sub-clause (2) on page 48 [*ante*, p. 4009] is used.

(iii) nothing in this Clause shall be construed as authorising the erection of a building otherwise than in conformity with the provisions of the byelaws and local Acts, but if it is impracticable to erect such a new building as aforesaid on the site of the previous building without infringing such byelaws or local Acts, the Council or, on appeal, the Minister may permit the building to be erected in whole or in part upon land adjoining that site.

(2) A new building erected under this Clause may be used for any purpose of the same or similar character as that for which the previous building was last used before its destruction or demolition, or for any purpose in conformity with the provisions of the Scheme.

For the purposes of this Clause a building shall be deemed to have been demolished, if it is demolished to the extent of more than one-half of the superficial area of its main containing walls.

58. A person who desires to alter, extend or replace an existing building or to replace a building which was standing within two years before the material date in such a manner that the alteration or extension of the building or erection of the new building, as the case may be, would, save for the provisions of this Part of the Scheme, be a contravention thereof, shall submit to the Council plans and particulars of the proposed works not less than five weeks before the works are commenced, and the Council may within that period serve him with a counter-notice of their decision to prohibit the proposed alteration, extension or new building, and upon the service of the said counter-notice the alteration or extension of the building or the erection of the new building, as the case may be, shall be a contravention of the Scheme:

Provided that if the alteration or extension or new building is one which would have been permissible with the consent of the Council, had the original building been erected after the date when the Scheme comes into operation, the person upon whom the counter-notice has been served may appeal against the decision of the Council.

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Where action is taken by the Responsible Authority under this Clause they will incur a liability to pay compensation. Apart, however, from cases in which the alteration, extension or replacement is one involving a serious departure from the provisions of the Scheme, there will be instances in which prohibition with payment of compensation will be less costly to the Authority than the payment of the larger compensation ultimately involved if the alteration, extension or replacement was carried out and the building had to be removed.

59. Notwithstanding anything contained in the foregoing provisions of this Part of the Scheme, the provisions of Clause 45 (External appearance of buildings) shall apply to the alteration, extension or replacement of an existing building, or the replacement of a building which was standing within two years before the material date, and in the case of an alteration to or extension of an existing building, Sub-clause (4) of that Clause shall be deemed to include the further ground of appeal that compliance with the Council's decision would involve an increase in the cost of building which would be unreasonable having regard to the character of the building to be altered or extended.

60. Where an existing building or a building which was standing within two years before the material date is or was used, or, if not in use before the material date, was designed, for more than one purpose, the rights conferred by this Part of the Scheme to continue the use of the building (whether unaltered or as altered or extended), or to use a new building which replaces it for a purpose of the same or a similar character, shall include a right to alter the proportion, measured in floor space, in which the several parts of the building are or were used or designed for use, provided that the use for a particular purpose is not increased by more than one-eighth of the floor space used for that purpose.

PART VII.—PLANS, APPROVALS, APPEALS.

61.—(1) An application for any consent, permission or approval of the Council under the provisions of this Scheme, shall be made in writing to the Council, and shall be accompanied by the following plans and particulars:—

(*a*) if the application is for approval to the laying out or making of a new street, the plans and sections required by the byelaws and local Acts, showing the site of the proposed street in relation to other streets, together, where street works are to be executed, with specifications of the proposed works;

(*b*) if the application is for consent to the use of an existing or proposed building or to the use of land, a site plan sufficient to identify the land to which the application relates, together with particulars in writing of the purpose for which the building or land is to be used;

(*c*) if the application is for consent, permission or approval to the erection or siting of a building, the particulars required by the preceding paragraph (*b*) and in addition a plan (elsewhere in this Scheme referred to as an "estate development plan") to a scale of not less than twenty-five inches to a mile showing—

(i) the land on which the building is to be erected, and so far as may be necessary to enable the Council to consider the application, any adjoining land belonging to the applicant;

(ii) any land unit affecting any of the land shown on the plan which has been declared by the Council under Clause 35 (Declaration of land units);

(iii) any separate building plots into which the land is or is intended to be divided;

(iv) the position of every proposed and of every existing building on the land shown in the plan;

(v) the lines and widths of every proposed and of every existing street on the land shown in the plan:

Provided that—

(i) where the development proposed is so extensive as to make a smaller scale necessary, the plan may with the consent of the Council be to a scale of not less than six inches to a mile; and

(ii) if the application referred to in this paragraph relates only to the extension or alteration of a building, it shall be sufficient to show on the plan the site of the building and the extension or alterations in relation to the building;

(*d*) if the Council have required the external appearance of the building to be subject to their approval under Clause 45 (External appearance of buildings) drawings of the external appearance of the proposed building to a scale of not less than one inch to every eight feet, together with a sufficient description of the materials to be used in the construction of the building:

Provided that where the building is so extensive as to render a smaller scale necessary the drawings may be to a scale of one inch to every sixteen feet.

(2) An application to the Council for the approval of a plan under any byelaws, regulations, local or general Acts in force in the Area shall, if the development shown on the plan requires the consent, permission or approval of the Council under this Scheme, be deemed to be an application for such consent, permission or approval, unless the application does not contain the information and particulars required by the preceding Sub-clause and the Council so inform the applicant on or before giving their decision under the byelaws, regulations, local or general Acts.

(3) Any plan or drawing submitted to the Council in accordance with this Clause shall be in duplicate, and shall be on suitable and durable material. The Council may retain one copy of every plan or drawing submitted to them, and any plans or drawings so retained which have been approved by the Council shall be available for inspection by any person interested at all reasonable times.

It is considered that it will be convenient for developers to find collected together what they are required to do if they need a consent or permission of the Responsible Authority under the Scheme, and what their rights are in the event of a refusal or delay. The Clause follows the model byelaws as closely as possible and it is anticipated that, as a general rule, the ordinary byelaw plans will be sufficient for the purposes of the Scheme—with the addition, in appropriate cases, of any neighbouring land in the applicant's control.

It is provided by Sub-clause (2) that, as in the interim development period, an application under the byelaws shall be deemed to be an application under the Scheme unless the Council inform the applicant that the particulars supplied are insufficient; only under the Scheme the Council are relieved of the obligation contained in the General Interim Development Order to inform him within seven days, since developers have every opportunity of finding out for themselves what is required under the Scheme.

62.—(1) Where an application for the consent, permission or approval of the Council has been made in accordance with the preceding Clause or an application for a decision of the Council has been made under any provision of the Scheme by which the Council are authorised to give a decision, the Council shall notify the applicant of their decision within one month from the deposit of the application, or within such longer period as the applicant may agree in writing to allow, except that:—

(*a*) if by virtue of a byelaw made by the Council under Section 64 of the Public Health Act, 1936, "the prescribed period" in relation to the passing or rejection of plans under the building byelaws is five weeks in the case of plans deposited less than three clear days before a meeting of the Council, five weeks shall in the case aforesaid be substituted for one month under this Clause;

(*b*) if under the provisions of Sub-clause (2) of Clause 18 (Construction of streets by owners) or Sub-clause (2) of Clause 23 (Fixing of building line for existing street for which no building line is shown on Map) or Sub-clause (2) of Clause 46 (Siting of buildings) the Council have notified the person having control of any neighbouring land that development or the fixing of a building line is proposed, two months shall be substituted for one month;

(*c*) if the application is one to which the provisions of Sub-clause (2) of Clause 24 (Effect of building line) or Clause 32 (Advertisement and third party appeal in certain cases) or Sub-clause (4) of Clause 37 (Number of dwelling-houses which may be erected) or Clause 39 (Land units vested in more than one owner) apply, two months shall be substituted for one month.

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It is obviously convenient that the Authority's decision on the application under the byelaws, and their decision on the application under the Scheme, should be given simultaneously; and the provision for giving decisions within one month (except where the proposal has to be advertised) has been unanimously approved by the Town and Country Planning Advisory Committee. The position under an operative Scheme is very different from that in the interim development period (where the Authority have two months) since the main outlines of control are settled, and the issue before the Authority is correspondingly simpler.

(2) Where the Council refuse an application for consent, permission or approval, or approve it subject to modifications or conditions, they shall in notifying the applicant of their decision state the reason for the decision.

63. Where provision is made in this Scheme for an appeal from a decision of the Council, other than a decision under Sub-clause (4) of Clause 43 (Breaks in buildings) or Clause 45 (External appearance of buildings), the following provisions shall have effect:

(1) (*a*) Appeals for which provision is made by paragraphs (*a*) (ii) and (*b*) of Sub-clause (7) of Clause 18 (Construction of streets by owners), Clause 27 (Prevention of obstruction to view at corners and bends), Clause 49 (Preservation of trees), Clause 52 (Advertisements) and Clause 53 (Provision of loading accommodation) shall be to a Court of Summary Jurisdiction for the petty sessional division or place within which the land or building to which the appeal relates is situated;

(*b*) in any other case the appeal shall be to the Minister whose decision shall be final.

(2) An appeal shall, in addition, lie against a refusal of the Council to give, or unreasonable delay on their part in giving, a decision and shall be made to the Court or the Minister as the case may be, as if it were an appeal against a decision of the Council.

(3) Written notice of appeal shall be given to the Clerk of the Court or to the Minister, as the case may be, and to the Council. If the appeal is against the decision of the Council, the notice shall be given within twenty-eight days from the date of the service on the appellant of the notice of the Council's decision.

For the purposes of this paragraph a notice given by the Council under Clause 27 or a notice under Clause 54 (Power to prohibit maintenance or use of existing buildings and continuance of existing use of land) against which appeal may be made under Clause 55 (Existing buildings and uses of land for which approval may be sought) shall be deemed to be a decision of the Council.

(4) The Court or the Minister, as the case may be, may on the application of any person desiring to appeal extend the time for making the appeal specified in the preceding paragraph (3), whether or not the time specified for making the appeal has expired.

(5) In the case of an appeal under Sub-clause (7) of Clause 18 or Sub-clause (3) of Clause 19 (Communicating streets) the Council shall forthwith serve a copy of the notice of appeal on any person who may by virtue of Sub-clause (4) of Clause 19 be entitled to appear and be heard.

(6) The Court or the Minister, as the case may be, may affirm, vary or reverse the decision of the Council or, if the Council have refused or have unreasonably delayed to give a decision, may give any decision which it would have been competent to the Council to give.

(7) In the case of an appeal to the Court, the Court may order by whom and in what manner any costs incurred in connection with the appeal shall be paid, and any costs so ordered to be paid shall be recoverable summarily as a civil debt.

The Act contemplates that the Scheme should provide for an appeal either to a Court of Summary Jurisdiction or to the Minister. It is for the Local Authority in framing the scheme to decide whether the appeal under any particular clause should lie to a Court of Summary Jurisdiction or to the Minister.

The Clause has been filled in on the assumption that the majority of appeals will lie to the Minister, as that appears to be the desire of most Local Authorities, and

that the Private Street Works Act, 1892 (*a*), under which appeals go to the Justices, is in force. The Minister is not prepared to take the appeals referred to in paragraph (1) (*a*) as in his view these should always be referred to the Justices. If, however, Section 150 of the Public Health Act, 1875 (*a*), is in force, appeals affecting street specifications and costs should be to the Minister and the reference to Sub-clause (7) of Clause 18 should be deleted.

Whatever provision may be made in the Scheme the prospective parties to an appeal to a Court of Summary Jurisdiction may under Section 40 of the Act, refer the matter to the Minister, or to some other arbitrator to be agreed, or, in default of agreement, appointed by the Minister, and prospective parties to an appeal to the Minister may under the same provision refer the matter to some other arbitrator to be agreed, or, in default of agreement, appointed by the Minister.

PART VIII.—MISCELLANEOUS.

64.—(1) The Council may enter into agreements consistent with the provisions of this Scheme in relation to any matters with which a scheme made under the Act may deal.

(2) Where the legal estate in any land, not being a term of years created by mortgage, is for the time being vested in a limited owner (which expression in this Clause means a person whose estate in the land is such that he is incompetent, apart from this provision, by such agreements as are mentioned in this Sub-clause to bind the land in the hand of owners other than himself) such limited owner, if for the time being competent to dispose of the legal estate in the land vested in him, shall have power, with such consent as is hereinafter mentioned, to enter into agreements with the Council, consistent with the purposes and provisions of this Scheme, for imposing conditions restricting the planning, development, and use of the land in any manner in which those matters might be dealt with by or under a Scheme made under the Act, or otherwise for enabling this Scheme to be carried into effect, as if he were an absolute owner:

Provided that the power conferred on a limited owner by this Clause shall be exercised only with the consent of (*a*) the person (if any) whose consent is required to any disposition by the limited owner of the legal estate in the land or any part thereof; and (*b*) in the case of land which is settled land within the meaning of the Settled Land Act, 1925 (*b*), the trustees for the purposes of that Act of the settlement affecting the land.

(3) The several agreements particulars of which respectively are set out in the Fifth Schedule to this Scheme shall, except in so far as they are made, and are capable of taking effect, under powers conferred by Section 34 of the Act, be deemed to have been made under the powers conferred, and with the consent (if any) rendered necessary, by this Clause, but so that a provision contained in any of the agreements in the said Schedule shall prevail notwithstanding that it is inconsistent with the provisions of this Scheme; and the said agreements (except as aforesaid) are herby confirmed and made binding on the parties thereto respectively and on all persons intended and expressed to be bound thereby respectively, and the provisions thereof respectively shall be enforceable accordingly.

(4) The Council shall have power to enforce any covenant contained in an agreement of the kind referred to in this Clause against persons deriving title under the covenantor in the like manner and to the like extent as if the Council were possessed of, or interested in, adjacent land, and as if the covenant had been entered into for the benefit of that adjacent land.

65. For the purpose of facilitating such adjustment of the boundaries of estates and building plots as will secure the proper development of land the Council may agree with owners and occupiers of land for the exchange between those persons of portions of the lands, either with or without payment of money by way of equality of exchange, and may, if they think fit, themselves pay in whole or in part any money required to be paid by way of equality of exchange, and may pay in whole or in part the costs of the exchange.

(*a*) See Vol. IV, *ante*.
(*b*) 17 Halsbury's Statutes 833.

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66. Nothing in this Scheme shall prevent—

(*a*) the erection of a building or the carrying out of works in accordance with the terms of any interim development order or of permission granted under such an order, if the erection of the building or the carrying out of the works has been commenced, but not completed, before the date on which this Scheme comes into operation or is undertaken under a contract made before that date; or

(*b*) the erection of any building or the carrying out of any works in accordance with any of the permissions of which particulars are set out in the Sixth Schedule to this Scheme or with any permission granted under any interim development order between the date on which the Council resolved to submit the Scheme to the Minister for approval and the date on which the Scheme comes into operation:

The permissions, of which particulars are to be entered in the Sixth Schedule, are those granted under an Interim Development Order for buildings or works which have not been begun or contracted for before the Scheme is approved by the Minister, but which ought to be allowed to proceed, *e.g.* where an estate is half developed, or land has been disposed of on the strength of the permission.

Provided that the Council may within two months after the coming into operation of the Scheme serve on the person intending to commence or continue the erection of a building or the carrying out of works which but for this Clause would be a contravention of this Scheme or would be permissible only with the consent of the Council a notice prohibiting the erection of the building or the carrying out of the works, and upon the service of such notice the erection of the building or the carrying out of the works shall be a contravention of the Scheme.

67. Any development which was undertaken in the Area between the material date and the date on which the Scheme comes into operation otherwise than in accordance with an interim development order or a permission granted under such an order and which does not conform with the provisions of this Scheme shall be a contravention of the Scheme.

68. Where permission to undertake any building operations or other development or to use any buildings or land or to do any other act or thing has been granted under an interim development order, and conditions have been imposed, and are not inconsistent with the provisions of the Scheme, the conditions shall have effect as if they were conditions imposed under the Scheme and may be enforced accordingly.

69. Without prejudice to their powers with regard to the letting, sale or exchange of land under Sections 164 and 165 of the Local Government Act (*a*), 1933, the Council may, with the consent of the Minister, sell or exchange any land acquired by them under paragraphs (*a*) to (*d*) of Subsection (1) of Section 25 of the Act.

A Local Authority have power under the Local Government Act, 1933, to sell or exchange land which is not required for the purpose for which it was acquired. This Clause is needed for the case where the purpose of the acquisition is to sell or dispose of the land, *e.g.* frontage land required for the purpose of controlling development.

Where the Scheme is constituting a Joint Body as Responsible Authority power to let land should be added to the Clause since the power in the Local Government Act is not available to Joint Bodies.

70. Land belonging to the Council for the purposes of this Scheme (other than land reserved under Part II of the Scheme), and not required for any of those purposes, may be appropriated for any other purpose approved by the Minister for which the Council are authorised to acquire land and which is not inconsistent with the provisions of the Scheme.

71.—(1) Nothing in the provisions of this Scheme shall be construed as authorising the acquisition or appropriation of land forming part of a common, open space or allotment within the meaning of paragraph 4 of Part II of the Third Schedule to the Act, except—

(*a*) where land, not being less in area, certified by the Minister after consultation with the Minister of Agriculture and Fisheries to be equally advantageous

(*a*) *Ante*, p. 993.

to the persons, if any, entitled to commonable or other rights, and to the public, is given in exchange; or

(*b*) where such land is required for the widening of an existing highway and the Minister, after consultation with the Minister of Agriculture and Fisheries, declares that the giving in exchange of other land is unnecessary either in the interests of the persons, if any, entitled to commonable or other rights, or of the public.

(2) Land which forms part of any such common, open space or allotment as aforesaid and is acquired or appropriated under the provisions of this Scheme shall, by virtue of the acquisition or appropriation, be discharged from any rights, trusts and incidents to which it was previously subject, and any land given in exchange shall be vested in the persons in whom the common, open space or allotment was vested and shall be held subject to the same rights, trusts and incidents as attached to the land acquired or appropriated.

(3) The Council shall as soon as practicable undertake any works that may be necessary to put the surface of any land which is given in exchange for land forming part of any such common, open space or allotment as aforesaid in a state suitable for the exercise of the same rights as attached to the land acquired or appropriated.

72.—(1) Any officer of the Council who is duly authorised by the Council (in this Clause referred to as "the authorised officer") may, after giving not less than forty-eight hours' notice to the person having custody of any premises within the Area and on production of his authority, if required, enter the premises at any time between the hours of nine in the forenoon and six in the afternoon for the purpose of any inspection necessary for enforcing and carrying into effect any provision of this Scheme or the Act.

(2) Any authorised officer to whom admission is refused may apply to a Justice after giving to the person having custody of the premises reasonable notice of intention to make the application and the Justice may by Order under his hand require that person to admit the authorised officer into the premises during the hours aforesaid.

(3) If no person having such custody can be found, the Justice shall, on oath made before him of that fact, by Order under his hand authorise any authorised officer to enter into or upon the property during the hours aforesaid. Any such Order made by a Justice shall continue in force until the purposes for which admittance was required have been fulfilled or executed.

73.—(1) Any person who contravenes any of the provisions of this Scheme, or who fails to comply with any of those provisions, shall be guilty of an offence, and shall be liable on conviction in a Court of Summary Jurisdiction for the petty sessional division or place in which the offence is committed to a penalty not exceeding Forty Shillings for each offence, or in the case of an offence under Clause 49 (Preservation of trees) to a penalty not exceeding Fifty Pounds for each offence, and in the case of a continuing offence he shall be liable to a further penalty not exceeding Twenty Shillings for each day during which the offence continues after conviction therefor:

Provided that a person shall not be punished for the same offence both under this Clause and under any other law or enactment.

(2) No proceedings shall be taken under this Clause, if action can be taken in respect of the same matter under the provisions of Section 13 of the Act, but, except as aforesaid, proceedings may be taken under this Clause in addition to any other proceedings or remedy.

74. The provisions of Section 32 of the Act with respect to the application by a Responsible Authority of sums received by way of betterment or as proceeds of sale of any land purchased under powers conferred by the Act shall apply to all sums, being capital or in the nature of capital, received or recovered by the Council under this Scheme.

75.—(1) The operation of—

(*a*) any byelaws, orders or regulations which are in force in the Area; and

(*b*) such of the enactments contained in local Acts in force in the Area as might, by virtue of any Act of Parliament, have been made in relation to the Area by means of a byelaw, order or regulation not requiring confirmation by Parliament,

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is hereby suspended, so far as the said byelaws, orders, regulations or enactments are similar to, or inconsistent with, any of the provisions of this Scheme :

Provided that nothing in this Sub-clause shall be construed as authorising the suspension of any byelaws or enactments prescribing space about buildings.

See the notes on pages 42 and 76 [*ante*, pp. 4006, 4028] recommending the repeal of any byelaws made under the Petroleum (Consolidation) Act, 1928, or the Advertisement Regulation Acts.

The proviso relating to byelaws prescribing the space about buildings is inserted in order to make it clear that on this point the provisions of the Scheme are additional and not alternative to those of the byelaws. This is particularly important where the replacement of existing buildings is concerned, since the Scheme requirements can be enforced against them only at risk of a claim to compensation.

(2) The operation of Sections 33 and 34 of the Public Health Act, 1925 (*a*), in relation to streets or parts of streets for the widening of which land is reserved in Part I or Part II of the Table in Clause 5 (Reservation of lands), and of Section 5 of the Roads Improvement Act, 1925 (*a*), in relation to streets or proposed streets or parts thereof upon which a building line is shown on the Map by a broken red line or is fixed under Clause 22 (Fixing of building line for new street not shown on Map), Clause 23 (Fixing of building line for existing street for which no building line is shown on Map) or Clause 25 (Modification of building lines where a standard width is adopted under the Restriction of Ribbon Development Act, 1935 (*b*)) is hereby suspended, in so far as those enactments are similar to, or inconsistent with, any of the provisions of this Scheme.

76. The Borough [District] Council shall keep, so as to be available for inspection at all reasonable times by any person interested, a register of consents, permissions, approvals or authorities granted by them or on appeal from their decision under any provision of this Scheme, and of any conditions imposed or agreed between the Council and the applicant in connection therewith.

If the alternative Sub-clauses to Clause 4 (No. 1, Appendix II) are to be inserted in the Scheme in lieu of parts of Clause 4 in the main body, a reference to " any Council who are a Responsible Authority " should be substituted for " them " in line 4 and the following paragraph added to the end :—

> The County Council shall for this purpose supply the Borough [District] Council with the necessary particulars of any approval, consent, authority or permission granted by them or on appeal from their decision, and of any conditions imposed or agreed between them and any applicant in connection therewith.

77. In the case of a claim made under paragraph (*a*) of Subsection (1) of Section 18 or Subsection (1) of Section 21 of the Act in respect of injurious affection or increase in value of property due to the exercise by the Council of a power contained in one of the undermentioned Clauses of this Scheme :

Sub-clauses (1) and (2) of Clause 14 (Land adjoining sites of streets) ;
Clause 18 (Construction of streets by owners) ;
Clause 19 (Communicating streets) ;
Clause 21 (Division or stopping up of highways) ;
Sub-clause (1) of Clause 22 (Fixing of building line for new street not shown on Map) ;
Clause 23 (Fixing of building line for existing street for which no building line is shown on Map) ;
Sub-clause (3) of Clause 25 (Modification of building lines where a standard width is adopted under the Restriction of Ribbon Development Act, 1935) ;
Clause 46 (Siting of buildings) ;
Sub-clause (1) of Clause 49 (Preservation of trees) ;
Clause 58 (Power to prohibit alterations, etc., of existing and certain other buildings) ;

(*a*) Printed in a later volume of this work.
(*b*) *Ante*, p. 2001.

the proviso to Clause 66 (Application of Scheme to development uncompleted at commencement of Scheme),

the period within which the claim may be made shall be :

(*a*) in the case of the diversion or stopping up of a highway or any portion thereof, a period of twelve months from the date on which the diversion or stopping up takes place ;

(*b*) in the case of entry on land by the Council under the powers conferred on them by Clause 14, a period of twelve months from the date of entry ; and

(*c*) in any other case, but subject in cases falling under Sub-clause (1) of Clause 22, Clause 23 and Sub-clause (3) of Clause 25 to the provisions of Subsection (3) of Section 22 of the Act, a period of twelve months from the date on which the Council notify the claimant or the person against whom the claim is made, as the case may be, of the exercise by them of the power or, if an appeal lies and has been made against the exercise of the power, a period of twelve months from the date of the decision on the appeal.

78. No compensation shall be payable under paragraph (*a*) of Subsection (1) of Section 18 of the Act in respect of the injurious affection of property by the coming into operation of any of the undermentioned provisions of this Scheme :

The terms of Section 19 of the Act should be carefully considered when this Clause is being prepared.

Clause 16 (Number and sites of new streets to enter classified roads) [except in relation to the following lands, namely]

The words in square brackets will only be required where restrictions have been included which must be subject to compensation.

Sub-clause (1) of Clause 24 (Effect of building line), in its application to land which at no time within the period of five years immediately preceding the material date was or formed part of the site of a building [except as applied to]

The words in square brackets will only be required if representations have successfully been made under Section 19 (2) (v) of the Act.

Clause 27 (Prevention of obstruction to view at corners and bends) ;

Part IV (Building Restrictions and Use of Land) except Clause 46 (Siting of buildings) ;

Clause 53 (Provision of loading accommodation).

79.—(1) A person who has paid any sum required to be paid under Section 21 of the Act in respect of betterment, or has advanced money for that purpose, may apply to the Council for a Charging Order, and on production of the receipt for the sum so paid the Council shall make an Order charging on the land an annuity to repay the amount.

(2) The annuity charged shall be such annual sum as will repay the said amount by equal instalments of principal and interest combined in a period of thirty years, interest being calculated at the same rate as that which, at the date when the charge is made, is the rate of interest fixed by the Treasury for the purposes of Subsection (6) of Section 21 of the Act, and shall commence from the date of the Order, and be payable to the person named in such Order, his executors, administrators or assigns.

(3) A charge made under this Clause shall be a land charge within the meaning of the Land Charges Act, 1925, as amended by any subsequent enactment, and may be registered accordingly.

(4) The provisions of Section 21 of the Housing Act, 1936 (*a*), as amended by any subsequent enactment, shall apply to charges created under this Clause.

(5) Charging Orders and transfers of charges may be made under this Clause according to the forms A and B in the Seventh Schedule to this Scheme or in any other convenient form.

80.—(1) The Borough [District] Council shall be responsible for the maintenance of the register of owners and associations compiled under Sub-section (4) of Section 7 of the Act (hereinafter referred to as " the register ").

(*a*) *Ante*, p. 1624.

TOWN AND COUNTRY PLANNING

(2) The Borough [District] Council shall, on application in writing being made to them, grant facilities for the inspection of the register by the County Council, or by any joint committee, or authority making, preparing or adopting a scheme, varying scheme, supplementary scheme, supplementary order or general development order, in respect of land in the Borough [District] and for making copies of any entries in the register in respect of the said land.

(3) Where in pursuance of any provision of this Scheme notice by advertisement in a newspaper is given by the Council of anything done or proposed to be done, or any action taken or proposed to be taken under the Scheme, the provisions of Subsection (7) of Section 7 of the Act shall apply so as to require the service by the Council of a copy of the notice on every person whose name and address appear in the register in respect of any property affected by the matter of which notice is given and on every association whose name and address appear in the register.

Alternative Clauses 80 and 81 (Nos. 8 and 9, Appendix II) in regard to registers and to the inspection of the Scheme should be substituted for this Clause and Clause 81 where a Scheme extends to two or more boroughs or districts.

81. The Borough [District] Council shall permit any person to inspect at any reasonable time the Scheme, the duplicate of the Map deposited in the offices of the Borough [District] Council, the agreements of which particulars are set out in the Fifth Schedule to this Scheme, the permissions specified in paragraph (*b*) of Clause 66 (Application of Scheme to development uncompleted at commencement of Scheme), and any consents given by statutory undertakers under Section 41 of the Act.

See note to Clause 80.

82. A notice or other document which the Council are required or authorised to serve under this Scheme may be served—

(*a*) in the case of a person or association whose name and address are registered under Subsection (6) of Section 7 of the Act, by delivering it or sending it by prepaid post at or to the address so registered ; and

(*b*) in any other case—

(i) by delivering it at the residence of the person on whom it is to be served or sending it by prepaid post addressed to that person at his residence ; or

(ii) if the notice or document is to be served on an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it by prepaid post addressed to the secretary or clerk of the company or body at that office ; or

(iii) if the Council are unable after reasonable inquiry to ascertain the name or address of the person upon whom it should be served, by addressing it to him by the description of " owner " or " occupier " of the premises (naming them) to which it relates, and by delivering it to some person on the premises, or, if there is no person on the premises to whom it can be delivered, by affixing it or a copy thereof to some conspicuous part of the premises.

83.—(1) Nothing in this Scheme shall operate to prevent development by a local authority—

(i) under powers conferred on the authority by an Act of Parliament or by an Order which has been approved by resolution of each House of Parliament on land specified in the Act or Order ; or

(ii) which has been approved by the Minister either expressly or by way of sanction to a loan or consent to the appropriation of land for the purpose, and in connection with which the local authority, or another local authority on their behalf, have, before the date of application for approval or at such later date as the Minister may permit, notified the Council of the intended application or the application, as the case may be, and notified the Minister that this has been done.

(2) In this Clause " local authority " includes any authority which has power to levy, or issue a precept for, a rate for public purposes, and any statutory committee constituted by any such authority or of which it is a constituent member.

84. Nothing in this Scheme shall authorise the execution of any works whether of construction, demolition or alteration on, over or under tidal lands below high-water mark of ordinary spring tides, except with the consent of any persons whose consent would have been required if the Scheme had not come into operation, and except in accordance with such plans and sections, and subject to such restrictions and conditions as, previous to such works being commenced, have been approved by the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade.

85. It is hereby declared that in relation to land which is for the time being—

(*a*) vested in or in the occupation of the Crown; or

(*b*) under the control of, or occupied by, or vested in, any public department for public purposes or for the public service,

the provisions of this Scheme, except in so far as those provisions [are incorporated in and enforceable by virtue of an agreement made under Sections 33 and 34 of the Act between and dated or may be incorporated in any other agreement entered into under those Sections] by any public department, are not enforceable against the Crown or public department and, except as aforesaid in so far as their enforcement would affect the interests of the Crown or department, are not enforceable against any person occupying the land as lessee or tenant of the Crown or department.

It is not necessary to ascertain whether or not there are Crown lands in the Area. The Clause should be inserted even if there are no such lands at the time of the preparation of the Scheme.

Unless an agreement under Sections 33 and 34 has actually been entered into the words in square brackets should be omitted and the following words substituted:

"may be incorporated in an agreement entered into under Sections 33 and 34 of the Act."

86. It is hereby declared that no provision contained in this Scheme with respect to buildings applies in relation to any building or the erection of any building which is, or is to be, occupied together with land which is used mainly or exclusively for agriculture, whether as arable, meadow, pasture ground or orchard, or for the purposes of a plantation or a wood, or for the growth of saleable underwood, and is, or is to be, used for any of those purposes, except a building whose site is reserved under Part II of the Scheme for a purpose the carrying out of which in the future would necessitate the removal or the alteration of the building.

See Section 12 (3) of the Act.

87. Nothing in Part IV or Part V of this Scheme shall be construed as prohibiting or controlling, or enabling the Council to prohibit or control, the erection or use of structures for the purpose of advertising, save as provided by Clause 52 (Advertisements).

88.—(1) Notwithstanding the stopping up or diversion of any highway or footpath or any portion thereof under this Scheme, the Postmaster-General shall continue to have the same powers and rights in regard to any telegraphic line which remains in, under, upon, over, along or across the site of the said highway or footpath as if the same had continued to be a highway or footpath, as the case may be:

Provided that, if the Council or the person in whom the soil of the said highway or footpath is vested desires to alter such telegraphic line, the enactments of Section 7 of the Telegraph Act, 1878, shall thereupon apply in all respects as though the Council or the said person, as the case may be, were undertakers within the meaning of that Act.

(2) Expressions in this Clause have the same meaning as in the Telegraph Act, 1878.

89. The Borough [District] Council or the County Council may make supplementary orders or adopt, with or without modifications, supplementary orders proposed by owners of land, in accordance with the provisions of the Regulations, for supplementing the provisions of this Scheme as respects any part of the Area, by adding to it provisions with respect to any matters for which provision may be made by a scheme and for varying it in so far as may be necessary or expedient.

See Section 14 of the Act.

TOWN AND COUNTRY PLANNING

FIRST

(CLAUSE

The types of streets set out in this Table are suggested as generally suitable but will Local Authorities are reminded that the Schedule sets out permissible relaxation The minimum width referred to in column 8 should normally be the greatest Clause 18 (4) makes provision for exceptional cases.

	DIMENSIONS.					
TYPE.	Maximum Length of Street.	Minimum Width of Street.	Minimum Width of Carriage-way.	Minimum Number of Footways.	Minimum Width of each Footway.	Construction of Surface.
1.	2.	3.	4.	5.	6.	7.
A.	—	36 ft.	20 ft.	2 (1 if street built up to on one side only).	6 ft.	Any portion of the surface of the street not constructed as carriageway or footway shall be treated in a suitable manner, according to the reasonable requirements of the Council, whether by planting with grass, trees or shrubs or otherwise.
B.	1,500 ft.	36 ft.	16 ft.	Ditto	4 ft. 6 in.	Ditto
C.	750 ft.	30 ft.	16 ft.	1	4 ft. 6 in.	Ditto

SCHEDULE.

18.)

not be universally appropriate.
of the byelaws and that repetition of the byelaws is not required.
width contemplated for a street by the byelaws in force in the Area.

CONDITIONS.

Junction with other Streets.	Turning Spaces.	Other.
8.	9.	10.
The street shall communicate at one end with a street of a minimum width of feet having a carriageway of a minimum width of feet or with a highway having a carriageway existing at the date of the coming into operation of this Scheme, and at the other end with such a street or highway or with a street of, Type F, but, where the street communicates at one end with a street of Type F, its length together with the length of the street of Type F shall not exceed 1,100 feet. The street may also communicate at one end with a street of Type A and at the other end with a street of Type F, if the length of the street together with the length of the street of Type F does not exceed 900 feet.	If the street exceeds 500 feet in length a turning space (or turning spaces) shall be provided at a distance not exceeding 500 feet part or from either end of the street. The turning-space shall be of such dimension that a circle with a diameter of 30 feet could be inscribed within the carriageway, and the corners at any junction of the carriageway in the turning space with the carriageway of the street shall be rounded off so as to be coincident with the arc of a circle tangential to the adjacent boundaries of the two carriageways and having a radius of not less than 15 feet.	No buildings other than dwelling-houses or such other buildings as the Council may approve shall be erected in the street.
The street shall communicate at one end with a street of a minimum width of feet having a carriageway of a minimum width of feet or with a highway having a carriageway existing at the date of the coming into operation of this Scheme, and at the other end with such a street or highway or with a street of Type F, but where the street communicates at one end with a street of Type F its length, together with the length of the street of Type F, shall not exceed 1,100 feet. The street may also communicate at one end with a street of Type A and at the other end with a street of Type F, if the length of the street together with the length of the street of Type F does not exceed 900 feet, or at one end with a street of Type B and at the other end with a street of Type F, if the length of the street together with the length of the street of Type F does not exceed 750 feet.	Ditto	Ditto
The street shall communicate at one end with a street of Type A or B or in special cases with a street of Type G or with a street of a minimum width of feet having a carriageway of a minimum width of feet; or with a highway having a carriageway existing at the date of the coming into operation of this Scheme, and at the other end with such a street or highway or with a street of Type F, but where the street communicates at one end with a street of a minimum width of feet having a carriageway of a minimum width of feet, or a highway having a carriageway existing at the date of the coming into operation of this Scheme, and at the other end with a street of Type F, its length together with the length of the street of Type F shall not exceed 1,100 feet, and where the street communicates at one end with a street of Type A and at the other end with a street of Type F, its length together with the length of the street of Type F shall not exceed 900 feet, and where the street communicates at one end with a street of Type B and at the other end with a street of Type F, its length together with the length of the street of Type F shall not exceed 750 feet.	Ditto	Ditto

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TYPE.	DIMENSIONS.					Construction of Surface.
	Maximum Length of Street.	Minimum Width of Street.	Minimum Width of Carriage-way.	Minimum Number of Footways.	Minimum Width of each Footway.	
1.	2.	3.	4.	5.	6.	7.
D.	450 ft. (600 ft. if the minimum width of the carriage-way is 16 ft.)	24 ft.	14 ft.	—	—	Any portion of the surface of the street not constructed as carriageway or footway shall be treated in a suitable manner, according to the reasonable requirements of the Council, whether by planting with grass, trees or shrubs or otherwise.
E.	200 ft.	16 ft.	8 ft.	—	—	Ditto
F. Applicable only to streets intended to give access solely to buildings forming three sides of a quadrangle or arranged in some other similar manner so as to front on to an open space.	500 ft.	14 ft.	10 ft.	—	—	The surface of the carriageway may be so constructed as to fall to a channel at one side of the carriageway, such fall being calculated at a minimum rate of one-quarter of an inch for every foot of the width of the carriageway. Any portion of the surface of the street not constructed as carriageway or footway shall be treated in a suitable manner, according to the reasonable requirements of the Council, whether by planting with grass, trees or shrubs or otherwise.
G. Applicable only to streets intended for use as service roads.		25 ft.	16 ft.	1	5 ft.	Ditto
H. Applicable only to streets not intended for use as carriage-ways.		4 ft. 6 in.	—	—	—	—

CONDITIONS.		
Junction with other Streets.	Turning Spaces.	Other.
8.	9.	10.
The street shall communicate at one end with a street of Type A or B or in special cases with a street of Type G or with a street of a minimum width of feet having a carriageway of a minimum width of feet or with a highway having a carriageway existing at the date of the coming into operation of this Scheme, and shall communicate with no other street other than a street not intended for use as a carriageway.	A turning space shall be constructed at the other end of the street. The turning space shall have a total area of not less than 202 square yards, including not less than 128 square yards of carriageway, and shall be arranged to the satisfaction of the Council, and the corners at any junction of the carriageway in the turning space with the carriageway of the street shall be rounded off so as to be coincident with the arc of a circle tangential to the adjacent boundaries of the two carriageways and having a radius of not less than 15 feet.	No buildings other than dwelling-houses or such other buildings as the Council may approve shall be erected in the street.
The street shall communicate at one end with a street of Type A, B, or C or in special cases with a street of Type G or with a street of a minimum width of feet having a carriageway of a minimum width of feet or with a highway having a carriageway existing at the date of the coming into operation of this Scheme, and shall communicate with no other street other than a street not intended for use as a carriageway.	Ditto	Ditto
The street shall communicate at each end with a street of Type A, B or C or in special cases with a street of Type G or with a street of a minimum width of feet, having a carriageway of a minimum width of feet, or with a highway having a carriageway existing at the date of the coming into operation of this Scheme and shall communicate with no other street other than a street not intended for use as a carriageway.	—	Ditto All the buildings to which the street gives access shall be on the same side of the street.
The street shall communicate at each end with a street of dimensions not less than those prescribed for Type C in this Schedule, or with a highway having a carriageway existing at the date of the coming into operation of this Scheme, and shall communicate with no other street except— (i) streets not intended for use as carriageway; (ii) streets with a carriageway not less than 16 feet connecting the service road, at such intervals as the Council may approve, with the street on which it abuts. (iii) in special cases streets of Types C, D, E, or F.	—	All the buildings to which the street gives access shall be on the same side of the street and access to the street or highway on which the street abuts shall be provided with footways at intervals according to the reasonable requirements of the Council.
——	—	The street shall not without the consent of the Council be used as a principal means of approach to any buildings.

SECOND SCHEDULE.

(Clause 21.)

Number on the Map of highway to be diverted or stopped up. 1.	Number on the Map of new street. 2.

THIRD SCHEDULE.

(Clause 28.)

SPECIAL INDUSTRIAL BUILDINGS.

The list does not purport to be exhaustive of all the industries which might be included in the definition of Special Industrial Building.

Mention in that list does not imply that the industry concerned is necessarily injurious to the amenity of any zone in which its establishment is not either prohibited or generally permitted by the Scheme. The Responsible Authority should be careful in deciding whether to grant or refuse consent to its establishment in other use zones, and to give full weight to the manner in which the process is to be conducted, any special features and any precautions proposed to avoid nuisance.

As regards the trades marked with an asterisk see the note on page 46 [*ante*, p. 4008].

Any trades or businesses which have been declared in the district to be offensive under Section 51 of the Public Health Acts Amendment Act, 1907 (*a*), should be included among those enumerated in (iii) of the Schedule.

(i) Any building designed for use as a work which is registrable under the Alkali, Etc., Works Regulation Act, 1906 (*b*), or any statute amending or repealing that Act.

(ii) Any building designed for use as or for one or more of the following works or processes in so far as any such work or process is not registrable under the Alkali, Etc., Works Regulation Act, 1906, or any statute amending or repealing that Act, viz. :—

Brick kilns, lime kilns, coke ovens, salt glazing works, sintering of sulphur bearing materials.

Smelting of ores and minerals, calcining, puddling and rolling of iron and other metals, conversion of pig iron into wrought iron, re-heating, annealing, hardening, forging, converting and carburising iron and other metals.

Works for the production of, or which employ, cellulose lacquers, cyanogen or its compounds, hot pitch or bitumen, pyridine, liquid or gaseous sulphur dioxide, sulphur chlorides.

Works for the production of amyl acetate, aromatic esters, butyric acid, caramel, enamelled wire, glass, hexamine, iodoform, lampblack, B-naphthol, resin products other than synthetic resin powders, salicylic acid, sulphonated organic compounds, ultramarine, zinc chloride, zinc oxide.

(iii) Any building designed for the purpose of carrying on any of the following industries, businesses or trades, viz. :—

Animal charcoal manufacturer.
Blood albumen maker.
Blood boiler.
Blood drier.
Bone boiler or steamer.
Bone burner.
Bone grinder.
Candle maker.
Chitterling boiler (not carried on as subsidiary to a retail trade or business).
Dealer in blood, skins, hides, or butchers' waste.

(*a*) 13 Halsbury's Statutes 930. Repealed; compare ss. 107, 108 of the Public Health Act, 1936, *ante*, p. 332.

(*b*) Printed in a later volume.

Dealer in rags and/or bones (including receiving, storing, sorting or manipulating rags in or likely to become in an offensive condition, or any bones, rabbit skins, fag or putrescible animal products of a like nature).
Fat melter or fat extractor.
Fellmonger.
Fish curer (not carried on by a fishmonger as subsidiary to his trade or business as a fishmonger).
*Fish frier.
Fish oil manufacturer.
Fish skin dresser.
Glue maker.
Gut scraper or gut cleaner.
Leather dresser.
Maker of meal for feeding poultry, dogs, cattle, or other animals from any fish, blood, bone, fat or animal offal, either in an offensive condition or subjected to any process causing noxious or injurious effluvia.
Manufacturer of manure from fish, fish offal, blood or other putrescible animal matter.
Parchment maker.
Size maker.
Skin drier.
Soap boiler.
Tallow melter.
Tanner.
*Tripe boiler.

FOURTH SCHEDULE.

(Clause 45.)

CONSTITUTION AND PROCEDURE OF TRIBUNAL OF APPEAL.

PART I.

Constitution.

1. The Tribunal shall consist of three persons of whom—

One shall be a Fellow of the Royal Institute of British Architects and shall be appointed by the Council on the nomination of the President of the Institute;
One shall be a Fellow of the Chartered Surveyors' Institution and shall be appointed by the Council on the nomination of the President of the Institution;
One shall be a Justice of the Peace and shall be appointed by the Council.

2. A member of the Council shall be disqualified from being a member of the Tribunal.

3. The term of office of members of the Tribunal shall be three years, but a member shall be eligible for reappointment.

4. If a casual vacancy occurs in the membership of the Tribunal, the Council shall appoint a person to fill the vacancy having the same qualifications as the member by whose death or retirement the vacancy was caused and the appointment shall be made in the same manner as the original appointment.

5. A person appointed to fill a casual vacancy shall hold office during the remainder of the term of office of the member in whose place he was appointed.

6. The Council shall appoint one of the members of the Tribunal to be Chairman.

7. The Council may pay the members of the Tribunal such reasonable fees and expenses as may be agreed.

PART II.

Procedure with respect to Appeals.

1. A building owner who desires to appeal shall give notice in writing to the Clerk of the Council and shall furnish with the notice a statement of his grounds of appeal.

2. The Clerk shall forthwith transmit the notice and statement to the Chairman of the Tribunal.

3. Unless the Tribunal are of opinion that the appeal can properly be determined without a hearing, they shall afford the building owner and the Council an opportunity of appearing before them.

4. Any question to be decided by the Tribunal may be decided by a majority of votes.

5. The Tribunal shall give their decision in writing and shall forthwith send it to the Council and a copy thereof to the appellant.

FIFTH SCHEDULE.

(Clause 64.)

Date of agreement. 1.	Parties. 2.	Description of land to which agreement relates. 3.

SIXTH SCHEDULE.

(Clause 66.)

Date of permission. 1.	Description of land to which permission relates. 2.

SEVENTH SCHEDULE.

(Clause 79.)

FORM A.

CHARGING ORDER.

The.....being the Responsible Authority under the ..... Planning Scheme, made under the Town and Country Planning Act, 1932, hereby charge the land and premises mentioned in the Schedule hereto with the payment to..... .....of.....of the sum of ..... pounds payable yearly (half yearly) on the ..... day of..... for the term of ..... years, and being in consideration of a payment of ..... pounds made by..... under Section 21 of the said Act.

Schedule of Land Charged.

Description of land. 1.	Owner. 2.	Occupier. 3.	Parish. 4.	County. 5.	Total acreage. 6

Given under the Common Seal of the above-named Authority this..... day of.....19 .

FORM B.

Form of Assignment of Charge. To be endorsed on Charging Order.

I, the within named . . .. in pursuance of the Town and Country Planning Act, 1932, and of the consideration of ... . pounds, this day paid to me, hereby assign to .. . . the within-mentioned charge.

Signed .. ..

Witnessed by . .. .

Date .. ..

APPENDIX I.

DEFINITIONS IN SECTION 53 OF THE TOWN AND COUNTRY PLANNING ACT, 1932.

"*Buildings*" includes structures and erections;

"*Building operations*" includes any road works preliminary, or incidental, to the erection of buildings;

"*Classified road*" means a road classified by the Minister of Transport under the Ministry of Transport Act, 1919, in Class 1 or Class 2, or in any class declared by him to be not inferior to those classes for the purposes of the Local Government Act, 1929;

"*Development*" in relation to any land includes any building operations or rebuilding operations, and any use of the land or any building thereon for a purpose which is different from the purpose for which the land or building was last being used:

Provided that—

(i) the use of land for the purpose of agriculture, whether as arable, meadow, pasture ground or orchard, or for the purposes of a plantation or a wood, or for the growth of saleable underwood, and the use for any of those purposes of any building occupied together with land so used, shall not be deemed to be a development of that land or building; and

(ii) the use of land within the curtilage of a dwelling-house for any fresh purpose other than building operations shall not be deemed to be a development of that land if the purpose is incidental to the enjoyment of the dwelling-house as such;

"*Fence*" and "*hedge*" have respectively the same meanings as in the Roads Improvement Act, 1925 [The effect of these definitions is that "fence" includes any hoarding or paling and "hedge" includes any tree or shrub whether forming part of a hedge or not];

"*Land*" includes land covered with water and any right in or over land;

"*Minerals*" includes all minerals and substances in or under land of a kind ordinarily worked for removal by underground or by surface working;

"*Owner*" in relation to any land means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, or of any term of years therein granted or agreed to be granted by a lease or agreement the unexpired term whereof exceeds three years;

"*Road*" includes a drift-way and a footway;

"*Statutory undertakers*" means any person authorised by or under an Act of Parliament, or an order having the force of an Act of Parliament, to construct, work, or carry on any railway, canal, inland navigation, dock, harbour, tramway, gas, electricity, water, or other public undertaking;

"*Site*" in relation to a building includes the area of any offices, outbuildings, yard, court or garden occupied or intended to be occupied therewith;

"*Existing building*" and "*existing work*" mean respectively a building or work erected, constructed or carried out before the material date, and include also a building or work—

(i) erected, constructed or carried out in pursuance of a contract made before the material date; or

(ii) begun before, but completed after, that date; or

(iii) erected, constructed or carried out in accordance with the terms of an interim development order, whether made under this Act or any Act repealed by this Act, or of permission granted under such an order:

Provided that—

(*a*) a building erected or constructed in substitution for a previous building in accordance with the provisions of the scheme relating to substituted buildings shall be deemed to be an existing building; and

(*b*) a building shall not cease to be, or to be deemed to be, an existing building by reason of its alteration or extension in accordance with the provisions of the scheme relating to the alteration or extension of existing buildings, and any such alteration or extension shall itself be deemed to be part of the existing building;

"*Existing use*" means, in relation to any building or land, a use of that building or land for any purpose of the same or a similar character to that for which it was last used before the material date, or, in the case of a newly erected building which has not been used before that date, a use for any purpose for which it was designed, and includes in any case any use of a building or land permitted by or under an interim development order, whether made under this Act or any Act repealed by this Act:

Provided that—

(i) if at any time after the material date the existing use of a building is discontinued for a period of eighteen months, no use of that building at any subsequent date shall be deemed to be an existing use thereof;

(ii) where at the material date a person who was using any land for the purpose of mining, quarrying, the digging of clay, gravel or sand, or the deposit of waste materials or refuse, or any other purpose of a similar nature, was entitled also to use neighbouring land for any such purpose, the user under that title of that neighbouring land for any such purpose, whether before or after the material date, shall be deemed to be an existing use.

APPENDIX II.

ALTERNATIVE AND SUPPLEMENTARY CLAUSES.

1. *Alternative Clause* 4 (*Responsible Authorities*).

Sub-clause (1) is inserted to promote co-operation between the County Council and the Borough or District Council in regard to estate development and claims for compensation and betterment. For example, a developer may be willing to give up land for the widening of a county road as part of an agreement relating generally to the layout of the estate behind the road.

In the application of the Clause to a rural district the amendments set out in the note on page 8 [*ante*, p. 3990] should be made. In addition the second half of paragraph (a) of Sub-clause (1) (after the words Responsible Authority in line 5 (*a*)) should be deleted, as the condition under which the Rural District Council will exercise their powers under Clauses 18 to 22 will already have been settled in the agreement made under Sub-clause (3).

These powers will be exercised concurrently with the powers under the byelaws with respect to new streets and therefore should be delegated in all cases. As regards the agency arrangements see the note on Clause 4.

If it is desired to delegate further powers to the Borough or District Council after the Scheme comes into operation, this can be done under Section 274 of the Local Government Act, 1933 (*b*).

(1) Except as hereafter in this Clause provided the Borough (District) Council shall be the authority responsible for enforcing and carrying into effect the provisions of the Scheme subject to the following restrictions:

(a) With a view to facilitating development or the negotiation of a claim for compensation or betterment the County Council amy join with the Borough (District) Council in entering into an agreement with any person with regard to matters in respect of which the Borough (District) Council are the Responsible Authority, and if the agreement contains any provision relating to the exercise by the Borough (District) Council of their powers under Clause 18 (Construction of streets by owners), Clause 19 (Communicating streets) or Clause 22 (Fixing of building line for new street not shown on Map) and if it appears to the County Council that the manner in which those powers are exercised is likely to affect the rights or liabilities of the County Council in connection with a claim for compensation or betterment, the Borough (District) Council shall not refuse unreasonably to join in the agreement.

(b) Any question whether or not the Borough (District) Council have unreasonably refused to join in an agreement shall be decided by the Minister, and if the Minister decides that the refusal was unreasonable the agreement shall, as soon as it is executed by the County Council, become binding upon the Borough (District) Council as though they had been joined as a party thereto.

(*a*) Line 4 as printed in this work.
(*b*) *Ante*, p. 1154.

(3) The powers and duties of the County Council in relation to roads chargeable to the county in the following Clauses, namely:

Clause 18 (Construction of streets by owners);
Clause 19 (Communicating streets);
Clause 20 (Notice of commencement and completion of streets);
Clause 22 (Fixing of building line for new street not shown on Map),

shall be deemed to have been delegated by the County Council to the Borough (District) Council subject to such conditions as have been agreed between the two Councils or to such other conditions as may from time to time be agreed between them or in default of agreement as the Minister may on the application of either Council determine.

2. *Supplementary Clause* 7A. (*Acquisition of land for cemeteries.*)

7A. Land reserved in the foregoing Table for cemeteries may be purchased by the Council, whether by agreement or compulsorily, under and in accordance with the provisions of Section 25 of the Act, and the Council shall have the like powers and duties in regard to any land so reserved, when acquired by them, as if the land had been acquired under the Public Health (Interments) Act, 1879 (*a*).

See the note on Clause 5.

3. *Amendments to be made where it is decided to include special provisions as to underground working of minerals.*

See the note on Clause 6 (3).

Where these amendments are included, provision can be made, if desired, for increasing the distance prescribed in Section 78 of the Railways Clauses Act (*b*), and for specifying the dimensions of airways, etc., for the purpose of Section 80 of the Act as applied.

Clause 2. (Part I—Interpretation.) Add (after the definition of "the Act")—

"the Railways Clauses Act" means the Railways Clauses Consolidation Act, 1845, as originally enacted.

Clause 6 (6). (Buildings, etc., not to be erected on reserved land.) Add—

"or any excavation made in connection with the winning of minerals by underground working."

Clause 6A. Add new Clause as follows:

6A. With respect to minerals lying under or near any land reserved for streets by Clause 5 (Reservation of lands), or under any street constructed on land so reserved, Sections 78 to 85 of the Railways Clauses Act are incorporated in this Scheme with the following modifications:

(i) The said Sections shall be construed as if the expression "The Company" referred to the Council, the expression "railway" referred to land reserved for streets by the Scheme or a street constructed on land so reserved, the expression "the special Act" referred to this Scheme, and the word "prescribed" meant prescribed by the Scheme.

(ii) The Council, by or with any notice under the said Sections of willingness to treat for or make compensation or of intention to prevent or interfere with the working of any mines, may specify and define the nature and extent of the support which they require to be left.

(iii) Any reference to compensation or the payment of the amount of losses or expenses, or to the assessment of compensation or the amount of losses or expenses, in the said Sections shall be read as a reference to compensation or to the assessment of compensation as provided for in the Act and in this Scheme.

Nothing in this Clause shall apply to the winning of minerals by surface working.

Clause 77. (Time for claiming compensation or betterment.) Add new Sub-clauses (2) and (3) as follows:

(2) Where the claim arises under Section 78 of the Railways Clauses Act as applied by Clause 6A (Special provisions as to underground minerals), the claim may be made within twelve months from the date on which the Council shall notify the owner, lessee or occupier of the mines or minerals of the willingness of the Council to pay compensation in respect of all mines and minerals which the Council may require to be left for support.

(*a*) See Vol. IV, *post*.

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[Further amendments to be made where it is decided to include special provision as to underground working of minerals—

Sub-clause (2) to be amended as follows:

Where the claim arises under Section 78 of the Railways Clauses Act as applied by Clause 6A the claim may be made within twelve months from the date on which the Council shall notify the owner, lessee or occupier of the mines or minerals of the willingness of the Council to pay compensation in respect of all mines and minerals which the Council may require to be left for support.]

(3) Where the claim arises under Section 81 or Section 82 of the Railways Clauses Act, as applied by Clause 6A (Special provisions as to underground minerals), the claim shall be made within twelve months from the date on which the expense, loss or damage referred to in those Sections was incurred or suffered.

4. *Alternative Clauses* 15 *and* 17 *for use where Section* 150, *etc., of the Public Health Act*, 1875, *is in operation.*

15. If the Council decide to execute street works under the power conferred on them by Sub-clause (1) of Clause 13 (Execution of street works on reserved land) upon any land reserved in Part II of the Table in Clause 5 (Reservation of lands) and the land has become a private street by virtue of Clause 12 (Sites of new streets and widenings) Sections 150, 151 and 257 of the Act of 1875 (*a*) shall *in relation to streets or proposed streets which are roads chargeable to the country within the meaning of Clause* 4 *(Responsible Authorities) apply as though the County Council were an urban authority under those Sections and shall in any case* apply subject to the following modifications, as though they were incorporated in this Clause, and the Council had decided to execute the works under Section 150:

(1) The Council shall not be entitled to apportion—

(i) any sum in respect of the execution of street works for the purpose of widening an existing highway of which the width is equal to or greater than the width of a byelaw street; or

(ii) a sum in excess of the cost of a standard street made on the site of the street;

(2) Any dispute arising under paragraph (1) of this Clause shall be determined in the manner provided by the Act of 1875 for the determination of disputes as to recovery of expenses of private street works under that Act;

(3) If the land so reserved and becoming a private street in manner aforesaid abuts on and is intended to form the site of a widening of an existing highway, and the existing highway is less in width than a byelaw street, the part of the existing highway upon which the land abuts shall as to its whole width be deemed to be part of the private street;

(4) As soon as the Council have made the street, it shall become a highway repairable by the inhabitants at large;

(5) (i) No expenses apportioned under the Act of 1875 against land or buildings which at the time of apportionment are agricultural land or buildings within the meaning of Section 67 of the Local Government Act, 1929 (*b*), shall be recoverable until the land or buildings cease to be agricultural land or buildings as aforesaid;

(ii) No expenses apportioned under the Act of 1875 in respect of making a new street shall be recoverable in respect of land (whether the site of a building or not) unless and until access is provided for and used by persons or vehicles from that land to the new street;

(iii) No expenses apportioned under the Act of 1875 in respect of widening an existing highway repairable by the inhabitants at large and apportioned against any land abutting on that highway shall be recoverable unless after the day of , 19 , a building has been erected on the land other than an agricultural building within the meaning of the said Section 67 or a building—

(*a*) began before the said date; or

(*b*) erected in pursuance of a contract made before the said date; or

(*c*) erected within the site of a building existing at that date and ordinarily incidental to the purpose for which that building is used; or

(*d*) the erection of which is permitted under Clause 57 (Replacement of existing and certain other buildings);

and the amount recoverable shall in any case be limited to so much of the apportioned sum as is properly attributable to the land forming the site of the building.

Interest shall not be payable to the Council on any money in respect of a period during which under this Clause the money is irrecoverable.

17. Where after the date on which this Scheme comes into operation the Borough (District) Council construct a sewer under land reserved for a street and the construction takes place before the land becomes a private street the Borough (District) Council or the

(*a*) See Vol. IV, *post.* (*b*) See Vol. V, *post.*

County Council as the case may be, may, if they decide to execute street works upon the land, include the cost of the sewer in the cost of any street works executed by them on the street and Sections 150 and 257 of the Act of 1875 (*a*) as modified by this Scheme shall, so far as applicable, apply as if the expenses of constructing the sewer were part of the expenses of the street works.

The County Council shall pay over to the Borough (District) Council any moneys received by them from frontagers in respect of, or properly attributable to, the construction of the sewer, but shall be entitled to deduct any expenses reasonably incurred by them in the recovery of the said moneys.

5. *Alternative Clause* 16. (*Number and sites of new streets to enter classified roads.*)

16 (1) No new street shall be laid out or made so as to enter any of the roads or proposed roads specified in Part I of the Table below.

(2) Save with the consent of the Council no new street shall be laid out or made so as to enter any of the roads or proposed roads specified in Part II of the Table below, except on land reserved for streets.

TABLE B.

PART I.

Existing or intended classified roads on which no new street entrances are to be allowed.

PART II.

Existing or intended classified roads on which no new street entrances are to be allowed without the consent of the Council except on land reserved for streets.

(3) The Council may permit the entry into a road or proposed road specified in Part II of Table B of a new street which is required to provide temporary access from neighbouring land to the said road or proposed road pending the construction on land reserved for streets, or the entry with the consent of the Council in accordance with the provisions of the last preceding Sub-clause, of a street which will provide permanent access from the said land to the said road or proposed road.

Any street constructed to provide such temporary access is hereby declared to be diverted or stopped up and all public rights therein are declared to cease as from the date on which the street providing permanent access as aforesaid is constructed to the satisfaction of the Council and opened for public traffic.

(4) If the Council refuse consent to the laying out or making of a new street under Sub-clause (2) of this Clause any person who is aggrieved by the Council's decision on the ground that he is deprived thereby of a reasonable means of access from neighbouring land to a highway (in this Clause referred to as "the applicant") may submit representations in writing to the Minister together with a plan on a scale of not less than six inches to the mile showing the land, existing highways in the vicinity of the land, the highway to which access has been refused, and the new street to which the Council have refused consent.

(5) After considering any such representations, and, if a local Inquiry has been held, the report of the Inspector holding the Inquiry, the Minister shall inform the Council and the applicant of his decision on the representations.

(6) (*a*) If the Minister decides that any such representations are unjustified, he shall confirm the Council's refusal of consent and notify the applicant and the Council accordingly.

(*b*) If the Minister decides that the representations are justified, he shall so inform the Council and the applicant, and the Council may, if they think fit, withdraw their refusal of consent and shall within one month from the date of receiving notice of the Minister's decision notify the applicant and the Minister whether or not they withdraw their refusal of consent.

(*c*) If the Council decide not to withdraw their refusal of consent the applicant shall not be entitled to lay out or make the proposed new street and Subsection (1) of Section 18 of the Act enabling compensation to be claimed shall apply.

(*d*) If the Council fail to notify the applicant and the Minister of their decision as required by paragraph (*b*) above, or if they decide to withdraw their refusal of consent, they shall be deemed to have given a consent under Sub-clause (2) of this Clause.

(7) For the purposes of this Clause a new street does not include a new street not intended for use as a carriageway.

(*a*) See Vol. IV, *post*.

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Clause 77. (Time for claiming compensation or betterment.) Add—

(1) Sub-clause (6) (*b*) of Clause 16 (Number and sites of new streets to enter classified roads);

(2) new paragraph between (*b*) and (*c*) as follows:

(*c*) in the case of a decision of the Council under Sub-clause (6) (*b*) of Clause 16 (Number and sites of new streets to enter classified roads) not to withdraw a refusal of consent, a period of twelve months from the date on which the applicant is notified by the Council of their decision; and

Clause 78 (Exclusion of claims for compensation). Substitute for paragraph relating to Clause 16—

Clause 16 (Number and sites of new streets to enter classified roads) except in a case where the Council decide under Sub-clause (6) (*b*) of the Clause not to withdraw a refusal of consent;

6. *Supplementary Clause* 38A. (*Minimum frontages.*)

If it is decided to require minimum frontages, it is desirable to keep the minimum figure fairly low in order to allow for the variety of possible circumstances. The following minima are suggested:

Density.	Minimum frontage.
8	25 feet.
6	30 feet.
4	40 feet.
2	60 feet.

It is not ordinarily thought worth while to prescribe minimum frontages in the 12 and 10 density zones, as not more than 22 feet can reasonably be insisted on—and that is scarcely more than the normal width of the small house plus the "break" already required under Clause 43 (Breaks in buildings). In addition provisio (*b*) hardly makes sufficient allowance to meet the case of the block in excess of four houses which is normally allowed in the higher density zones.

As already pointed out on page 60 [*ante*, p. 4018] compensation cannot be excluded for these restrictions and if the Clause is included the words "Clause 38A(Minimum frontages) and" must be inserted between "except" and "Clause 46 (Siting of buildings)" after the reference to Part IV in Clause 78 (Exclusion of claims for compensation).

38A. Except where under Sub-clause (2) or Sub-clause (4) of Clause 37 (Number of dwelling-houses which may be erected) the Council permit an increase in the number of dwelling-houses which may be erected, no dwelling-house shall be erected on a site having a frontage to the street or proposed street forming or intended to form the principal means of access to such dwelling-house, measuring less than—

Provided that—

(*a*) the Council shall have power to allow the erection of dwelling-houses on sites having a less frontage than is required by the foregoing provisions where the buildings are arranged to the satisfaction of the Council;

(*b*) where it is proposed to erect dwelling-houses in a continuous block in accordance with Sub-clause (1) or Sub-clause (3) (*a*) of Clause 43 (Breaks in buildings) it shall be sufficient if the combined frontages of the sites occupied by the said dwelling-houses are not less than would have been required by this Clause if the dwelling-houses had not been erected in a continuous block.

7. *Supplementary Clause* 47A. (*Protection of aerodrome.*)

This Clause is based on the Air Ministry Pamphlet 76, "Principles governing the Planning and Zoning of Land Aerodromes" (price 6*d*.). The technical expressions used in the Clause are further described in the Pamphlet.

[1] The "aerodrome" should include the landing and neutral areas, and unless already acquired, these should be shown as reserved for use as an aerodrome in Clause 5, Table A. Land must also be reserved for the aerodrome buildings, but this should be shown as a separate reservation in Clause 5, and broad hatched light grey.

[2] The inner, middle and outer circles should be drawn in black and marked, also in black, "inner circle," etc.

[3] This Clause should be included among the exceptions in paragraph (c) of Sub-clause (1) of Model Clause 62 so that the Council may have two months in which to give consent.

[4] Reference to this Clause should be included in the final paragraph of Model Clause 28, so that "building" will include a structure or erection. It will also be necessary to expand Model Clause 86 so that the height restrictions will apply to those buildings. This can be done by adding a reference to Clause 47A after that to Part II of the Scheme.

(1) For the purposes of this Clause—

"the aerodrome" [1] means the land coloured light grey and edged green on the Map;

"the mean level of the aerodrome" means a height of feet above Ordnance Datum;

a "flightway" means land adjoining the aerodrome which is edged and fine hatched black on the Map;

a "runway" means land within the aerodrome oblong in shape and outlined by solid and broken green lines;

"the inner area" means the land between the aerodrome and the inner circle [2] on the Map;

"the middle area" means the land between the inner and the middle circles on the Map;

"the outer area" means the land between the middle and the outer circles on the Map;

"the low visibility approach areas" mean the pieces of land adjoining the outer edge of the outer area which are edged black on the Map.

(2) Except with the consent of the Council, which shall not be given without the prior approval of the Secretary of State for Air,[3] no building [4] shall be erected—

(*a*) within any flightway so as to project above a line drawn from the nearest point on the appropriate runway (that is to say, the runway in direct line with the said flightway) at an angle of 3° 45′ (corresponding to a slope of 1 in 15) from the horizontal, provided that where two flightways overlap the height applicable should be the lower of the two ascertained in accordance with this provision; or

(*b*) within the inner area so as to exceed a maximum height of thirty-five feet; or

(*c*) within the middle area so as to exceed a maximum height of one hundred feet; or

(*d*) within the outer area so as to exceed a height of two hundred feet; or

(*e*) within the low visibility approach areas so as to exceed a height of four hundred feet.

(3) (*a*) Where the Council consider that the whole or part of any tree, bush or shrub within any flightway or area referred to in the preceding Sub-clause extends beyond the height to which the erection of a building would be permitted on the same place under the said Sub-clause, and that in the interests of safety such tree, bush or shrub should be cut down or reduced in height, they may serve on the owner or occupier of the land a notice containing a requirement that the said tree, bush or shrub be cut down or reduced in height within the time and in the manner specified in the notice and a statement that, in the event of the work not being undertaken within the time so specified, the Council will enter upon the land for the purpose of carrying it out.

(*b*) Any person upon whom a notice is served under this Sub-clause shall have power, notwithstanding anything in any conveyance or in any lease or other agreement, to do all such things as may be necessary for complying with the requirements of the notice.

(*c*) Any person upon whom a notice is served under this Sub-clause shall be entitled to recover from the Responsible Authority any expenses reasonably incurred by him in carrying out any directions contained in the notice.

(*d*) In the event of the requirement contained in the notice not being complied with, the Council may thereupon enter upon the land and cut down or reduce in height the said tree, bush or shrub, to such extent as may be necessary in the interests of safety.

(*e*) If within four clear days from the date of service of the notice aforesaid the owner or occupier of the land notifies the Council in writing that he objects to the action proposed by them on the ground that the tree, bush or shrub, to which the notice refers, does not extend beyond the height specified above, the objection shall, unless it is settled by agreement, be referred to an arbitrator appointed by the Minister and the decision of the arbitrator shall be final.

(*f*) The Council shall not take any action under the aforesaid notice until the expiration of the period allowed by this Sub-clause for the making of objections.

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(4) For the purposes of this Clause height shall be measured from the mean level of the aerodrome to the highest point of the building, tree, bush or shrub.

8. *Alternative Clause* 80. (*Maintenance of registers and supply of copies of notices.*)

80.—(1) As soon as may be after the Scheme comes into operation, and in any case within one month thereafter, the Council shall divide the register of owners and associations compiled under Subsection (4) of Section 7 of the Act (hereinafter referred to as " the register ") into portions, in such manner that there shall be one portion in respect of each district or part of a district within the Area of the Scheme, and that each portion shall contain the names and addresses of all persons registered in respect of property within the district or part of a district to which it relates, and the names and addresses of all registered associations.

The Council shall thereupon transfer the several portions of the register, other than the portion relating to their own district, to the Councils of the respective districts to which those portions relate, and the Council of each district shall thereupon be responsible for the maintenance of the register for that district or part of that district.

(2) Each Council having custody of a portion of the register shall, on application in writing being made to them, grant facilities for the inspection of that portion of the register by the County Council, or by any Council who are a Responsible Authority under this Scheme, or by any joint committee or authority making, preparing or adopting a scheme, varying scheme, supplementary scheme, supplementary order or general development order in respect of land in the district of that Council, and for making copies of any entries in that portion of the register in respect of the said land.

(3) Where in pursuance of any provision of this Scheme notice by advertisement in a newspaper is given by the Council of anything done or proposed to be done, or any action taken or proposed to be taken under the Scheme, the provisions of Subsection (7) of Section 7 of the Act shall apply so as to require the service by the Council of a copy of the notice on every person whose name and address appear in the register in respect of any property affected by the matter of which notice is given and on every association whose name and address appear in the register.

9. *Alternative Clause* 81. (*Inspection of Scheme.*)

81.—(1) The Council shall permit any Council who are a Responsible Authority under this Scheme or any person to inspect at any reasonable time the Scheme, the duplicate of the Map deposited in the offices of the Council, the agreements of which particulars are set out in the Fifth Schedule to this Scheme, the permissions specified in paragraph (*b*) of Clause 66 (Application of Scheme to development uncompleted at commencement of Scheme) and any consents given by statutory undertakers under Section 41 of the Act.

(2) A certified copy of the Map so far as it relates to the part of the Area within the district of any Council who are a Responsible Authority under this Scheme shall be furnished to that Council by the Council, and each of those Councils shall cause the copy of the Map so furnished to them and a copy of the Scheme to be deposited at their offices, and shall permit any person to inspect such copies at any reasonable time.

TRAMWAYS.

BOARD OF TRADE (a) RULES WITH RESPECT TO PROVISIONAL ORDERS AND OTHER MATTERS UNDER THE TRAMWAYS ACT, 1870.

* * * * * *

NOTES.

(1) *All memorials, objections, and other documents should be on paper of foolscap size.*

(2) *Promoters who desire to be incorporated must register themselves under the Companies Act,* 1862 (b).

RULES OF THE BOARD OF TRADE.

RULE I. When the application is made by any local authority, the evidence of approval required as above by Schedule A. (Part III.) of the Act must be given at the time fixed for proving compliance with the Act and these Rules, by (a) a certified copy of the resolution approving of the intention to make the application, (b) a certified copy of the notice convening the special meeting to consider the application, and (c) a certified statement of the number of members constituting the local authority, and of the number present and voting at such special meeting.

RULE II. Where an application is made by promoters, not being the local authority of the district in which the tramway is proposed to be laid, evidence of the consent required by Part I., section 4 of the Act, must be given at the time fixed for proving compliance with the Act and these Rules, by (a) a certified copy of the resolution passed at a meeting of the local or road authority, as the case may be, at which the application was approved, (b) a copy of the notice convening the meeting, which notice must contain a statement that the subject of the proposed tramway will be brought before the meeting.

Similar evidence of the consent of the local and road authorities must be produced in cases in which the promoters seek to use steam or other mechanical power on any tramway or tramways already authorised.

RULE III. The tramways mentioned in the advertisement of the intended application should be described in the manner prescribed in Rule XVI., but the length need not be inserted.

RULE IV. The advertisement must specify at what point or points, and on which side of the street or road, it is proposed to lay such tramway, so that for a distance of thirty feet or upwards a less space than nine feet six inches, or if it is intended to run thereon carriages or trucks adapted for use upon railways, a less space than ten feet six inches shall intervene between the outside of the footpath on the side of the street or road and the nearest rail of the tramway. The notice shall also specify the gauge to be adopted, and what power it is intended to employ for moving carriages or trucks upon the tramway.

RULE V. In the months of October and November, or one of them, immediately preceding the application for any Provisional Order, a notice thereof shall be posted for fourteen consecutive days in every street or road, along which it is proposed to lay the tramway in such manner as the authority having the control of such street or road shall direct; and if after application to such authority no such direction shall be given, then in some conspicuous position in such street or road; and such notice shall also state the place or places at which the plans of such tramway will be deposited.

RULE VI. On or before the 15th day of December immediately preceding the application for any Provisional Order for laying down a tramway crossing any railway or tramway on the level, or crossing any railway, tramway, or canal by

(a) The functions of the Board of Trade under the Tramways Acts are now vested in the Minister of Transport in virtue of the Ministry of Transport Act, 1919 (3 Halsbury's Statutes 422). These rules, being earlier than the Rules Publication Act, 1893 (18 Halsbury's Statutes 1016), were not originally printed as S. R. & O., but are to be found in the Revised S. R. & O., 1903, vol. 13.

(b) Since repealed and re-enacted: see 2 Halsbury's Statutes 775 for the present principal Act.

TRAMWAYS

means of a bridge, or otherwise affecting or interfering with such railway, tramway, or canal, notice in writing of such application shall be served upon the owner or reputed owner and upon the lessee or reputed lessee of such railway, tramway or canal, and such notice shall state the place or places at which the plans of the tramway to be authorised by such Provisional Order have been or will be deposited.

Similar notice must also be given to county councils and to proprietors of navigable rivers in respect of their bridges or other works which are proposed to be crossed or otherwise interfered with.

Every notice under this Rule must be accompanied by a copy of Rule XVII., omitting the first paragraph, and must state where copies of the draft Provisional Order, when deposited at the Board of Trade, can be obtained.

RULE VII. When the promoters make application for an extension of time for the construction of, or for authority to abandon, any tramway, they must on or before the 15th day of December, serve notice of such application upon all the local and road authorities affected.

RULE VIII. The preceding advertisement and notices, other than the street notice, must state that every company, corporation, or person desirous of making any representation to the Board of Trade, or of bringing before them any objection respecting the application, may do so by letter, addressed to the assistant secretary of the Railway Department of the Board of Trade, *on or before the 15th January* next ensuing; that copies of their objections must at the same time be sent to the promoters; and that in forwarding to the Board of Trade such objections the objectors or their agents should state that a copy of the same has been sent to the promoters or their agents.

RULE IX. On or before the 15th day of December immediately preceding the application for a Provisional Order, notice in writing must be given to the owners or reputed owners, lessees or reputed lessees, and occupiers of all houses, shops, or warehouses abutting upon any part of any street or road where, for a distance of thirty feet or upwards, it is proposed that a less space than nine feet six inches shall intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway.

This notice should be given in respect of such premises on both sides of the road, and must contain a notification that if such owner, lessee, or occupier dissents from the tramway being so laid, he may express his dissent by a statement in writing, addressed to the assistant secretary of the Railway Department of the Board of Trade, *on or before the 1st January* next ensuing, and that he must at the same time send a copy of his dissent to the promoters.

RULE X. A published map of the district on a scale of not less than six inches to a mile (or, if no map on such a scale be published, then the best map obtainable), with the line of the proposed tramway marked thereon, and a diagram on a scale of not less than two inches to the mile prepared in accordance with the specimen appended to these rules, must also be deposited on or before the 30th of November.

RULE XI. The plans to be deposited must also comply with the following requirements:—

The plans shall indicate whether it is proposed to lay the tramway along the centre of any street or road, and if not along the centre, then on which side of, and at what distance from, an imaginary line drawn along the centre of such street or road, and whether or not, and if so, at what point or points, it is proposed to lay such tramway, or that for a distance of thirty feet or upwards a less space than nine feet six inches, or if it is intended to run thereon carriages or trucks adapted for use upon railways, a less space than ten feet six inches, shall intervene between the outside of the footpath on either side of the street or road and the nearest rail of the tramway.

All lengths shall be stated on the plan and section in miles, furlongs, chains, and decimals of a chain.

The distance in miles and furlongs from one of the termini of each tramway shall be marked on the plan and section.

Each double portion of tramway, whether a passing-place or otherwise, shall be indicated by a double line.

The total length of the street or road upon which each tramway is to be laid shall be stated (*i.e.*, the length of route of each tramway).

The length of each double and single portion of such tramway, and the total length of such double and single portions respectively, shall also be stated.

In the case of double lines (including passing-places), the distance between the centre lines of each line of tramway shall be marked on the plans. This distance must in all cases be sufficient to leave at least 15 inches between the sides of the widest carriage and engines to be used on the tramways when passing one another.

The gradients of the street or road on which each tramway is to be laid shall be marked on the section.

Every crossing of a railway, tramway, river, or canal shall be shown, specifying in the case of railways and tramways whether they are crossed over, under, or on the level.

All tidal waters shall be coloured blue.

All places, where for a distance of 30 feet and upwards there will be a less space than nine feet six inches between the outside of the footpath on either side of the street or road and the nearest rail of the tramway, shall be indicated by a thick dotted line on the plans on the side or sides of the line of tramway where such narrow places occur, as well as noted on the plans, and the width of the street or road at these places shall also be marked on the plans.

NOTE.—The section of each tramway should, where practicable, be shown on the same page as the plan.

RULE XII. The plans to be deposited with the clerk of the peace or sheriff clerk (as the case may be) must be in duplicate. (See Standing Order of the House of Lords and of the House of Commons.)

RULE XIII. In cases where the proposed works are intended to be made in or through one or more parishes or districts, the deposit with the parish clerks or local authorities need consist only of a copy of so much of the plans and sections as relates to their respective parishes or districts.

RULE XIV. The following Standing Orders must also be complied with (*a*):

"47. WHENEVER plans, sections, books of reference, or maps, are deposited with any Public Department in relation to any Provisional Order or Certificate by which it is proposed to authorise the taking of land or the construction of works, duplicates of the said documents shall also be deposited in the Office of the Clerk of the Parliaments: Provided that with regard to such deposits as are so made after the prorogation of Parliament and before the twentieth day of November in any year such duplicate shall be so deposited on or before the twentieth day of November (*b*)."

RULE XV. The following documents, etc., must also be deposited at the Board of Trade on or before the 23rd December, viz.:—

(1) A complete list of every railway, tramway, and canal proposed to be crossed or otherwise affected or interfered with, together with the names and addresses of the owners or reputed owners, and of the lessees or reputed lessees thereof, and a certified copy of the notice served upon them.

(2) A complete list of the local and of the road authorities through whose districts the proposed tramway is to pass (including in such list the clerk to the county council in cases where it is proposed to cross county bridges), and if any such district is or forms part of a highway district, under the provisions of the Highway Acts, a statement to that effect must accompany the deposit. Also a separate list of the local and road authorities affected by any application relating to the use of steam or other mechanical power on authorised tramways, or to an extension of time or abandonment; together with a copy of any notice served under Rule VII.

(*a*) These standing orders refer to *amended* as well as to original plans. They are Rule 47 (Lords) and Rule 49 (Commons), which have been inserted in their latest form instead of as originally printed in these Rules.

(*b*) This is Standing Order 47 of the House of Lords: S.O. 49 of the House of Commons is the same, except that the words "Committee and Private Bill Office" are substituted for the words "Office of the Clerk of the Parliaments."

RAM-NAYS

(3) A certified copy of the notice which is required by Rule V. to be posted in the streets in October or November next before the application.

(4) In all cases where for a distance of 30 feet or upwards it is proposed that a less space than nine feet six inches shall intervene between the outside of the foot-path on either side of the road and the nearest rail of the tramway, or a less space than ten feet six inches if it is intended to run on the tramway carriages or trucks adapted for use upon railways, a complete list of the owners or reputed owners, lessees or reputed lessees, and occupiers of all houses, shops, or warehouses abutting upon any part of the highway, where such less space is proposed, together with a certified copy of the notice which was served on them on or before the 15th December, as required by Rule IX. (The list should be so prepared as to show distinctly and separately every length of street or road where for a distanee of 30 feet or upwards such less space is proposed, and in respect of every such length of street or road it should indicate in parallel columns the name of the street, the name or number of the house, shop, or warehouse, and the names of the owner or reputed owner, the lessee or reputed lessee, and of the occupier.)

(5) A description of the land (if any) which the promoters propose to purchase for the construction of the tramway. (The contracts for the purchase of all the lands required must be produced at the time of proving compliance with the Act and these Rules.)

(6) A list of every Provisional Order or Act of Parliament (if any) of the promoters; and where the promoters are a company incorporated under the Companies Act, 1862, a printed copy of the memorandum of association, articles of association, and any registered special resolution of the company, and in the case of a company incorporated in any other manner, a copy of every deed or instrument of settlement or incorporation.

(7) A fee of £35, by cheque payable to "An Assistant Secretary of the Board of Trade." (This fee will not necessarily be taken to cover the cost of inquiries or other matters arising out of the application. With respect to costs in such matters, security must be given from time to time by the promoters as the Board of Trade may require) (*a*).

DRAFT PROVISIONAL ORDER.

RULE XVI. The following rules must be observed in regard to the draft Provisional Order:—

(1) The draft Provisional Order must be deposited in triplicate and be printed on *one side only of the page*, so as to leave the back of the page blank, and any schedule annexed must begin a new page.

(2) The draft Provisional Order must describe where each tramway is to commence and terminate, and must state the streets and roads along which it is to pass, and the total length of the double and single portions respectively of such tramway in miles, furlongs, chains, and decimals of a chain.

(3) Each double and single portion of such tramway, with its commencement and termination, must also be described. (This can be done by stating that each line or branch line will be double or single throughout, except at certain specified places where it will be single or double.)

(4) Every passing-place must be described as a double line in accordance with the Standing Order of the House of Lords, which provides that "*two lines of tramway running side by side shall be described as a double line.*"

(5) In cases where the promoters are individuals their addresses as well as names should be inserted in the draft Order.

(6) The names and addresses of the agents for the Provisional Order must be printed on the outside of the draft Order, and there must be a notice at the end of it stating that objections are to be addressed to the Assistant Secretary of the Railway Department of the Board of Trade (*a*) on or before the 15th January next ensuing, that copies of objections must at the same time be sent to the promoters, and that in forwarding to the Board of Trade such objections, the objectors or their agents should state that a copy of the same has been sent to the promoters or their agents.

(*a*) See note (*a*), *ante*, p. 4057.

PROOFS OF COMPLIANCE WITH THE ACT AND RULES.

RULE XVII. The agents should be prepared to prove compliance with the provisions of the Act and these rules by the *15th January, and all such proofs must be completed on or before the 22nd February.* Six days' notice will be given of the day and hour at which the agents are to attend for the purpose at the Board of Trade, and printed forms of proof will accompany the notice. These forms should be filled up by the agents, and brought with the requisite documents to the department at the time fixed for proving compliance.

If any local or road authority, or any railway, tramway, or canal company, or any other company, body, or person desire to have any clauses or other amendments inserted in the Order, they must deliver the same to the agents for the Order, and also to the Board of Trade, not later than the *8th February.*

On or before the 22nd February the agents must deposit at the Board of Trade a filled up draft printed Order (in duplicate) containing in manuscript all such clauses or other amendments as have been agreed upon.

If any of the clauses or other amendments which have been delivered to the agents are not settled with the consent of both parties the agents must, so far as they can, on or before the 22nd February, show what are the amendments, if any, which each party would be willing to accept.

After the 22nd February no further proposals for clauses will be entertained by the Board of Trade (*a*).

RULE XVIII. Should any alteration of the plan and section originally deposited for the purposes of the Order be made, with the approval of the Board of Trade, before the Order is granted, a copy of such plan and section (or of so much thereof as may be necessary), showing such alteration, must, before the Order is introduced into a Confirmation Bill, be deposited by the promoters for public inspection :—

In England, in the office of the clerk of the peace for every county, riding, or division, and of the parish clerk of every parish, and the office of the local authority of every district, affected by such alteration ; and

In Scotland, in the office of the principal sheriff clerk, for every county district, or division affected by such alteration.

Copies of such documents are at the same time to be deposited at the office of the Board of Trade in the Office of the Clerk of the Parliaments and at the Private Bill Office.

RULE XIX. When a Provisional Order has been made, and before it is introduced into the Confirmation Bill, the promoters will be required to submit to the Board of Trade the following proofs, viz. :—

(1) The receipt of the clerk of the peace or sheriff clerk, or proof by affidavit of the deposit of the Order with such officer as required by Part IV. of Schedule B to the Act.

(2) A copy of the local newspaper containing the advertisement of the Order. This advertisement must have a short heading stating that the Order has been made by the Board of Trade under the Tramways Act, 1870, previous to its being introduced into a Confirmation Bill, and must also state the name of the office where printed copies of the Order can be obtained.

(3) Proof must also be given that the advertisement Order is a correct copy of the Order delivered by the Board of Trade to be advertised, that it was inserted in the newspaper in which the original advertisement of the application for the Order was published, and that a sufficient number of printed copies of the Order were deposited for sale at the office named in the original advertisement, with a statement of the price for which they may be obtained.

(4) Receipts or proofs by affidavit of the deposit of amended plans as required by Rule XVIII.

Printed forms for these proofs will be furnished by the Board of Trade when the Order is sent to the promoters to be advertised, and one of these forms must be filled by the promoters, and brought or forwarded to the department *as soon as possible* after the advertisement and deposit have been made.

(*a*) See note (*a*), *ante*, p. 4057.

TRAMWAYS

DEPOSIT OF MONEY, PENALTY FOR NON-COMPLETION OF TRAMWAYS, AND RELEASE OF DEPOSIT.

RULE XX. After the Provisional Order is ready, and before the same is introduced by the Board of Trade into a Confirming Bill, the *promoters* (unless they are a local authority) shall, if they are not possessed of a tramway already open for public traffic, which has during the year last past paid dividends on their ordinary share capital, pay as a deposit a sum of money not less than five per centum on the amount of the estimate of the expense of the construction of the tramway, as follows; namely,

Where the tramway or any part thereof will be situate in England,—to the account of the Paymaster General for and on behalf of the Supreme Court of Judicature in England to the credit of the particular tramway:

Where the tramway will be situate wholly in Scotland,—either to the account of the Paymaster General for and on behalf of the Supreme Court of Judicature in England in manner aforesaid, or (at the option of the promoters) into a bank in Scotland established by Act of Parliament or Royal Charter, in the name and with the privity of the Queen's Remembrancer of the Court of Exchequer in Scotland *ex parte* the particular tramway.

The Board of Trade may issue their warrant to the promoters for such payment into court, which warrant shall be a sufficient authority for the *persons* therein named, not exceeding five in number, or the majority or survivors of them, to pay the money therein mentioned to the account of the Paymaster General for and on behalf of the Supreme Court of Judicature in England or into the bank therein mentioned, in the name and with the privity of the officer therein mentioned, if any, and for that officer to issue directions to such bank to receive the same, to be placed to his account there according to the method (prescribed by statute, or general rules or orders of court or otherwise), for the time being in force respecting the payment of money into the said courts respectively, and without fee or reward.

Provided, that in lieu, wholly or in part, of the payment of money, the promoters may bring into court as a deposit an equivalent sum of bank annuities, or of any stocks, funds, or securities on which cash under the control of the respective courts is for the time being permitted to be invested, or of exchequer bills (the value thereof being taken at the price at which the promoters originally purchased the same, as appearing by the broker's certificate of the purchase; and in that case the Board of Trade shall vary their warrant accordingly by directing the transfer or deposit of such amount of stocks, funds, securities, or exchequer bills by the persons therein named.

Where money is so paid into the Supreme Court of Judicature, the Court may, on the application of the persons named in the warrant of the Board of Trade, or of the majority or survivors of them, order that the same be invested in such stocks, funds, or securities as the applicants desire and the Court thinks fit.

In the subsequent provisions of these rules, the term "the deposit fund" means the money deposited, or the stocks, funds, or securities in which the same is invested, or the bank annuities, stocks, funds, securities, or exchequer bills transferred or deposited, as the case may be; and the term "the depositors" means the persons named in the warrant of the Board of Trade authorising the deposit, or the majority or survivors of those persons, their executors, administrators, or assigns.

RULE XXI. If the promoters empowered by the Order to make the tramway are possessed of a tramway already opened for public traffic, and which has during the year last past paid dividends on their ordinary share capital, no deposit will be required; but if such promoters (unless they are a local authority) do not, within the time in the Order prescribed, or within the time as prolonged by the special direction of the Board of Trade under section 18 of the Tramways Act, 1870, and if none is prescribed, or if the time has not been prolonged as aforesaid, then within two years from the passing of the Act confirming the Order, complete the tramway authorised by the Order, they will be liable to a penalty of £50 a day for every day after the expiration of the period so limited, until the said tramway is completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per cent. on the estimated cost of the works; and the said penalty may be applied for by any road authority claiming to be compensated in accordance with the provisions of Rule XXII., and in the same manner as the penalty provided in the third section of the Act 17 & 18 Vict. c. 31, known as the Railway and Canal

Traffic Act, 1854, and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in the said third section of the Act 17 & 18 Vict. c. 31, to an account opened or to be opened in the name and with the privity of the Paymaster General for and on behalf of the Supreme Court of Judicature in England [the Queen's Remembrancer of the Court of Exchequer in Scotland (according as the tramway is situate in England or Scotland)], in the bank named in such Order, and shall not be paid thereout, except as provided by Rule XXII., but no penalty will accrue in respect of any time during which it shall appear, by a certificate to be obtained from the Board of Trade, that the promoters were prevented from completing or opening such tramway by unforeseen accident or circumstances beyond their control; Provided, that the want of sufficient funds will not be held to be a circumstance beyond their control.

RULE XXII. If the promoters empowered by the Order to make the tramway do not within the time within the Order prescribed, or within the time as prolonged by the special direction of the Board of Trade under section 18 of the Tramways Act, 1870, and if none is prescribed, or if the time has not been prolonged as aforesaid, then within two years from the passing of the Act confirming the Order, complete the tramway, and open it for public traffic, then and in every such case the deposit fund, or so much thereof as shall not have been repaid to the depositors (or any sum of money recovered by way of such penalty as aforesaid), shall be applicable, and after due notice in the London or Edinburgh Gazette, as the case may require, shall be applied towards compensating all road authorities for the expense incurred by them in taking up any tramway or materials connected therewith placed by the promoters in or on any road vested in or maintainable by such road authorities respectively, and in making good all damage caused to such roads by the construction or abandonment of such tramway, and for which expense or damage no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation in such manner and in such proportions as to the Supreme Court of Judicature in England or Court of Exchequer in Scotland, as the case may be, may seem fit; and if no such compensation shall be payable, or if a portion of the said deposit fund (or of the sum or sums of money recovered by way of penalty aforesaid) shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said deposit fund (or the sum or sums of money recovered by way of penalty aforesaid), or such portion of it as may not be required as aforesaid shall in the discretion of the Court if the promoters are a company and a receiver has been appointed, or if such company is insolvent and has been ordered to be wound up be paid or transferred to such receiver, or to the liquidator or liquidators of the company, or be applied in the discretion of the Court as part of the assets of the company, for the benefit of the creditors thereof. Subject to such application as aforesaid, the deposit fund may be repaid or retransferred to the depositors or as they shall direct.

RULE XXIII. The Court in which the deposit is made shall, on the application of the depositors, order the deposit fund to be paid or transferred to the applicants, or as they shall direct, if, within the time by the Order prescribed, or within the time prolonged by the special direction of the Board of Trade under section 18 of the Tramways Act, 1870, and if none is prescribed, or if the time has not been prolonged as aforesaid, then within two years from the passing of the Act confirming the Order, the promoters thereby empowered to make the tramway, complete it, and open it for public traffic after inspection by an inspector appointed by the Board of Trade, and upon a certificate of the Board of Trade that the tramway is fit for public traffic as provided by Rule XXV.; Provided, that if within such time as aforesaid any portion of a line of tramway authorised by an Order is opened for public traffic, after such inspection as aforesaid, and on such certificate under Rule XXV. as aforesaid, then on the production of a certificate of the Board of Trade, specifying the length of the portion of the tramway opened as aforesaid, and the portion of the deposit fund which bears to the whole of the deposit fund proportion as the length of the tramway so opened bears to the entire length of the tramway authorised by the Order the court in which the deposit is made shall, on the application of the depositors, order the said portion of the deposit fund so specified in such certificate as aforesaid to be paid or transferred to them, or as they shall direct.

TRAMWAYS

RULE XXIV. The depositors shall be entitled to receive payment of any interest or dividends from time to time accruing on the deposit fund while in court; and the court in which the deposit is made may from time to time, on the application of the depositors, make such Order as seems fit respecting the payment of the interests or dividends accordingly.

If either House of Parliament refuse to confirm any Provisional Order in respect whereof a deposit has been made under these rules, or authorise a portion only of any tramway comprised in such Order, or if any such Provisional Order be withdrawn before the same is confirmed by Parliament the Court shall, upon production of a certificate of the Board of Trade, order the deposit fund or a proportionate part thereof, as the case may be, to be paid to the depositors, or as they shall direct.

The issuing in any case of any warrant or certificate relating to deposit or to the deposit fund, or any error in any such warrant or certificate or in relation thereto, shall not make the Board of Trade, or the person signing the warrant or certificate on their behalf, in any manner liable for or in respect of the deposit fund, or the interest of or dividends on the same, or any part thereof respectively.

Any application under these rules to the Supreme Court of Judicature shall be made in a summary manner by summons at chambers.

OPENING OF TRAMWAYS.

RULE XXV. The promoters shall give to the Board of Trade at least 14 days' notice in writing of their intention to open any tramway, or portion of a tramway, and such tramway or portion of tramway shall not be opened for public traffic until an inspector appointed by the Board of Trade has inspected the same, and the Board of Trade has certified that it is fit for such traffic. The above-mentioned notice should be accompanied by the following documents, viz.:—

(1) A copy of the Act or Provisional Order authorising the construction of the tramways.

(2) A copy or tracing of so much of the deposited plans and sections as relates to the portion of tramway proposed to be opened, distinguished between double and single line, and showing in red ink any variations therefrom in the tramways as constructed.

(3) A list of the local and road authorities concerned.

(4) A diagram of the lines submitted for inspection, on a scale of about two inches to a mile.

PROLONGATION OF TIME FOR THE COMMENCEMENT OR COMPLETION OF WORKS.

The Board of Trade, under the powers conferred upon them by section 18 of the Tramways Act, 1870, have made the following rules with respect to applications for a prolongation of time for the commencement or the completion of the works authorised by any Order made under the above-named Act:—

1. The application should be in the form of a memorial setting forth the grounds on which the application is made, and must be made *at least one month before* the expiration of the time prescribed for the commencement or the completion of the works, as the case may be.

2. The promoters of any tramway undertaking authorised by any Order, who intend to apply to the Board of Trade for a prolongation of the time limited for the commencement or the completion of the works authorised by such Order, shall publish by advertisement, once at least in each of two successive weeks, in some one and the same newspaper published in the district affected by such Order a notice of their intention to apply to the Board of Trade for a prolongation of time.

3. The notice must state the period to which it is proposed to prolong the time limited for the commencement or the completion of the works, as the case may be, and must contain a notification that all persons desirous of making any representation to the Board of Trade, or of bringing before them any objection respecting the application, may do so by letter addressed to the Assistant Secretary (Railway Department) Board of Trade, on or before a day to be named in the advertisement, being not less than 21 days from the date of the first publication of the advertisement, and that

copies of their representations or objections should at the same time be sent to the promoters.

4. A similar notice must be delivered to every local and road authority *before* the second publication of the notice. Copies of newspapers containing the notice, and a statement that a copy of it has been duly served on the local and road authorities as required by these rules, must be sent to the Board of Trade with the application.

5. Before the Board of Trade comply with the application, they will impose such conditions (if any) as they think fit.

COURTENAY BOYLE.

Board of Trade (Railway Department),
January, 1892.

WATER SUPPLY.

See also "GAS WORKS," *ante*.

S. R. & O., 1920, No. 2126.

MINISTRY OF HEALTH (TRANSFER OF POWERS AS TO WATER UNDERTAKINGS) ORDER, 1920.

At the Court at Buckingham Palace, the 9th day of November, 1920.

PRESENT,

The King's Most Excellent Majesty in Council.

WHEREAS by subsections (2) and (4) of section 3 of the Ministry of Health Act, 1919, it is provided that His Majesty may from time to time by Order in Council transfer to the Minister of Health any of the powers and duties in England and Wales of any Government Department which appear to His Majesty to relate to matters affecting or incidental to the health of the people, and may make such incidental, consequential and supplemental provisions as may be necessary or expedient for the purpose of giving full effect to any transfer of powers or duties by or under that section and may make such adaptations in the enactments relating to such powers or duties as may be necessary to make exercisable by the Minister of Health and his officers the powers and duties so transferred:

And whereas the Board of Trade exercise and perform certain powers and duties in relation to water undertakings which appear to His Majesty to relate to matters affecting or incidental to the health of the people,

Now, therefore, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Ministry of Health (Transfer of Powers as to Water Undertakings) Order, 1920.
2. As from the 16th November, 1920, the powers and duties of the Board of Trade specified in the second column of the schedule to this Order shall be transferred to the Minister of Health, and in relation to the powers and duties so transferred the enactments mentioned in the first column to that schedule shall be construed as if reference to the Minister of Health were substituted for reference to the Board of Trade.

ALMERIC FITZROY.

SCHEDULE.

Enactment.	Powers and duties transferred.
Gas and Water Works Facilities Act, 1870, and Gas and Water Works Facilities Act, 1870 (Amendment) Act, 1873 (*a*).	All powers and duties in relation to water undertakings in England and Wales.

(*a*) See Vol. IV, *post*.

WATER SUPPLY

S. R. & O., 1921, No. 1563.

THE WATER UNDERTAKINGS (MODIFICATION OF CHARGES) RULES, 1921, DATED OCTOBER 7TH, 1921, MADE BY THE MINISTER OF HEALTH UNDER SECTION 2 (3) OF THE WATER UNDERTAKINGS (MODIFICATION OF CHARGES) ACT, 1921.

The Minister of Health, in pursuance of the powers conferred on him by sub-section (3) of section 2 of the Water Undertakings (Modification of Charges) Act, 1921, and of all other powers enabling him in that behalf, hereby makes the following rules :—

1.—(1) These rules may be cited as the Water Undertakings (Modification of Charges) Rules, 1921.

(2) In these Rules, unless the context otherwise requires :—

"The Act" means the Water Undertakings (Modification of Charges) Act, 1921 (*a*) ;

"The Minister" means the Minister of Health ;

"Prescribed" means prescribed by these Rules.

(3) The Interpretation Act, 1889, applies to the interpretation of these rules as it applies to the interpretation of an Act of Parliament.

2. An application to the Minister for an Order under the Act shall be addressed to the Secretary, Ministry of Health, Whitehall, London, S.W.1, and shall specify the provisions which it is desired that the Minister should include in the Order.

3. The application shall be accompanied by the prescribed fee and by the following documents :—

(1) In the case of an application made under paragraph (*a*) of sub-section (1) of section 1 of the Act—

(i) A statement of the grounds on which the application is made, including such comparative statements of cost under different headings and of other matters as may be necessary or desirable in connection with the application.

(ii) A tabulated statement of the accounts and balances of the several financial years commencing with the year which includes the 4th August, 1912, to the date of the application in the form specified in the First or Second Schedule hereto (as the case may require) with such additional entries as may appear desirable in any particular case, together with estimated figures in respect of the year in which the application is made and of the first full year in which the proposed charges are to operate.

(iii) A copy of the published accounts for each of those years

(iv) A statement of the charges made in each of those years for the various kinds of supply and the dates and particulars of any increases of such charges.

(v) A statement of the capital commitments, definite and prospective, of future years for such period as it may be desirable or possible to estimate the same, together with an estimate of the variations in loan service charges during those years.

(vi) A statement showing how it is estimated that the revenue account will work out during a similar term of years.

(vii) A list of all Acts and Orders relating to the undertaking and a reference to the provisions thereof regulating the charges and application of revenue.

(viii) One copy of each of such of the last-mentioned Acts and Orders as regulate the charges and application of revenue of the undertaking, or, if a copy of any such Act or Order is not available, a certified extract comprising the relevant provisions thereof.

(2) In the case of an application made under paragraph (*b*) of sub-section (1) of section 1 of the Act—

(i) The documents specified under (i), (iii), (vii) and (viii) of the preceding paragraph of this rule.

(*a*) Printed in a later volume of this work.

(ii) A copy of the award or agreement which it is desired to modify

(iii) A statement of the charges made under the award or agreement in each year since 1st April, 1912, to the date of the application, and the revenue thereby produced.

(iv) A statement showing the cost for each year of supply by measure *per* 1,000 gallons, and the cost of any fittings, materials, or service in connection with such supply.

(v) A statement of the losses in each year arising from the award or agreement.

(vi) A statement of the estimated income for the first year on the proposed revised charges and the estimated consumption of water.

(3) In the case of an application made under sub-section (2) of section 1 of the Act by water undertakers—

The documents specified in paragraph (1) of this article with such modifications in respect of dates as are necessary in the circumstances of the case.

(4) In the case of an application made under sub-section (2) of section 1 of the Act by a local authority not being the water undertakers or by twenty consumers—

(i) A statement of the grounds on which the application is made.

(ii) Such of the documents required in the case of applications by water undertakers as the applicants may be in a position to furnish.

4.—(1) The applicants for an Order shall as soon as may be after transmitting the application to the Minister serve a notice thereof in the form specified in the Third Schedule hereto, or in a form substantially to the like effect—

(*a*) Upon every local authority the whole or any part of whose area is within the limits of supply;

(*b*) If the applicants are not themselves the water undertakers, upon the water undertakers;

(*c*) Upon all parties to any award or agreement which it is desired to modify;

and shall publish the notice once in each of two successive weeks in some local newspaper or newspapers circulating throughout the limits of supply and once in the *London Gazette*.

(2) From and after the date of the application until the determination thereof the applicants shall keep deposited at their offices or at some other place approved by the Minister copies of the application and of all documents submitted to the Minister in connection therewith, and shall allow the same to be inspected and copied by any persons interested and shall supply copies thereof in accordance with the terms of the prescribed notice.

5.—(1) As soon as may be after the latest date fixed by the notice for the making of representations and objections the applicants shall transmit to the Minister—

(i) A copy of each newspaper containing an advertisement of the notice.

(ii) A certificate that the requirements of paragraph (1) of rule 4 have been complied with endorsed with a list of the recipients, giving in each case the date and mode of service.

(iii) A list of all representations and objections received by the applicants, together with their observations upon each, and a certificate that paragraph (2) of this rule has been complied with.

(2) Before the date on which the documents mentioned in the preceding paragraph of this rule are transmitted to the Minister the applicants shall transmit by registered post to each person from whom a representation or objection has been received a copy of their observations thereon.

6.—(1) As soon as may be after the receipt of the documents specified in the preceding rule, the Minister shall inquire of each person who has made an objection to the application whether, after considering the observations made in reply thereto by the applicants, he intends to maintain his objection, and shall inform him that if he does so intend he must within 14 days notify his intention to the Minister and at the same time transmit to the Minister the prescribed fee.

(2) If a person who has made an objection to the application does not, within the said period of 14 days, notify the Minister of his intention to maintain the objection

WATER SUPPLY

and also transmit the prescribed fee, the objection shall at the expiration of that period be deemed to be withdrawn.

(3) A notice of objection given to the Minister under sub-section (2) of section 2 of the Act shall not be effectual for the purposes of that section unless accompanied by the prescribed fee.

7.—(1) The expenses incurred by the Minister in respect of inquiries or other proceedings under the Act or any part thereof shall, if the Minister so orders, be paid by the applicants or objectors in such manner or out of such funds as the Minister may direct, and the Minister may certify the amount of the expenses so incurred, and any sum so certified and directed by the Minister to be paid by any applicants or objectors shall be a debt from that applicant or person to the Crown.

(2) Such expenses may include the salary of any inspector or officer of the Minister engaged in the inquiry or proceeding, not exceeding three guineas a day.

(3) The Minister and his inspectors shall have for the purposes of any inquiry under the Act the same powers as they respectively have for the purpose of an inquiry under the Public Health Act, 1875.

8.—(1) The Minister may in the case of any application or objection require the applicant or the objector to furnish such further information or documents as the Minister may think fit.

(2) The Minister may, subject to the provisions of the Act, dispense with any of the requirements of these rules, either unconditionally or upon such conditions as he may think fit, if he is satisfied that there is reasonable cause for such dispensation and that no person will be prejudiced thereby.

9. The fees payable by persons making applications or objections under the Act shall be the fees specified in the fourth schedule to these rules: Provided that the Minister may, if in any case he thinks it proper to do so, refund the whole or any part of the fee paid by an objector.

SCHEDULES.

FIRST, SECOND, AND THIRD SCHEDULES.

* * * * * *

FOURTH SCHEDULE.

(1) *Fees payable by applicants.*

(*a*) Where the applicants are the water undertakers and their water revenue for the preceding financial year exceeded—

£100,000	£50
£60,000	£35
£20,000	£20
In any other case	£10

(*b*) Where the applicants are not the water undertakers £10

(2) *Fees payable by objectors.*

(*a*) For every objection made prior to the making of an Order and not withdrawn £2

(*b*) For every objection made under section 2 (2) after the making of an Order and not withdrawn £7

S. R. & O., 1926, No. 1184.

THE WATER ORDERS PROCEDURE RULES, 1926, DATED 1ST OCTOBER, 1926, MADE BY THE MINISTER OF HEALTH UNDER THE GAS AND WATER WORKS FACILITIES ACTS.

Whereas by section 4 of the Gas and Water Works Facilities Act, 1870 (*a*) (hereinafter referred to as "the Act of 1870") it is enacted that Provisional Orders authorising any gas undertaking or water undertaking under the authority of that Act may be obtained by any company, companies, or person, and by section 5 provision is made with regard to the procedure to be followed in making application for such Provisional Orders;

And whereas by section 14 of the Gas and Water Works Facilities Act, 1870, Amendment Act, 1873 (hereinafter referred to as "the Act of 1873") the Board of Trade were empowered from time to time to make and when made to rescind, annul, or add to rules with respect to the procedure to be had before the Board under the Act of 1870 or the Act of 1873 and matters connected therewith;

And whereas in the month of August, 1886, the Board of Trade made Rules with respect to Provisional Orders and other matters under the Acts of 1870 and 1873;

And whereas by the Ministry of Health (Transfer of Powers as to Water Undertakings) Order, 1920, made under section 3 of the Ministry of Health Act, 1919, by His Majesty in Council all the powers and duties of the Board of Trade under the Act of 1870 and the Act of 1873 in relation to water undertakings in England and Wales have been transferred to the Minister of Health, but the Board of Trade still retain the powers and duties vested in them by the said Acts with reference to gas undertakings:

Now, therefore, the Minister of Health, in pursuance of his powers in that behalf, hereby rescinds and annuls the aforesaid Rules made by the Board of Trade in so far as those Rules relate to water undertakings in England and Wales, and hereby makes the following Rules:—

Preliminary.

1. These Rules may be cited as "the Water Orders Procedure Rules, 1926," and shall come into operation on the date hereof.

2.—(1) In these Rules, unless the context otherwise requires,—

(*a*) "The Minister" means the Minister of Health;

(*b*) "The district" means the district affected or proposed to be affected by the Order;

(*c*) Other expressions have the same meanings as the like expressions have in the Act of 1870.

(2) The Interpretation Act, 1889, applies to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

Notice as to Objections to Intended Application.

3. The notice in writing required to be given by paragraph (1) of section 5 of the Act of 1870 and the notice by advertisement and notice in writing required to be given by paragraph (2) of that section, shall state that every person desirous of bringing before the Minister of Health any objection respecting the application for a Provisional Order may do so by letter addressed to the Secretary, Ministry of Health, Whitehall, London, S.W.1., on or before the 15th day of January next following the date of the said notice or advertisement, that a copy of such objection must at the same time be sent to the undertakers or their agent, and that in forwarding to the Minister such objection the objectors or their agents shall state that they have complied with this requirement.

(*a*) See Vol. IV, *post*.

WATER SUPPLY

Deposit of Plans and Sections.

4.—(1) On or before the 30th day of November of the year in which the notice referred to in Rule 3 hereof is given (hereinafter referred to as "the same year") the undertakers shall deposit at the offices of the Minister:—

(*a*) The documents required under Part II. of Schedule B to the Act of 1870 to be so deposited, and

(*b*) an ordnance map of the district on a scale of not less than one inch to the mile showing the area and, by distinctive colouring, the boundaries of the proposed or existing limits of supply, the sites of any proposed works and any proposed extension of the existing limits of supply.

(2) Plans and sections deposited under Part II. of Schedule B of the Act of 1870 or under paragraph (*a*) of sub-division (1) of this Rule shall be such plans and sections as would be required by the Standing Orders for the time being of the Houses of Parliament to be deposited in Parliament if the undertakers instead of applying for a Provisional Order were proceeding by a Private Bill.

(3) Plans and sections deposited with the Clerk of the Peace under Part II. of Schedule B of the Act of 1870 shall, subject to the Standing Orders for the time being of the Houses of Parliament, be deposited in duplicate.

Notice of Intention to make Application.

5. On or before the 15th day of December in the same year where the application is for a Provisional Order for constructing water works or works connected therewith whereby it is proposed to lay any pipes along or across any railway, tramway, canal, or navigable river, or over any county bridge, or otherwise to affect or interfere with such railway, tramway, canal, navigable river or county bridge, the undertakers shall serve notice in writing of the intention to make such application upon the owner or reputed owner and upon the lessee or reputed lessee of such railway, tramway or canal, and upon the county council with respect to such county bridge, and upon the conservators or other body having statutory powers of control in respect of the navigable river, and such notice shall state the place or places at which the plans of the works to be authorised by such order have been or will be deposited, and that any objections are required to be sent to the Minister within the time and in the manner hereinbefore specified. Every such notice must be accompanied by a copy of Rules 11 and 12 of these Rules, and must state where copies of the Draft Provisional Order, when deposited at the offices of the Minister, can be obtained.

6.—(1) On or before the 23rd day of December in the same year the undertakers shall deposit at the offices of the Minister—

(*a*) The documents required under Part III. of Schedule B to the Act of 1870 to be so deposited.

(*b*) A complete list of every railway, tramway, canal, navigable river, and county bridge, along or across which it is proposed to lay any pipe, or which it is proposed otherwise to affect or interfere with, together with the names and addresses of the persons or bodies on whom notice is to be served in respect thereof under Rule 5.

(*c*) A list of the local and road authorities in whose districts the proposed works are situated, including the county council, where it is proposed to interfere with any [county road] (*a*) or any county bridge.

(*d*) A complete list of every company, corporation, or person supplying water within the district.

(*e*) A complete list of such owners or reputed owners, lessees or reputed lessees and occupiers of mills and manufactories or other works as are referred to in paragraph (2) of section 5 of the Act of 1870, together with a certified copy of the notice which has been served upon them in accordance with the provisions of the said paragraph.

(*a*) "County road" is substituted for "main road" in pursuance of s. 29 (1) of the L.G.A., 1929, see Vol. V, *post.*

(*f*) A statement of the existing capital (including loan capital) of the undertakers, showing the amounts respectively authorised, raised, and expended, and in the case of an application for powers to raise additional capital (including loan capital), a further statement setting forth, under separate heads, all the purposes for which the additional capital is required. The statements shall be furnished whether the undertakers have parliamentary powers or not.

(*g*) A copy of the printed accounts presented to the shareholders for the half-year or other period next preceding the date of the application.

(*h*) The deed of conveyance or lease to, or the contract for purchase by, the undertakers of all lands to be used for the purposes of the Order.

(*i*) A list of all Provisional and other Orders or Acts of Parliament (if any) of the undertakers together with one copy of each Order and Act; and where the undertakers are a company incorporated under the Companies Acts, a printed copy of the Memorandum of Association, Articles of Association, and any registered special resolution of the company; and in the case of a company incorporated in any other manner a copy of every instrument of incorporation.

(*j*) A fee of fifty pounds by cheque made payable to the Minister of Health: Provided that such further security, if any, shall be given by the undertakers as the Minister may from time to time require with respect to the costs of any inquiry or other matter arising out of the application.

(2) The draft of the Provisional Order deposited with the Minister shall be in triplicate.

(3)—(*a*) The draft of the Provisional Order and the printed copies thereof referred to in Part III. of Schedule B to the Act of 1870 shall be on foolscap paper and be printed on one side only of each sheet of paper, and any schedule thereto shall begin on a new page.

(*b*) Any land proposed to be acquired shall be scheduled to the draft Order.

(*c*) The names and addresses of the agent of the undertakers shall be printed on the outside of the draft Order, which shall contain a notice at the end of it stating that any objections are required to be sent to the Minister within the time and in the manner hereinbefore specified.

(4) A copy of the draft Order shall on the 23rd day of December aforesaid, or within seven days thereafter, be deposited with the Office of Works, the Commissioners of Crown Lands, the Home Office and the Postmaster-General and, where the draft Order affects the Duchy of Lancaster or the Duchy of Cornwall, at the Office of such Duchy.

Approval of Shareholders or Proprietors.

7.—(1) Where the undertakers are a company (*a*) applying for capital or borrowing powers, or (*b*) proposing to purchase or amalgamate with another undertaking or to enter into an agreement with another undertaking jointly to supply water, a certified copy of a resolution approving the application passed by shareholders or stockholders qualified to vote at ordinary meetings of the company who were present (either in person or by proxy) at a general meeting, and who held at least three-fourths of the paid-up capital of the company represented by the votes at such meeting, shall be furnished to the Minister before the application can be entertained. A certified copy of the notice convening the meeting must also be furnished.

(2) Where the undertakers propose to purchase, or to amalgamate with another undertaking, or to enter into an agreement with another undertaking jointly to supply water, proof must also be furnished that the purchase or amalgamation is approved by the proprietors of the other undertaking concerned.

Proof of Compliance with Statutory Requirements.

8.—(1) The undertakers shall prove compliance with the provisions of—

(i) Section 5 and Parts I., II. and III. of Schedule B of the Act of 1870; and

(ii) these Rules:

WATER SUPPLY

by statutory declaration made by the undertakers or their agent to be deposited in the offices of the Minister on or before the 15th day of January immediately succeeding the making of the application or such later date as the Minister may allow.

(2) The following documents shall be annexed as exhibits:—

(*a*) Copies of all notices served upon local authorities, road authorities, companies, corporations and persons in pursuance of the Act of 1870 and of these Rules;

(*b*) Copies of the newspapers containing the advertisements; and

(*c*) A copy of the *London Gazette* in which the advertisement was inserted.

9.—(1) On or before the 15th day of January aforesaid there shall be deposited in the offices of the Minister,—

(*a*) a statutory declaration showing that the requirements of the Standing Orders of both Houses of Parliament have been complied with, as regards the deposit with the Clerk of the Parliaments and at the Private Bill Office of duplicates of every map, plan, section, and book of reference deposited with the Minister; and

(*b*) a statutory declaration proving compliance with the Standing Order of the House of Commons with regard to the taking of houses occupied wholly or partially by thirty or more persons of the working classes, or where the taking of the land will not involve the acquisition of any house or houses so occupied, a statutory declaration for the purpose of showing that the Standing Order does not apply.

(2) The statutory declaration referred to in paragraph (1) (*a*) of this Rule shall be made by the undertakers or their agent and by the person by whom the deposits were made, and the statutory declaration referred to in paragraph (1) (*b*) of this Rule shall be made by the undertakers or their agent.

Objections.

10.—(1) Any objection to an application for a Provisional Order shall be lodged with the Minister on or before the 15th day of January immediately succeeding the making of the application.

(2) When an objection is lodged with the Minister, the objector or his agent shall state that he has at the same time forwarded a copy of such objection to the undertakers or their agent.

(3) Every memorial, objection, and other such document deposited or lodged with the Minister shall be on foolscap paper.

(4) As soon as practicable after the 15th day of January, the undertakers shall furnish the Minister with replies to any objections which have been made. A copy of the reply to each objection shall at the same time be sent to the objector or his agent.

Proposals for Amendment of Draft Order.

11. If any local or road authority, or railway, tramway or canal company, or any other company, body or person desires to have any clause or other amendment inserted in the Order they must deliver the proposed clause or amendment to the undertakers or their agent and also to the Minister on or before the 8th day of February immediately succeeding the making of the application: Provided that such delivery shall not prejudice the right of the party making such delivery to oppose the Order in Parliament.

12.—(1) On or before the 22nd day of February immediately succeeding the making of the application the undertakers or their agent shall deliver to the Minister (*a*) a printed draft of the Provisional Order in triplicate containing in manuscript all such clauses or other amendments as have been agreed between the several parties concerned, and (*b*) a certified copy of any resolution passed before that date by any local authority and by any road authority (where such exists distinct from the local authority for the purposes of the Act of 1870), whose consent is required under section 4 of the Act of 1870, approving the application.

(2) If any of the proposed clauses or other amendments which have been delivered to the undertakers or their agent and to the Minister have not been settled with the

consent of all the parties concerned, the undertakers or their agent shall, so far as they can, on or before the 22nd day of February immediately succeeding the making of the application furnish to the Minister in writing a statement showing what are the amendments, if any, which each party would be willing to accept.

(3) After the said 22nd day of February no further proposals for clauses will be entertained by the Minister.

Procedure after Making of Order.

13.—(1) After a Provisional Order has been made, and before it is introduced into a Confirmation Bill in Parliament, the undertakers shall, within fourteen days after the day on which the Provisional Order shall have been sent to them by the Minister, transmit to him a statutory declaration made by them or their agent proving that the Provisional Order was published on or before the 25th day of April immediately succeeding the making of the Order, in conformity with paragraph 3 of Part IV. of Schedule B of the Act of 1870, and that paragraphs 1 and 2 of the said part of that Schedule have been complied with.

(2) Copies of the Provisional Order and of the newspaper containing the advertisement of the Order, shall be annexed to the declaration as exhibits.

(3) The advertisement shall have a short heading stating that the Order has been made by the Minister under the Act of 1870 for the purpose of being introduced into a Confirmation Bill in Parliament, and must also state the office where printed copies of the Order can be obtained, which shall be the office named in the original advertisement of the application for the Order.

(4) The declaration shall state that a sufficient number of printed copies of the Order have been deposited for sale at the office named in the original advertisement, and the price, not exceeding one shilling for each copy, for which they may be obtained.

Application for Extension of Time for Authorised Works.

14. Where an application is made to the Minister under section 11 of the Act of 1870 for a prolongation of time for the commencement or the completion of water works authorised by any Order made under that Act:—

(*a*) The application shall be in the form of a memorial setting forth the grounds on which the application is made, and shall be made at least one month before the expiration of the time prescribed for the commencement or the completion of the works, as the case may be.

(*b*)—(i) The undertakers shall publish by advertisement, once at least in two successive weeks, in some newspaper circulating in the district, a notice of their intention to apply to the Minister for a prolongation of time.

(ii) The notice must state the period to which it is proposed to prolong the time limited for the commencement or the completion of the works, as the case may be, and shall contain a notification that all persons desirous of bringing before the Minister any objection respecting the application, may do so by letter addressed to the Secretary, Minister of Health, Whitehall, London, S.W.1, to be received by him on or before a day named in the notice, being not less than twenty-one days from the date of the first publication of the notice, and that copies of their objections shall, at the same time, be sent to the undertakers.

(*c*) Before the second publication of the notice a notice containing the particulars set forth in paragraph (*b*) of this Rule shall be delivered to every local and road authority and to every person supplying water within the district, and in the case of water which is authorised by an Order to be abstracted from a stream, to the owners, lessees, and occupiers of mills, manufactories, and other works referred to in paragraph (2) of section 5 of the Act of 1870.

(*d*) Copies of newspapers containing the notice, and a statement that a copy of it has been duly served on all the parties above mentioned, as required by these Rules, shall be sent to the Minister with the application.

(*e*) The consent of the Minister to the application shall be subject to such conditions if any, as he may think fit to impose.

WATER SUPPLY

15. The Minister may, if he thinks fit, and subject to such conditions as he may impose, exercise his powers under the Act of 1870, notwithstanding the failure of the undertakers to comply with any of the requirements of these Rules other than statutory requirements.

CIRCULAR 1338.

To County Councils.
Rural District Councils.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
12th May, 1933.

RURAL WATER SUPPLIES.

SIR,—I am directed by the Minister of Health to state that he is anxious that every effort should be made towards the improvement of rural water supplies. Substantial progress has been made in recent years, but much more remains to be done before conditions in rural areas can be regarded as generally satisfactory. The Minister is glad to note that a number of County Councils and Rural District Councils have exercised the powers conferred on them by the Local Government Act, 1929, and contributed towards the cost of parochial schemes, and that some have made systematic arrangements for the purpose. He would strongly urge both County Councils and Rural District Councils to use these powers to the full for the assistance of well-considered schemes.

Other measures might also be taken by County Councils to help Rural District Councils. While the duty of seeing that their districts are supplied with pure and wholesome water falls upon the Rural District Councils, the adequacy of water supplies cannot but be a matter of close concern to County Councils in view of their general interest in the health and well-being of the inhabitants of their counties. What is needed is that a thorough survey of rural areas should be made by the Authorities concerned, in order that reliable information may be obtained as to the conditions of existing supplies and the availability of new supplies, and consideration given to the improvement of conditions. In some cases where community of interest exists between rural districts or between rural districts and urban neighbours, it may be found that the setting up of a joint advisory committee of the Local Authorities is the course most likely to lead to satisfactory results. Any action in this direction should be taken in conjunction with any County Borough or other Councils who may be leading water suppliers in the area. County Councils might well take an active part with the Rural District Councils in initiating and carrying out surveys and in setting up, in suitable cases, joint advisory committees.

Most rural areas must, for financial reasons, depend for supplies on local sources. County Councils might advise Rural District Councils as to the best use to be made of the local sources and as to the best measures for protecting sources from pollution. The importance of early steps to safeguard supplies from pollution is often overlooked. Timely measures of prevention may be carried out at small cost, but once a source is polluted, comparatively high expenditure may be required for remedial measures.

The Minister is always prepared to consider sympathetically applications for loans for schemes of water supply, and also to confer with Local Authorities on proposals or on difficulties or problems which have arisen. Local Authorities will sometimes find it of advantage to confer when a scheme has been formulated in definite outline, but before the details have been prepared.

An investigation into the question of rural water supplies was carried out by the Advisory Committee on Water and their report * was issued in 1929. The report dealt comprehensively with the general problem, and with the various methods of supply. Among other matters, useful information is contained in the report on measures for adequately storing rainwater, a source of supply of which far more use could be made in some areas.

* Ministry of Health—Advisory Committee on Water—Report on Rural Water Supplies —Price 9*d*.

The report also points out the difficulty which arises from the small income obtained for rural supplies. A charge which is comparatively high in percentage may yield only 4*d.* or 5*d.* a week because of the low rateable values of properties. Householders would probably in many cases be willing to pay more for the convenience and saving of labour of a piped supply.

The Minister feels sure that a thorough investigation will show that much can be done for improving rural water supplies within local financial resources, particularly if County Councils and Rural District Councils make, as he trusts they will, generous use of their powers of contributing to the cost.

Further copies of this Circular and copies of the Report on Rural Water Supplies may be obtained from any of the addresses shown below.

I am, Sir,
Your obedient Servant,
I. G. GIBBON,
Assistant Secretary.

The Clerk of the County Council, or
The Clerk to the Rural District Council.

CIRCULAR 1378.

Town Councils.
Urban District Councils.
Rural District Councils.
Joint Water Boards and Committees.
Statutory Waterworks Companies.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
21*st February*, 1934.

WATER SUPPLIES (*a*).

SIR,—The continued drought makes it increasingly necessary that each Water Undertaker should look carefully into the position of its water supply and the demands on it in the coming months, and I am directed by the Minister of Health to forward for consideration the enclosed memorandum on the subject.

There is at present no cause for general alarm. Most Urban Authorities have withstood remarkably well the strain of the exceptional drought. On the other hand, many rural areas have suffered hardship. But in urban as in rural areas if the drought continues special measures may become necessary at many places where hitherto they have not been required (*b*).

The Minister wishes to impress on Water Undertakers that they should have plans for economising consumption and for augmenting supplies ready to be put into operation if the drought continues and further measures become necessary. The enclosed memorandum sets out measures to be considered.

I am, Sir,
Your obedient Servant,
I. G. GIBBON,
Assistant Secretary.

The Clerk to the Local Authority.
The Secretary to the Waterworks Company.

(*a*) This short circular sprang from exceptional circumstances, but is printed here as an introduction to memorandum 178 W. next following.

(*b*) See the Water Supplies (Exceptional Shortage Orders) Act, 1934 (27 Halsbury's Statutes 730) which lapsed at the end of 1934.

WATER SUPPLY

MEMORANDUM 178 W.

MEMORANDUM ON WATER SHORTAGE.

PROVISION OF SUPPLEMENTARY SUPPLIES.

1. In view of the abnormally low rainfall since March last, it is essential that water authorities should scrutinise their position, with an eye not only to the present situation but to possible difficulty in the future. New supplies cannot usually be improvised at short notice. Any adequate supplementary supply can generally be secured only by timely foresight and initiative before needs become acute. Probable future conditions must be carefully ascertained, and, where precautionary measures are desirable, they should be undertaken well in advance, to avoid recourse to hasty improvisation later.

It may not be practicable to make actual provision in advance for supplies which would be adequate to meet all contingencies, however severe. Where this could be secured only by large expenditure the cost of water would be much and permanently increased, perhaps to a crippling degree, and it might be more prudent therefore to accept the risk of such a restriction in times of exceptional drought as might involve some inconvenience but no hardship. But water undertakers should be ready with plans for supplementing their supplies should an emergency arise.

The present situation emphasises the advantages of forming Advisory Regional Committees on the lines advocated in the booklet issued by the Ministry in October, 1928. Through these committees the relative needs, present and prospective, of adjoining districts can be comprehensively surveyed, and the simplest and most economical policy to meet them can be initiated betimes.

2. Where shortage exists, or is threatened, auxiliary supplies may sometimes be obtained in bulk from a neighbouring authority whose resources are more than sufficient for its needs. In such cases the more fortunately placed authority should be willing to assist, so far as assistance is practicable without serious prejudice to its own position.

3. In rural areas when local sources are not available and other supplies cannot be readily brought to the district by mains, District Councils should consider organising the carriage of water from the nearest available source. Care should be taken that the supply is pure, or is purified before being distributed for domestic consumption, and that the vehicle is clean.

CONSERVATION OF EXISTING SUPPLIES.

4. If existing supplies cannot readily be supplemented, all reasonable measures should be taken early, even at some inconvenience to the consumer, to conserve them. Inconvenience to the consumer is a less evil than the grave shortage and more drastic restrictions which it sets out to avert.

(*a*) *Prevention of Waste.*—The normal consumption of water per head is often excessive, and substantial economies may be effected by concentrating upon the detection and prevention of remediable waste. Attention should be devoted to leakages in mains and service pipes (in some cases a source of much waste), and to defective taps and other household fittings. There is much to be said for the practice of re-washering taps without charge to the consumer, and the small expense involved will be amply compensated by the savings in water.

(*b*) *Economy in Use of Water.*—Consumers should be brought to realise that water is a valuable commodity not at any time to be carelessly used, and that attention should be paid by them to dripping taps and to avoiding all extravagant or unnecessary use of water. Water wasted is money wasted at the expense of consumers or ratepayers. By voluntary effort of this kind, consumers can at little trouble to themselves effect substantial reductions in water consumption and may obviate the imposition of drastic restrictions later.

In times of exceptional drought, consumers should be urged to take special measures to economise and restrict the use of water to the more essential needs. It should be impressed upon them that if they do not co-operate in this way the alternative may be, in the present, serious compulsory restrictions and, in the future, possibly large

additions to water supplies merely for meeting drought conditions which can be effected only at the cost of large increases in water charges.

(*c*) *Compensation Water.*—Agreements for the temporary reduction or intermission of discharges of compensation water will often divert large quantities of water to the needs of public supply. Where shortage exists or is threatened and compensation water is supplied, water undertakers should enter into immediate negotiations with riparian interests. They should endeavour to arrange for a reduction of the compensation water and, so far as it is required for works, for suspending the discharge or, at any rate, largely reducing it at week-ends and other times when it may not be really required for the works.

The Minister trusts that all interests will appreciate that essential domestic needs must come first, and that reasonable concessions immediately may be the only way of avoiding a serious situation within a short time.

(*d*) *Use of Alternative Supplies.*—Where there is any likelihood that the restriction of potable supplies may later become necessary, non-potable sources, where available, should be used for street watering, the flushing of drains and other purposes for which a high standard of purity is not required. Consumers may similarly be encouraged to utilise rainwater from their house roofs for flushing and cleansing, for which the ordinary domestic supply would normally be employed.

(*e*) *Restriction of Supplies.*—Curtailment of the use of domestic supplies for the watering of gardens and the washing of motor cars or other vehicles will naturally be the first restriction to be applied. Intermitting the domestic supply should generally be resorted to only in cases of actual necessity. With an intermittent supply, there is always some risk of contamination where pipes are not fully watertight or, for other reasons, the influx of impure water is possible.

Purity of Supplies.

5. In any sustained dry period the risk of pollution is enhanced, and must be kept under close observation. In underground sources, for instance, heavier pumping operations necessitated by the reduced yield may have the effect of drawing water from beyond the usual protected zone; and where surface gathering grounds are subjected to sudden heavy rainfall following a drought a larger proportion of impurities or contaminating matter may find its way into the reservoirs. Wherever the purity of the water is threatened, special means of purification should be undertaken. The readiest of these is chlorination. Chlorination should be employed only under expert supervision, and with the precautions necessary to secure that the process is properly and efficiently carried out.

If properly chlorinated, water which ordinarily could not be used without some danger to health may be safely brought into service, and in this way additional sources of supply be made available.

6. Where general measures of purification are not practicable—in districts, for instance, dependent on private supplies, and particularly in rural parishes where residents rely upon shallow wells and similar sources—the individual householders should be impressed with the need for boiling the water used by them if any serious danger of pollution is ascertained. It is for the local authority to see that the need is really brought home to them through the local Press and other means. Where the necessity arises in rural villages, the Rural District Council might with advantage arrange, through the Parish Council or otherwise, for some dependable persons to be charged with the task of drawing each householder's attention to the need, and of securing that the practice is observed.

Contributions under Local Government Act, 1929.

7. Where expense has to be incurred by a local authority in relieving water shortage in their district, the County Councils are empowered, under Section 57 of the Local Government Act, 1929 (*a*), to contribute to the expenditure by any of the county district councils within their area. Similarly, under Section 56 of the Act, Rural District Councils may contribute, as part of their expenditure for general purposes, towards expenses which would otherwise be defrayed by a special rate upon the contributory

(*a*) Vol. V, *post.*

WATER SUPPLY

place concerned. The Minister trusts that these authorities will not hesitate so to contribute, wherever the occasion warrants it.

8. The Department are prepared to advise and assist water authorities who are experiencing or anticipate difficulties in maintaining adequate supplies, and will be glad of information from any district where serious shortage is threatened.

Ministry of Health.
February, 1934.

MEMORANDUM 179 W.

CHLORINATION OF WATER SUPPLIES.

1. The treatment of water with chlorine is the best method of rapid and efficient sterilisation. If the process has to be applied on a substantial scale competent advice should be sought. It is important also that there should be regular supervision of the plant by a skilled person to ensure that it is working satisfactorily.

Chlorine may be applied either as a gas or in solid or liquid form.

Liquefied Gas.

2. Recent developments have shown that liquefied chlorine gas can readily be used for this purpose. It may be obtained in steel cylinders which contain about 70 lbs. of chlorine.

The gas is applied to the water in amounts varying from 0.1 to 1.0 parts of chlorine per million parts of water and it is necessary to have some special form of apparatus for regulating the flow of chlorine to the water supply. Several kinds of apparatus are on the market.

An apparatus less sensitive than that normally used for domestic water supplies has been put on the market for chlorinating swimming bath water, and in an emergency this apparatus might be used for rural water supplies. With adequate dosage a potable water can be assured, but the dosage cannot be so finely adjusted.

3. The total cost of purchase and installation of an apparatus which would deliver not more than 0.4 lbs. of chlorine gas per hour is about £130. This would suffice for 80,000 gallons per hour with a chlorine dose of 0.5 parts per million.

Some firms are prepared to hire out a chlorine dosage apparatus and to instal and supervise its operation. The cost of installation is about £15 to £20; the hire charge is about £20 per month; in addition, a charge of about £10 for reconditioning the apparatus after use may be made. Allowance is made for the hire charges if the Authority later decide to purchase the apparatus.

Chloride of Lime.

4. Chlorine is also available in the form of chloride of lime (bleaching powder), which may readily be obtained. This, if freshly made, should contain about 33 per cent. of free or active chlorine. The powder should be kept in a dry place in airtight tins. It gradually loses its efficacy on keeping, especially during hot weather, but this loss may be retarded by the addition of 25 per cent. of quicklime. Samples of the bleaching powder used should be examined by a chemist to see that the proper amount of chlorine is present. Any deficiency in strength may be counteracted by an increased dose.

In order to be sure that all infective organisms are killed, the chloride of lime must be added to the water in such quantity that free chlorine will be available to the extent of at least one part per million of water. This will be effected by the preparation of a solution of one ounce of chloride of lime in one quart of water. This will suffice to treat 2,000 gallons of a water which does not contain an excessive amount of mineral or organic matter.

If the water is very impure, discoloured, or contains much suspended matter, it should, if circumstances permit, first be clarified by the addition of from 2 to 8 grains per gallon of alum and an equal proportion of powdered whiting, and then allowed to stand in a tank, from which it should be decanted to another tank for the addition of the chloride of lime solution.

5. After the addition of the chloride of lime, the water should, if practicable, be allowed to stand in an open tank for four hours before consumption. This will usually obviate any complaint of taste in the water.

If this cannot be effected, the taste may often be removed by the addition of a small quantity of permanganate, sufficient to produce a very faint pink colour fading away in about 5 to 15 minutes; or, so far as the chlorine taste is concerned, by the addition of a solution of sodium thiosulphate (the hyposulphite of soda used in photography) in small quantities. The quantities of these substances which are necessary to remove the taste can be quickly determined by practical tests. Wherever possible, in treating a filtered water supply, the chlorine solution should be added after filtration.

6. There are various ways of adding the chlorine solution to the water. If it is a small supply, such as that from a cottage well, dip well, small spring, or land drain, the water will have to be pumped into some receptacle, such as a tub, barrel, or tank cart, and the chlorine solution added by hand and thoroughly mixed with the water, which should be allowed to stand for four hours in the open before being distributed to the consumers.

If it is a larger supply, corresponding methods, involving the adding of measured quantities of the chlorine solution by hand, will probably have to be adopted in the first instance, as it takes time to provide or arrange apparatus.

If the treatment has to be continued for some considerable time an improvement on this method is to provide a large tank for the chlorine solution, communicating with a smaller tank which is kept filled to a fixed level by means of a ball tap or other similar contrivance. In this way constant pressure is maintained in the small tank, which assists in regulating the flow. If the outlet from the small tank is fitted with a fine glass tube, having a controlling tap, the solution may be allowed to drip at such a rate as to pass the required amount per hour into the water. The tap should be so arranged as to drip over the point of discharge of the water into the storage tank or reservoir. When the reservoir is filled the chlorinated water should be allowed to stand for four hours before consumption, if practicable.

When the chlorine cannot be added to the water in the storage tank or reservoir, the solution may be injected into the water main by means of a suitable contrivance, such as a pump driven by a turbine from a rising main, the amount of solution injected being proportionate to the rapidity of flow of water in the main, a definite relation being established between the two.

The tank containing the chlorine solution should preferably be of glass, in order that any failure in the supply may be detected at a glance.

Other Methods.

7. The continued use of chloride of lime, except on a very large scale and under supervision, may give rise to difficulties because it requires labour and constant attention, and it will probably be found that some other method of adding the chlorine will be preferable if the treatment has to be continued for an indefinite period. Instead of using liquefied chlorine gas, of which mention has already been made, various liquid preparations containing chlorine in known proportion may be employed, such as "Chloros," which contains from 10 to 15 per cent. of available or free chlorine.

General.

8. Any mains, pipes, cisterns or tanks which have contained polluted water should be emptied and disinfected. After the water mains, pipes and cisterns have been disinfected by a strong solution, say, five parts per million, and after the continued use of chlorine, in the proportion of one part per million, it will frequently be found that the amount of chlorine may be reduced to one part in three millions, thus reducing the risk of "taste." Whether this can safely be done will depend on the results of examination, bacteriological and chemical, of the water before and after treatment with the chlorine.

In treating a heavily polluted water, it is well to make sure that some free chlorine is present after the addition of the solution to the water. This can be ascertained by the starch and iodide of potassium test, the materials for which can be obtained in the form of tabloids.

WATER SUPPLY

The use of poisonous metals in any apparatus dealing with the water whilst under treatment with chlorine must be avoided.

Ministry of Health,

Whitehall, S.W.1.
February, 1934.

MEMORANDUM 183W.

MINISTRY OF HEALTH.

RAINWATER FOR DOMESTIC SUPPLIES.

Insufficient attention is paid in this country to the collection and storage of rainwater for use either as the principal source of water supply for domestic purposes or as a supplementary supply for times when wells or other sources run short.

Rainwater collected from roofs in closely developed areas would be liable to be contaminated (though even there more use could be made of it for non-potable purposes), but in rural areas free from smoke and soot and from the dust of industries it provides, with proper storage, a pure and wholesome water for domestic use. This is confirmed by long experience in some parts of the country, for example, in parts of the Midlands and East Anglia. There are areas where surface or well water is either too hard or too brackish to drink, and where the inhabitants of isolated houses or of groups of houses, and in some instances of whole villages, have for generations depended entirely on the rain collected from roofs for water for drinking and culinary purposes, the surface water being used to supplement the rainwater for cleaning purposes and the like. There is no reason why rainwater should not be utilised in all country districts where a public supply is impracticable. Its use, however, is all too rare; it is common to find that persons in trouble year after year because of the unreliable surface supplies or shallow wells on which they depend have never tried to collect the rain which falls on the roofs of their houses as a means of surmounting their difficulties, and that they are ignorant of the simple methods by which this can be satisfactorily done. Suitable and adequate storage is essential.

Roof areas and quantity of water collected.

Rainfall varies in different parts of the country. The average yearly fall over a large number of years ranges from 21 inches in the drier parts up to 40 and more in the wetter. No general figure can be given on which the capacity of tanks can be calculated, and it is best to consult the local rainfall records when arrangements are contemplated. One inch of rain over an acre produces 22,000 gallons of water and the quantity which can be collected from 100 square feet of surface is 52 gallons for a similar rainfall.

A small house with a roof area of 500 square feet will collect 7,800 gallons in a year with a rainfall of 30 inches. This would provide over 20 gallons a day for the house.

A useful rule for ascertaining quickly how much water can be collected from a roof when the average annual rainfall is known is to multiply the area of the roof in square feet by half the average rainfall in inches. Thus, in the case of the house referred to above: $500 \times \frac{30}{2} = 7{,}500$ gallons which is not very far from the actual figure of 7,800 gallons and allows something for losses which occur by splashing and absorption by tiles or slates.

Storage capacity required.

In country places it is found that five gallons a day for each person can be made to suffice for household needs. A storage capacity of 1,000 gallons would therefore afford a supply for fifty days to a house inhabited by four persons, and this storage capacity should be regarded as the minimum for such a house if rainwater is to be the principal source of supply. It would generally be prudent to provide larger storage

if the roof area is sufficient to replenish the store as necessary, and it is the practice at present in some areas to do so.

Less storage capacity will, of course, be needed where the main supply is from surface sources or wells liable to give out in dry summers, and the rainwater is needed only as a supplementary supply.

Receptacles for collecting rainwater.

Where rainwater is required as an auxiliary supply to wells or other sources, tanks and water butts above ground to collect the water from the roofs as it falls down the pipes from the gutters are the most convenient receptacles. Wooden butts are not very satisfactory, as they are apt to leak when they dry off in a half empty condition, and their life is short and they are not easy to keep clean. Galvanised iron tanks are better and can be obtained in various shapes and sizes. The circular type made up of corrugated sheets serves the purpose well, and is cheap and strong. In all cases a good cover of iron or of cement asbestos sheet should be provided to keep out leaves and animals. A circular galvanised iron tank, 3 feet in diameter and 4 feet high, holds about 170 gallons and with lid and draw-off tap costs about £3 10*s*. Draw-off taps should be placed a few inches above the bottom of the tanks, as there is always at the bottom a small deposit of dust, which should be cleaned out at least once a year. A conical bottom with a hole and bung at the point facilitates cleaning.

Where the rainwater is to be the principal source of supply underground storage tanks are generally used and are to be recommended. A circular tank is the shape most commonly used and if 6 feet in diameter and 6 feet deep, has a capacity of just over 1,000 gallons.

The site of an underground tank should be selected so that it is reasonably near to the house, but as far away as possible from any foul water drains, manure heaps, and especially from any cesspit.

The construction may be of good cement concrete at least 6 inches thick, plastered internally with a rendering, 1 inch thick, of one part of cement to two parts of clean sand. Brickwork, at least 9 inches thick, laid in cement mortar with a cement concrete bottom, is also satisfactory. Cement rendering throughout inside is required, and if the ground is manured in any way it is best to place puddle clay round the outside of the brickwork, because bricks soak up drainage water from the soil. A watertight tank cannot be made without good materials and plenty of cement.

The sides of the tank should be brought a little above the surface of the ground so that the top of the roof (6 inches thick) is above the ground and free from mud and surface water. The top should be rendered outside in the same manner as the inside of the walls and floor. A flat roof of cement concrete with steel joists or old rails as supports, buried therein, is best, and it is essential that there should be no leakage near the top of the tank.

A dipping hole about 2 feet by 1½ feet is required in the top large enough for a man to enter the tank for cleaning. This opening should be brought up at least 6 inches above the roof of the tank and should have walls at least 6 inches thick of cement concrete. There should be a hinged cover, preferably of iron, although oak and elm covers are often used. A vent pipe with the end covered with wire gauze may be required if an airtight cover is fitted.

Such a tank as is described, to hold 1,000 gallons, costs about £20 to £25, the exact amount depending upon the nature of the soil and the site.

The usual method of drawing water is by filling a bucket; but small hand pumps are sometimes fitted. These have to be protected from frost and add to the cost. Underground tanks should be emptied and cleaned during the winter months at least once a year.

Roofs and gutters.

Every bit of roof should be provided with a gutter leading to an iron down pipe. Where an underground storage tank is provided, the down pipes should be continued below ground, either as iron or glazed stoneware pipes with cement joints, direct to the tank with a good cement joint through the wall. Agricultural pipes should not be used and open surface gutters running to the tank are objectionable. Where rainwater storage is contemplated, lead on the roof or lead gutters should be avoided. Otherwise there is a possibility of lead appearing in the water.

WATER SUPPLY

With a new installation it is advisable to inspect all gutters, roof channels and down pipes to see that they are clean and running freely.

Filters.

It is rare for any form of filter to be used with existing installations and persons do not appear to suffer by the omission. If it is desired, however, to freshen up the water by aeration and to improve the colour, the ordinary domestic filter is probably the best to adopt. Suggestions have been made for providing sand filters for the water to pass through before it enters the tank, but such filters require attention, and if left uncleaned and choked may contaminate the water instead of improving it. A simple filter for the house can be made from a clean bucket by punching small holes in the bottom, placing a layer of clean pebbles at the bottom a few inches thick, followed by a similar layer of small charcoal. At least 6 inches of clean fine sand should be added on the top of the charcoal. The bucket is then filled with water from the tank and allowed to drip into another bucket.

Beyond cleaning out the tanks once a year and watching the gutters and down pipes for birds' nests and the like, these rainwater collecting arrangements require little attention. A coat of limewash to the inside of masonry tanks after the annual cleaning is a good method of purification.

The possibility of augmenting the provision made for individual houses by using the rainwater which falls on large roof areas should not be overlooked. With moderate expense on storage, a valuable supply for the common benefit can be obtained from the roofs of churches, chapels, schools, village halls and the like.

Some additional information on this subject will be found in the Report on Rural Water Supplies issued by the Advisory Committee on Water in 1929 and published by H.M. Stationery Office, price 9*d*.

Ministry of Health.
July, 1934.

CIRCULAR 1684.

Town Councils.
Urban District Councils.
Rural District Councils.
Joint Water Boards and Committees.
Statutory Water Companies.

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
12*th March*, 1938.

WATER SUPPLIES.

SIR,—The Minister of Health feels it incumbent upon him, in the light of recent experience (*a*) to remind water undertakers of the serious responsibility which rests upon them in relation to the purity of the public water supplies which they control.

It is the statutory duty of all Local Authorities operating under the Public Health Acts to ensure that water supplied by them to consumers is at all times wholesome, and a like responsibility is expressly placed by Parliament upon water undertakers, whether Local Authorities or Statutory Companies, who derive their powers from special statutory enactments.

The relative immunity from serious outbreaks of water-borne disease that the country has long enjoyed must not be allowed to obscure the paramount importance of taking all possible steps to ensure that this responsibility is adequately discharged and every practicable precaution adopted to safeguard the purity of supplies. The machinery and methods of control, which must necessarily vary with the circumstances of different undertakings, are matters for the decision of the responsible authorities themselves, but it will be realised that the first necessity is that the undertaking should be under the supervision of a qualified engineer who, in the case of the larger undertakings owned by Local Authorities, should be a chief officer of the Authority directly responsible to the appropriate Committee, and in all cases

(*a*) This referred particularly to the outbreak of typhoid fever at Croydon: see *Read* v. *Croydon Corporation*, [1938] 4 All E. R. 631; 103 J. P. 25; Digest Supp.

should be in a position to give detailed personal attention to the work. The Minister has no doubt that water undertakers generally will appreciate the need for maintaining the high standards of administration which are rightly demanded in a matter of such fundamental importance to public health, but the results that may ensue from neglect of precautionary measures are so serious that the Minister regards it as his duty, at the present time, to impress upon all water undertakers the imperative need for unremitting care in the supervision of the water supplies for which they are responsible.

Where water is being supplied without treatment, the water undertakers must satisfy themselves that this practice can safely be continued. For this purpose, they should keep a constant watch on the quality of the water by frequent analyses. How often the analyses should be made in a particular case depends on local conditions, *e.g.*, on the character of the source and of its gathering ground and their position in relation to each other. The Minister is satisfied that under modern conditions more frequent analyses are needed in many cases as a minimum precautionary measure, particularly where there is a tendency to fluctuation in the composition or bacterial content of the water. The water undertakers should be guided as to the frequency of analyses by the views of their expert advisers after examination of the local conditions. It is not sufficient, however, to rely on results from analyses alone. Regular and frequent inspections should be made of the area forming the gathering ground of any spring or stream used as a source of supply and of areas surrounding underground sources of supply situate in or near the outcrop of the strata from which the water is drawn, and all practicable steps should be taken to remove possible sources of contamination in these areas. If, as a result of their analyses and inspections or for any other reason, the water undertakers have cause to think that any of their sources of water supply cannot be made and kept free from liability to pollution, they should immediately treat the water by effective methods of purification.

In a separate communication to the water undertakers concerned, particular attention is being drawn to the need for special safeguards where water is supplied from wells or borings into the chalk or limestone at or near the outcrop of those formations.

Where the water is treated, the treatment should as far as possible be automatically controlled, and where the treatment includes chlorination, the dosage should be automatically and continuously recorded. The efficacy of any form of treatment given should be verified by frequent tests of the treated water. The method, extent and control of treatment required in any particular case are also matters on which the water undertakers should be guided by expert advice. Periodic analyses should be made of the raw water in order to keep a check on any change in its character and on the treatment needed. The Minister would, however, stress the point that treatment of the water should be regarded, not as a complete security in itself, but as complementary to the taking of all practicable steps to seek for and remove the causes of pollution of the raw water.

The utmost vigilance is also required to ensure that no risk of contamination of the water supplies arises from operations in connection with the normal maintenance and improvement of waterworks, such as extensions of the works, the reconditioning of wells, reservoirs, and filters, the repair of pumping plant, etc.; and in some cases, *e.g.*, where men are engaged on work in a well, it is essential either to cut off the supply from the well until the work is completed or to give precautionary treatment to the water.

The Minister would emphasise that the administrative responsibility for a service of such vital importance to health can only be successfully discharged if there is effective collaboration and co-operation between those responsible in their various capacities for the conduct and efficiency of the undertaking and between the water undertakers and the Local Authorities of areas served by them. It is essential that Local Authorities who are themselves water undertakers should ensure that the Water Committee and its officers work in close co-operation with the Public Health Committee and the Medical Officer of Health. Where the water undertakers are not the Local Authority for an area supplied by them, they should always be ready, on request, to furnish full information to that Local Authority or its Medical Officer of Health as to the quality of the water supplied and the precautions taken to safeguard its wholesomeness. On the other hand, Local Authorities should make it their duty

WATER SUPPLY

to bring to the notice of water undertakers cases of enteric fever or other diseases likely to be water-borne, and also any building development or other operations in the Local Authority's area which might affect the purity of a source of water supply.

The Minister would be happy at any time to arrange for his officers to discuss with those concerned any points arising out of this letter on which it is thought the Department can be of assistance.

I am, Sir,
Your obedient Servant,
GEORGE CHRYSTAL,
Secretary.

The Clerk of the Council or Board.
The Secretary of the Company.

MEMORANDUM 221.

MEMORANDUM ON THE SAFEGUARDS TO BE ADOPTED IN DAY TO DAY ADMINISTRATION OF WATER UNDERTAKINGS.

GENERAL.

1. The prevention of water-borne diseases was the chief and almost the only concern of sanitation as it was understood a hundred years ago. Recent events have shown that even now it can be achieved only by careful and constant supervision of supplies of drinking water. Between 1911 and 1937 there occurred twenty-one outbreaks of disease, conveyed by public water supplies, of such gravity as to merit detailed mention in the annual reports of the Medical Officer of the Local Government Board and the Chief Medical Officer of the Ministry of Health. Pollution prior to storage and distribution was responsible for thirteen of these outbreaks, four of the thirteen involving overground supplies and nine of them underground supplies. Pollution during storage occurred in two cases. Pollution during distribution appears to have occurred in six instances. The numbers of known cases of disease resulting from these outbreaks were: enteric fever (including paratyphoid) 1,237; bacillary dysentery 2,800; and gastro-enteritis 7,439.

2. The Minister has recently (*a*) brought to the notice of all water undertakers the need for unremitting care in the supervision of the water supplies for which they are responsible. Particular stress was laid upon the importance of effective collaboration and co-operation between the various officers responsible for the conduct and efficiency of the undertaking and also between the water undertakers and the local authorities of areas served by them. The importance of this aspect of water administration is again emphasised.

3. The object of this memorandum is to draw attention to the precautions which should be taken in the day to day administration of water supplies. These precautions are no more than are already recognised as good practice in water administration and water undertakers should carefully review their arrangements and take appropriate steps in the light of the circumstances of their undertaking to improve their practice where this is necessary.

4. There are in England and Wales some 530 local authorities and 15 joint bodies supplying water under the Public Health Acts, and 260 local authorities, 33 joint bodies and 173 water companies supplying water under powers given by Special Acts. Three-quarters of the population of the country is supplied with water obtained from overground sources—from rivers, streams and springs—and the remaining one-quarter from wells and borings into water-bearing strata. All the bodies referred to are under statutory obligation to provide wholesome water for the use of their consumers. The variety of sources and conditions is such that it is not possible to lay down any one method applicable to every case of ensuring the fulfilment of this obligation. Undertakers must have regard to the circumstances in their own areas, *e.g.*, the nature and situation of the source from which the supply is drawn and the

(*a*) Circular 1684 dated 12th March, 1938, *ante*, p. 4082.

character and formation of the gathering ground, and must themselves decide, on competent advice, the machinery and methods of control which are most suitable to their own local conditions.

HEALTH OF WORKMEN EMPLOYED ON WATERWORKS.

5. Careful discrimination should be exercised in the selection of workmen employed on waterworks other than works where no risk to the purity of the water supply is likely to arise, and the clinical history of each such workman, particularly with reference to enteric infection, should be thoroughly investigated in order to determine his suitability for this kind of employment. Any man attacked by illness associated with looseness of the bowels should be suspended from work until his recovery is complete and medical examination shows that he is safe to return to work. Every new man proposed to be employed on any part of the works where there is risk of his contaminating the water should be examined by means of a Widal test of his blood in order to ascertain whether or not he is likely to be a typhoid carrier. If a positive result is obtained which is not attributable to preventive inoculation, he should not be employed unless bacteriological examination of his excreta on at least three occasions shows negative results as regards the presence of pathogenic bacteria.

In the case of local authorities who are water undertakers, these examinations should be arranged for by their Medical Officer of Health, who will review all the circumstances and whose decision on the question of the employment or continued employment of any man for this kind of work should be final. The Medical Officer of Health or other expert medical adviser should be similarly consulted in the case of other water undertakers.

GENERAL CLEANLINESS OF WATERWORKS.

6. All buildings, machinery, apparatus and yards used for waterworks purposes should be kept scrupulously clean. Proper and adequate sanitary accommodation and washing facilities should be provided at any part of the works where men are regularly employed. All such accommodation should be regularly inspected, and all drains should be periodically tested in order to ensure that no leakage occurs.

PROTECTION OF SOURCES OF SUPPLY.

7. Whatever the source of supply may be, and whether or not purification treatment is given to the water before it is brought into service, every effort should be made to secure that so far as is practicable the raw water is protected from pollution.

Upland Overground Sources.

8. Where the source of water supply is a reservoir impounding the head waters of a stream or an intake near the source of the stream, the water undertakers should, wherever reasonably practicable, acquire the whole of the gathering ground above the reservoir dam or the intake, and protect the reservoir or intake by adequate fencing. Steps should be taken to secure that drainage from farmyards or houses remaining on the gathering ground or the manuring of land on the gathering ground does not pollute the source of supply.

9. Where it is not practicable to acquire the gathering ground and thus control it, it should be part of the routine duty of the water undertakers' staff to make regular and frequent inspections of the whole of the gathering ground with a view to detecting possible causes of pollution. Any building development on the gathering ground should be carefully watched for risk of contamination of the source of supply.

Springs.

10. Where the source of supply is a spring, a sufficient area of land surrounding the spring should be acquired by the water undertakers to enable them to apply adequate protective measures, and a close watch should be maintained by the water undertakers' staff over the area in the vicinity of the spring so that any possible source of pollution may be quickly detected.

WATER SUPPLY

River Supplies.

11. Where a supply is obtained from the lower reaches of a river or stream regular and frequent inspections should be made of the course of the river or stream above the intake with a view to ascertaining the likelihood of pollution being discharged.

Underground Sources.

12. A well or borehole forming a source of supply should be made watertight to such a depth as will prevent any surface pollution from entering, and there should be an efficient sealing between the casing of the borehole and the surrounding ground. Periodic inspections of wells and boreholes should be made in order to ensure that the lining is sound. The water undertakers should acquire a sufficient area of land surrounding the site of the well or borehole to enable them to protect the immediate surroundings. Where the well or borehole is on or near to the outcrop of the strata from which the water is drawn, it should be the routine duty of the water undertakers' staff to make regular and frequent inspections of the area within at least two miles of the site of the well or boring with a view to detecting possible causes of pollution. Particular attention should be paid to any cesspools and soakaways in such an area and the water undertakers should satisfy themselves that danger to their source of supply is not likely to arise from them. Further, a map showing details of any sewerage system within this area should be kept.

13. The inspections by the water undertakers' staff referred to in the preceding paragraphs should be carefully recorded and reports made to the water undertakers or their appropriate Committee. Each report should draw special attention to any alterations which have occurred on the gathering ground since the preceding report. Where the reports indicate a possible cause of pollution of the source of supply, the water undertakers should take such action as may be available to them to remove it. It will be appreciated that these reports will assist materially in interpreting the results of periodic analyses of the raw water.

ANALYSES.*

14. Where water is being supplied without treatment, the water undertakers should make frequent and regular analyses of the water in order to satisfy themselves that this practice may safely be continued. If there is a tendency to fluctuation in the composition or bacterial content of the water, or if inspection of the gathering ground of the source of supply shows possible risk of pollution, analyses should invariably be made at very short intervals. How frequently and at what times the analyses should be made must depend on local conditions and this question should be determined in the case of each water undertaking by the expert views of their advisers after consideration of the local conditions.

15. The results of any analyses must be read in the light of the nature of the source and the condition of the gathering ground, and it is not possible to lay down any hard and fast standard which would be applicable to all supplies. If, however, as a result of analyses and of the inspection of the gathering ground, the water undertakers acting in the case of local authorities on the advice of their Medical Officer of Health and in other cases on the advice of their experts, have any grounds for suspecting that the water cannot be made and kept free from risk of becoming unwholesome they should not hesitate to subject the water to an effective method of treatment.

16. Where the water is treated it is important that regular analyses should be made of the raw water as well as of the treated water. It will not of course be necessary to make such frequent analyses of the raw water when treatment is given as when it is not, but the analyses should be of sufficient frequency to enable an adequate check to be kept on the character of the raw water as a guide to the treatment required.

* For information as to the technique of water analysis see "Reports on Public Health and Medical Subjects No. 71—the Bacteriological Examination of Water Supplies" obtainable (price 1*s.* 3*d.* net) from H.M. Stationery Office.

TREATMENT OF WATER.

17. The conversion of a polluted and therefore dangerous water into a safe potable water is a matter requiring the greatest care if the health of the consumer is not to be jeopardised. There is often a tendency to think that, provided arrangements are made for chlorination, safety is secured whatever the condition of the raw water. It cannot be sufficiently stressed that a policy of reliance on a single line of defence between the consumer and a polluted source of water supply is fraught with danger. Not only should every effort be made, as has been suggested above, to keep the source as free as possible from pollution, but, wherever practicable, the method of treatment should be such as to provide at least two lines of defence, such as, for example, chlorination or other effective form of sterilisation after storage or filtration.

18. Treatment plant should at all times not only be under the supervision of properly trained persons, but should also as far as possible be automatically controlled. Where the treatment includes chlorination, the dosage should be automatically and continuously recorded. The dosage should also be such as to leave residual chlorine after a reasonable period of contact, the period required being determined by the undertakers on expert advice, and frequent tests should be made to ensure this.

SERVICE RESERVOIRS.

19. Service reservoirs from which water passes direct to the consumer should, wherever practicable, be covered. An open reservoir of this kind is dangerous, because any pollution entering it reaches the consumer in a short space of time, and if it is not practicable to cover it, the water should be adequately chlorinated as a safeguard.

Care should be taken to ensure that pollution cannot enter reservoirs through ventilators, manholes, washouts and overflows. Service reservoirs should be periodically inspected with a view to detecting any cracks or other defects which may develop and permit the access of pollution to the water.

MAINS AND HYDRANTS.

20. All new mains should, after connection with the supply system, but before being used to convey water to consumers, be thoroughly flushed. Where possible chlorinated water should be used for this purpose. Mains that have been cut and repaired should be similarly treated.

The arrangement of air valves and air vents to mains should be such that there is no possibility of pollution entering the mains through them.

21. Ball hydrants form a ready means of ingress of polluting matter into water mains and are therefore a potential source of danger. Water undertakers should take the first opportunity of having them replaced by safer types of hydrant.

WORKS OF REPAIR AND CLEANING.

22. It is of the first importance that the arrangements made where works of repair or extension are being carried out are such as to obviate any risk of danger to the health of the consumer from contamination of the water supply. Instructions to workmen as to their conduct while engaged on such works should be in precise terms, and it should be made clear to them that any breach of the instructions will be followed by dismissal.

23. Where pumps or other machinery have been removed from a well or borehole for cleaning or repair, they should be thoroughly cleansed with chlorinated water before being replaced. New pumps or other machinery should be similarly treated before being inserted in the well or borehole.

Wells and Headings.

24. Where work is proceeding in a well or heading, the water therefrom should, whenever possible, be cut out of supply and pumped to waste. If this is not possible, the water should be subjected to an effective method of treatment during the period while the work is proceeding and for a period of at least one week after the work has been completed.

WATER SUPPLY

25. The workmen should be provided with boots and overalls which should be kept at the waterworks, and the boots should be cleansed with chlorinated water on every occasion before the men enter the well.

26. Sanitary arrangements should be provided at the surface and so designed that any risk of the men's boots being fouled is avoided. Pails, of a type which minimises the risk of splashing or overturning, should be provided for micturition where the men are working. Strict instructions should be given that any man wishing to defecate must be brought to the surface and that micturition should take place in the pail provided.

Service Reservoirs and Filters.

27. Precautions similar to those referred to in the preceding paragraph should be taken as regards the provision of sanitary arrangements for men engaged in cleaning reservoirs or filters. The pails for micturition purposes should be placed as near as conveniently possible to the place where the men are actually working. In the case of service reservoirs the precautions set out in paragraph 25 should be observed.

28. Service reservoirs when cleaned should be thoroughly sluiced with clean water, the water being chlorinated wherever practicable.

MAPS.

29. Each water undertaker should keep an up-to-date record in the form of maps and plans of the sites of their sources of supply and reservoirs and of their distribution system, so that they can ascertain readily how each property in their area is served. A diagram of the pipes and valves in and around engine houses and reservoirs should also be kept.

Ministry of Health,
Whitehall, S.W.1.
January, 1939.

ADDENDA.

FOOD AND DRUGS.

CIRCULAR 1755.

County Councils,
Common Council of the City of London,
The Overseers of the Inner and Middle Temples,
Metropolitan Borough Councils,
Borough Councils,
Urban District Councils,
Rural District Councils,
Port Health Authorities (England).

MINISTRY OF HEALTH,
WHITEHALL, S.W.1.
15th December, 1938.

FOOD AND DRUGS ACT, 1938.

SIR,—1. I am directed by the Minister of Health to refer to the above Act (*a*) which passed into law in July last and comes into operation on October 1st, 1939.

2. The Act is based on a draft Bill * prepared by the Local Government and Public Health Consolidation Committee; it represents a continuation of their work, earlier draft Bills prepared by them having resulted in the Local Government Act, 1933, and the Public Health Act, 1936. The law relating to Food and Drugs (including Milk and Dairies), slaughter-houses and local authorities' market undertakings is consolidated and amended, and simplified in some respects; other miscellaneous provisions have been included † and a few powers which have been found to be advantageous but have hitherto only been obtained by individual authorities have been made general. Unlike the Acts of 1933 and 1936, the Act, except the Part relating to Markets and Slaughter-houses, applies to London. Some provisions extend to Scotland, and some to Northern Ireland.

3. The process of consolidating enactments dating back to the 16th century has necessitated a large number of minor amendments and the Minister does not propose to issue a detailed explanatory memorandum. Most of the substantial amendments are, however, fully dealt with in the Report ‡ which accompanied the draft Bill (subsequently referred to as "the report") and local authorities will be well advised to study the new Act in the light of that report; a table showing the clauses of the draft Bill which correspond to the sections of the Act is given in the Appendix to this Circular.

4. Reference is made below to some of the more important changes and matters which require early consideration, and also to certain changes which were made during the passage of the Bill through Parliament and are not therefore dealt with in the report.

5. *Enforcement.*—The authorities whose duty it is to enforce the various provisions of the new Act are set out in Section 65.

* Draft of a Food and Drugs Bill, Cmd. 5629, price 1*s.* 6*d.*, H.M. Stationery Office.

† The subjects (following generally the headings in the Act) are:—Composition of Food and Drugs; Unsound Food; Precautions against contamination; Food poisoning; Meat from Knackers' yards; Milk and Dairies; Artificial Cream; Bread and Flour; Margarine, Margarine-cheese, Butter and Milk-blended Butter; Ice-cream; Horseflesh; Shellfish; Importation; Markets, Slaughter-houses (including Knackers' yards) and Cold-air Stores; Miscellaneous Provisions.

‡ Third Interim Report of the Local Government and Public Health Consolidation Committee, Cmd. 5628, price 1*s.* 0*d.*, H.M. Stationery Office.

(*a*) *Ante*, p. 1301.

FOOD AND DRUGS

The new definition of Food and Drugs authority contained in Section 64 (see paragraphs 23 to 27 of the report) will in most counties involve early consideration by the authorities concerned of the necessary administrative arrangements. Inside London the Food and Drugs authorities, as now, will be the Common Council and the metropolitan borough councils. Outside London as from October 1st, 1939, the Food and Drugs authorities for the various areas will be as follows :—

(*a*) for county boroughs and for non-county boroughs where the authority are now the Food and Drugs authority and the population according to the last census was 40,000 or more ; the borough council ;

(*b*) for non-county boroughs where the authority are not now the Food and Drugs authority and for urban districts having, in either case, a population of 40,000 or more according to the last census ; the borough or district council, unless in pursuance of proviso (*a*) to Section 64, the Minister on application from the county council in certain circumstances directs that the county council shall retain the functions ;

(*c*) for non-county boroughs and urban districts with a population of not less than 20,000 nor more than 40,000 according to the last census ; the county council, unless the Minister in pursuance of proviso (*b*) to Section 64, on application of the local authority, directs that the local authority instead of the county council shall be the Food and Drugs authority ;

(*d*) for non-county boroughs and urban districts with a population of less than 20,000 according to the last census and for rural districts ; the county council.

It is requested that any application which a county council may think it necessary to submit under the proviso (*a*) to Section 64 should be made as soon as possible, and in any case not later than March 1st, 1939. Any such application should be accompanied by a map of the county showing the area for which the county council would, in the absence of a direction under the section, be the Food and Drugs authority and the area in respect of which they are making the application. It is also requested that any councils of non-county boroughs, with a population between 20,000 and 40,000, who are now Food and Drugs authorities and who intend to apply under the proviso (*b*) to Section 64 should make their application not later than March 1st, 1939.

An applicant council should cause to be published in newspapers circulating in their area a notice that such application has been made, and that any representations in respect of the application by interested bodies or persons should be sent to the Minister within 14 days ; evidence of publication should be submitted to the Minister. Notice of the application should also be sent to the other authority or authorities concerned who should inform the Minister as soon as possible if they wish to submit observations.

The population figure for any area relevant at the present time for the purpose of Section 64 is the population according to the *1931 census* for the area *as now constituted.*

Apart from these special provisions for transfer of responsibility, Section 274 of the Local Government Act, 1933 (*a*), by which a county council may agree that the council of a county district should act as their agents, and Section 320 of the Public Health Act, 1936 (*b*), whereby the council of a county district may relinquish functions to a county council, will also apply.

By Section 65 (3) of the new Act, any county council or local authority may institute proceedings under the Act, notwithstanding that they are not charged with the duty of enforcement, and Section 75 (5) enables a county council to contribute to the expenses incurred in this connection by the council of a county district who are not a Food and Drugs authority.

Compensation to officers for loss arising out of the transfer of functions under the Act is provided for in Section 95. Where a full-time officer has been appointed in respect of functions which will be transferred from one authority to another, the new arrangements should, wherever possible, provide for a continuation of his employment. Where work devolves from a county council to the council of a county district, it may prove best in the interests of efficiency for the new authority to appoint the same public analyst as the county council.

(*a*) *Ante*, p. 1154. (*b*) *Ante*, p. 664.

6. *Sampling.*—Any "authorised officer," defined in Section 100, may take samples, and in addition to the existing power of purchasing samples, he is now authorised to take samples from any premises entered by him in the execution of duties under the Act (Section 68 (3)). This power coupled with the power of entry in Section 77 should prove of great use in the control of food factories. It will be noted that it is no longer a necessary precedent to prosecution to submit a sample in all cases to a public analyst.

Section 68 (6) provides a simple machinery by which an officer of one authority may take milk samples in the area of another authority. At present this can only be done with the Minister's approval.

7. *Food Premises.*—Section 13 reproduces, with amendment, Section 72 of the Public Health Act, 1925 (*a*) (see note in the Appendix to the report); the provisions will extend to yards, forecourts and areas (Section 13 (5)). Section 14 requires registration of certain food premises, with a power to refuse or cancel registration. After October 1st, 1939, it will be illegal to use unregistered premises and local authorities will no doubt take steps to set up registers and arrange for adequate publicity before that date.

8. *Unsound Food.*—Sections 9 and 10 reproduce with amendment Sections 116 and 117 of the Public Health Act, 1875 (*b*). They extend to all articles of food. The 1875 provisions were limited to animals and certain specified articles though they could be extended to other articles of food by the adoption of Section 28 of the Public Health Acts Amendment Act, 1890 (*c*). Live animals are now dealt with under the Diseases of Animals Acts (*d*), and are no longer included in the definition of "food," but that definition (Section 100) includes the whole or part of the carcase of any animal or bird, and any fish, dead or alive (see definition of "article").

Examination and seizure may be carried out by any "authorised officer" as defined in Section 100, but it will be noticed that the effect of the definition is to limit these powers, in the case of meat, to the Medical Officer of Health, Sanitary Inspector or a member of the Royal College of Veterinary Surgeons employed for food inspection purposes.

The officer has only to inform the person in possession of his intention to have the food dealt with by a Justice of the Peace, but other persons liable may attend before the justice and give evidence (Section 10 (2)).

Where the offence of the sale, etc., of unsound food is proved the person who sold to the offender may also be prosecuted.

Section 11 extends the powers of local authorities in relation to unsound food to food offered as a "prize or reward." During the passage of the Bill attention was drawn to the practice, adopted by savings clubs and other organisations, of distributing articles of food, especially at Christmas time, in consideration of the payment of small sums of money spread over a protracted period. The Minister is advised that in ordinary circumstances such a transaction involves a sale of the food and that the provisions of Sections 9 and 10 accordingly apply apart from the operation of this section. In any special circumstances where there is not a sale it appears that the provisions of this section, including the definition of the expression "entertainment," will usually be wide enough to render the provisions of the former sections applicable. The element which is common to these two types of transaction is that the purchaser or recipient has not the same opportunities for selection or rejection as he has when he is purchasing food in the ordinary way, and the Minister considers that authorities should instruct their officers to give at least as much attention to such cases as they give to others where the same kinds of food are offered for sale to the general public.

Section 12 authorises examination of food in transit, and Sections 17 and 18 give new powers which should be of material assistance in dealing with or preventing cases of food poisoning. Further powers are given for the control of meat from knackers' yards (see paragraph 12 below).

9. *Milk and Dairies.*—It is explained in paragraph 43 of the report that an attempt has been made to distinguish between provisions appropriate to the Statute Book and to Regulations respectively. The result is that Section 4 of the Infectious

(*a*) 13 Halsbury's Statutes 1148.
(*b*) *Ibid.*, 672.
(*c*) *Ibid.*, 835.
(*d*) 1 Halsbury's Statutes 389 *et seq.*

FOOD AND DRUGS

Disease (Prevention) Act, 1890 (*a*), Sections 53 and 54 of the Public Health Acts Amendment Act, 1907 (*a*), and Section 6 of the Milk and Dairies (Consolidation) Act, 1915 (*b*), have been repealed, and the Minister has at present under consideration the question whether additional regulations to replace them are necessary.

Sections 3 and 4 and the First Schedule of the Milk and Dairies (Consolidation) Act, 1915 (*b*), have also been repealed (paragraph 44 of the report). As stated by the Committee, the Tuberculosis Order, 1925, made by the Minister of Agriculture and Fisheries under the Diseases of Animals Acts, has usually been made use of in preference to Section 3. This Order has since been replaced by the Order of 1938 (*c*) on account of the new veterinary arrangements introduced by the Agriculture Act, 1937 (*d*). In paragraph 11 of Circular 1685 (*e*) of March 22nd last the new arrangements under Section 4 of the Act of 1915, consequent on the passage of the Act of 1937, are set out. Briefly these are that when the Medical Officer of Health of a county or county borough receives notice under Section 4 he shall communicate with the Divisional Inspector of the Ministry of Agriculture and Fisheries, who will then take action as if he had received notice under the Tuberculosis Order, and inform the Medical Officer of Health of the result. Although after October 1st, 1939, there will be no statutory obligation on a county or county borough Medical Officer of Health to take action on receiving a notice from a district Medical Officer of Health in the circumstances set out in Section 4, the Minister has no doubt that local authorities will appreciate the advantage of continuing, as an administrative arrangement, the existing co-operation between the Medical Officers of Health and the Divisional Inspector. A district Medical Officer of Health who has reason to suspect that tuberculosis is caused or is likely to be caused by the consumption of any milk sold or exposed for sale within his area, should communicate with the Medical Officer of the county or county borough in which the cows are kept, and the latter should then immediately take the action set out in paragraph 11 of Circular 1685.

Section 10 of the Milk Act of 1934 (*f*) is reproduced in Section 21 of the new Act, and Section 5 of the Milk and Dairies (Consolidation) Act, 1915 (*g*), and Section 5 of the Milk and Dairies (Amendment) Act, 1922 (*g*), in Section 25; outside London, county and county borough councils only will in future have the *duty* of enforcing these provisions, except that the duty of enforcing Section 21 in a county district as regards non-producers devolves on the district council.

Milk is defined (Section 100) as including cream, separated and skimmed milk, but not dried or condensed milk. By Section 29 provisions, other than registration, relating to cream apply also to artificial cream.

10. *Advertisements and Labels.*—The "labelling" defence on prosecution for a sale to the prejudice of the purchaser is reproduced in Section 4, but Section 5 makes more stringent requirements as regards the label. It must be of *adequate size*, and have the notice of addition or abstraction distinctly and legibly printed and *conspicuously visible*. Moreover, the notice is now required to be more explicit. Exemptions for certain existing labels are set out in Section 5 (2).

Powers are now given (Section 6 (1)) are regards a *misleading* label which may not in terms falsely describe the article, and provision is made for control of advertisements (Section 6 (2)). Margarine labels and advertisements suggesting the inclusion of butter must state the approximate percentage (Section 32 (2)).

11. *Markets.*—Sections 45–56 reproduce in the main the existing law relating to markets, as it affects local authorities. There are, however, certain amendments which should be borne in mind.

The proviso to Section 44 (2) makes it clear that the proximity of an existing market established by a local authority is not to be an obstacle to the establishment of a new market by another authority.

At present the times of a local authority's market are fixed by byelaws made under Section 42 of the Markets and Fairs Clauses Act, 1847 (*h*). Section 46 alters this by providing that the authority may appoint market days and hours with the approval

(*a*) 13 Halsbury's Statutes 818, 931.
(*b*) 8 Halsbury's Statutes 868, 866.
(*c*) *Ante*, p. 3412.
(*d*) 30 Halsbury's Statutes 52.
(*e*) *Ante*, p 3409.
(*f*) 27 Halsbury's Statutes 16.
(*g*) 8 Halsbury's Statutes 868, 881.
(*h*) 11 Halsbury's Statutes 464.

of the Minister, and any such appointment should be made by resolution of the authority.

The existing law with respect to the approval of tolls by the Minister is re-enacted and extended in Section 47 to include, additionally, stallages and charges.

Section 13 of the Act of 1847 (*a*), which is incorporated in the Public Health Act, 1875, is reproduced in Section 50 with two exceptions. First, the prohibition of sales elsewhere than in the market, or in shops, is limited to market days and market hours and, second, to make the section effective the market authority must, by byelaw, declare the distance within which the prohibition is to operate and specify the articles (being articles commonly sold in the market) to which the prohibition applies. The market authority must keep exhibited in conspicuous positions in the vicinity of the market, notices stating the effect of any such byelaw.

12. *Slaughter-houses and Knackers' Yards.*—*All* slaughter-houses and knackers' yards must in future be licensed, subject to renewal within a period of *not more* than 13 months—Section 57 ; see also paragraphs 55–60 of the report. Premises lawfully in use as a slaughter-house or knacker's yard at October 1st, 1939, are to be deemed to be licensed under the new Act until a date four months from its commencement, *i.e.*, February 1st, 1940. A licensing authority should notify the persons concerned in their area that application for a licence or renewal will be necessary and that it must be submitted before a specified date in order to give the authority time to issue new licences by February 1st, 1940.

A new power is given in Section 61 to reduce the number of private slaughter-houses—see paragraph 61 of the report.

Section 19 provides that meat from knackers' yards shall not be sold, etc., for human consumption and Section 58 (1) (b) empowers a local authority by byelaw to require records of consignments, etc., to be kept. These provisions are directed to preventing the disposal of parts of carcases from knackers' yards in a manner detrimental to the public health. It may be noted that the Protection of Animals Act, 1911 (*b*), which has a different purpose in view, also requires a record of animals brought to a knackers' yard.

13. *Public Analysts' Report.*—Section 74 (2) provides that every Food and Drugs authority shall transmit to the Minister at such times as he may direct a copy of each quarterly report received by them from a public analyst. A copy of each report should be sent to this Department as soon as possible after it is received, and in any case that for the fourth quarter in any year should be sent not later than the end of the following January.

14. *Miscellaneous.*—Attention is also drawn to the following provisions representing new law.

Section 16 requires every dealer in ice-cream from a stall or vehicle, or from a container used without a stall or vehicle, to have his name and address displayed thereon. It may be extended to any other articles of food, or all food, except milk, by resolution of the local authority (Subsection (2)).

Section 37 gives additional powers in relation to ice-cream which should be of assistance in the prevention of "milk-borne disease," as defined in Section 37 (5) and Part II of the First Schedule.

Section 90 makes provision for the continuance of a business pending appeal against a refusal by a local authority to grant or continue any necessary registration or licence under the Act. It will be observed that it applies only to businesses *lawfully* carried on at the time of the authority's decision. The Committee, in paragraph 21 of the report, comment on an existing abuse in relation to milk arising from the operation of the last paragraph of Section 2 (1) of the Milk and Dairies (Amendment) Act, 1922 (*c*). That provision did not embody the limitation, which is to be fond in Section 90, to businesses lawfully carried on.

Section 97 provides for temporary continuance of a licence or registration on the death of the person licensed or registered.

(*a*) 11 Halsbury's Statutes 457.
(*b*) 1 Halsbury's Statutes 373.
(*c*) 8 Halsbury's Statutes 879.

FOOD AND DRUGS

15. A copy of this circular is being sent to the Medical Officer of Health and to all Public Analysts. Further copies may be obtained through any bookseller, or directly from H.M. Stationery Office at the addresses shown on the last page of this Circular.

I am, Sir,
Your obedient Servant,
I. F. ARMER,
Assistant Secretary.

APPENDIX.

Sections of the Act	*Corresponding Clauses of the Draft Bill*
1–13	1–13
14	35
15–18	14–17
19	—
20–36	18–34
37, 38	36, 37
39–51	39–51
52	52 & 53
53–62	54–63
63	—
64–101	64–101
102	—
103	102
First Schedule	First Schedule
Second Schedule	—
Third and Fourth Schedules	Second and Third Schedules

MEMO. 36/FOODS.

MINISTRY OF HEALTH.

PROCEDURE UNDER THE FOOD AND DRUGS ACT, ETC.

I.—LEGAL PROVISIONS.

1. The principal legal provisions relating to the composition and description of food and drugs to which this Memorandum refers are :—

(*a*) Statutory provisions :—
Certain sections of the Food and Drugs Act, 1938, referred to in Section 65 of the Act (*a*).

(*b*) Regulations :—
Sale of Milk Regulations (*b*) ;
Public Health (Condensed Milk) Regulations, 1923 and 1927 (*c*) ;
Public Health (Dried Milk) Regulations, 1923 and 1927 (*d*) ;
Public Health (Preservatives &c. in Food) Regulations, 1925 to 1927 (*e*) ;
Public Analysts Regulations, 1939 (*f*).

2. These provisions are administered by Food and Drugs authorities and should be treated for the purposes of administration and report as a single group of laws for securing the purity of food.

II.—ACTION AND REPORTS OF FOOD AND DRUGS AUTHORITIES.

3. By Section 74 (2) of the Food and Drugs Act, 1938, and paragraph 13 of Circular 1755 (*g*), a Food and Drugs authority is required to send to the Minister a copy of

(*a*) *Ante*, p. 1403.
(*b*) *Ante*, p. 3420.
(*c*) *Ante*, pp. 3371, 3390.
(*d*) *Ante*, pp. 3375, 3391.
(*e*) *Ante*, p. 2816.
(*f*) *Ante*, p. 3468.
(*g*) *Ante*, p. 4093.

each quarterly report of the Public Analyst as soon as possible after the report is received. The copy of the report for the fourth quarter must be sent in any case before the end of the following January.

4. The Ministry also desire to receive the following information:—

(*a*) In regard to each sample reported by the Public Analyst as not genuine or otherwise as giving rise to irregularity—

(i) If the sample was taken formally and legal proceedings have been instituted, a statement showing the result. Particulars should be given of any prosecution of an exceptional character, especially in connection with the adulteration of milk or the application of any new legislation or regulation.

(ii) If the sample was taken formally and proceedings have not been instituted, a brief statement of the circumstances in which it has been decided that prosecution was not advisable, and the precise action taken.

(iii) If the sample was taken informally, the action taken.

(*b*) In regard to any sample not submitted to the Public Analyst, the nature of the examination, its result, and the action taken, if any.

The information should be given either on a copy of the Analyst's report or otherwise, in such a form as to ensure the identification of the relative sample, and where reference is not made in the Analyst's report (samples in category (*b*) above) it is desirable none the less that the information should be sent quarterly.

5. Where proceedings in respect of offences committed in any quarter are pending at the time of sending in the report for that quarter, the necessary information as to the result of the proceedings should be transmitted to the Ministry as early as practicable.

6. The Ministry desire to be furnished with particulars of offences other than adulteration and sale of articles to the prejudice of the purchaser, etc., *e.g.* contravention of the labelling requirements in Part III of the Act of 1938 or of regulations, and obstruction of officers in the discharge of their duty, by refusing to sell or otherwise. As regards such offences information as to the action taken should be given on the same lines as that asked for above with regard to adulterated, etc. samples.

7. The Ministry would also be glad to be informed of all cases in which samples have been submitted to the Public Analyst, or of any other action which has been taken with regard to the composition or description of food, otherwise than under the legal provisions referred to in paragraph 1 of this Memorandum (*e.g.* under the Merchandise Marks Acts (*a*)).

8. The Ministry should be furnished with copies of any annual or special reports made to the Authority by the Public Analyst on the general working and administration of the Act and similar matters, or the results of special investigations as to particular foods. The Medical Officer of Health is required by regulation to furnish the Minister with a copy of any special report which he may make to the Authority, and the Department would also be glad to receive a copy of reports on these matters by any other officers as soon as they have been submitted to the Authority.

III.—APPOINTMENT OF PUBLIC ANALYSTS

9. The qualifications which should be held by candidates for appointment as Public Analysts are set out in the Public Analysts Regulations, 1939 (*b*). The Minister may approve other qualifications in special circumstances and an indication of these is given in Circular 1833 (*c*). Briefly, satisfactory evidence of competence in analytical chemistry, therapeutics and microscopy equivalent to that necessary for the qualifications set out in the Regulations will be required.

10. When the appointment of a Public Analyst is submitted for the Minister's approval, particulars of the appointment should be given on a form to be obtained from the Department.

(*a*) 19 Halsbury's Statutes 832.
(*b*) *Ante*, p. 3468.
(*c*) *Ante*, p. 3467.

FOOD AND DRUGS

IV.—COLLECTION AND DISPOSAL OF SAMPLES.

11. The quantity of any article purchased should be sufficient to enable a satisfactory analysis to be made of each of the three portions into which the sample is divided, but should not be so large as to attract special attention. In any case of doubt the Public Analyst should be consulted as to the quantity required.

12. The three portions should be made as nearly equal as possible.

13. In the case of such an article as milk care should be taken to secure an even distribution of the constituent parts of the sample before it is divided. Where milk is sold in bottles or cartons it may be useful for this purpose to pour the milk into a larger vessel and thoroughly mix by use of a plunger or repeated pourings. A small quantity should then be returned to rinse out the bottle or carton before the final mixing by plunging or repeated pouring from vessel to vessel.

14. The bottles used for liquids should have a narrow neck and should be filled as nearly as possible, since if the samples are shaken in transit the use of bottles much too large for the contents may result in a separation of some of the constituents of the liquids.

15. Such bottles should be closed with suitable stoppers fitting so tightly as to secure the contents with no aid from the wax used for sealing. The sealing should be carried out in such a way as to ensure that the stopper cannot be removed without breaking the seal. Where corks are used as stoppers, care should be taken to see that they are new, sound and well softened, and it is recommended that the cork should be driven in as far as it will go, and cut off flush with the rim of the bottle, the top of the cork and the rim of the bottle being then covered with wax and sealed. The wax should reach well down over the lip of the bottle and the seal should incorporate a distinctive mark. As an alternative, the cork may be slit down to a quarter of its length and string drawn through and securely fastened round the neck, the ends afterwards being carried to the top of the cork and sealed thereon. Another method is referred to in paragraph 19 below.

16. Samples of solid fatty substances such as butter, margarine, lard or dried milk, in which it is important that the proportions of fat and water should be accurately determined, should be placed without paper (since paper acts as an absorbent) in a dry, wide-mouthed, stoppered bottle, or glazed earthenware jar. It is an advantage to use a screw-capped bottle having a mouth as nearly as possble of the full width of the bottle. The screw-cap should be lined with cork covered with a disc consisting of a paper base impregnated with a grease-proof non-absorbent insoluble material. The sample can be placed in such a bottle without pressure, and can be easily removed by the Analyst.

17. All bottles should be of such type as to give security to the samples in transit. A bottle with a round cross-section is more suitable than a flat medicine bottle.

18. Labels, which should be printed in triplicate and bear serial numbers so as to avoid any confusion, should be securely affixed to the receptacles containing the three portions of the sample. The vendor should be given an opportunity of verifying the identity of the three labels used. The correct description of the article asked for should always appear on the label. It is advisable to seal the edge of the label to the receptacle, so that it cannot be removed by soaking.

19. In all cases where a screw-capped bottle or any receptacle which cannot conveniently be sealed is used it should be labelled with the necessary particulars, and enclosed in an envelope of stout paper secured at the end with the official seal. The serial number and other particulars should be placed both on the bottle and on the envelope.

20. It is particularly important that there should be no doubt about the nature of "appeal to cow" samples, and where cows are milked under the supervision of a sampling officer he should ensure that an adequate number of witnesses, officials or others, are present. A sample of such a milking submitted to a Public Analyst should be marked "appeal to cow sample," or in some other distinctive way to indicate the circumstances in which it was taken.

21. When a sample of a prescribed medicine is taken, the height of the contents in the bottle supplied by the vendor should be marked in his presence prior to the division of the sample. The bottle so marked should be submitted to the Analyst in order to enable him to determine the total quantity of medicine supplied.

22. The retained portion of any perishable article should be kept at an equable and cool temperature in a dark place.

23. It is desirable that articles of food which experience shows to be likely to contain preservatives should be examined for preservatives. Where a sample is taken for the determination of the sulphur dioxide content, it should be placed in an airtight receptacle so as to minimise the loss of sulphur dioxide which normally occurs on keeping, and which may be accelerated by exposure to air.

V.—PUBLIC ANALYST'S REPORTS

24. The Analyst is required by the Act of 1938 to make quarterly reports, and these should be made up to the last day of March, June, September and December respectively.

25. The Analyst should record in his reports the results of the examination of all samples of food and drugs sent to him for the purposes of the Act of 1938, etc., including those taken without the prescribed formalities and the special samples of milk (some of which may be taken outside the area for which he is appointed) under the Third Schedule of the Act. The reports should include the results of the examination of samples submitted by private purchasers (including supply departments of local authorities) in pursuance of Section 69 (2) of the Act, but not of samples submitted to the Analyst by producers or manufacturers.

26. It is desirable for the sake of uniformity that every report should contain the following particulars (preferably in tabular form *) :—

(1) Name or description of article.

(2) Number of samples of each article examined classified as (*a*) formal, (*b*) informal, and (*c*) private samples ; together with (*d*) total.

(3) Numbers of samples of each article regarded as adulterated or otherwise as giving rise to irregularity also classified as in (2).

(4) Totals of (2) and (3) for all articles.

The following particulars should be given as to the samples regarded as adulterated, etc. :—

(1) Serial number of the sample ;

(2) Name or description of article ;

(3) Whether a formal, informal, or private sample ;

(4) Nature of the adulteration or irregularity.

27. An indication of the samples which have been examined for preservatives, and any comments which the Analyst may desire to make on any of the samples examined (other than such observations as fall to be included in the last column of that section of the report headed " Adulterated Samples, etc.") should be made under the general heading " Comments " in the main body of the report. As regards milk samples the report should show whether they were " appeal to cow " samples and in the case of samples below the presumptive limits of the Sale of Milk Regulations, whether they were adjudged genuine by the Analyst on other grounds.

* A suggested tabular form is contained in the Appendix.

APPENDIX.

SUGGESTED FORM OF ANALYST'S QUARTERLY REPORT.

FOOD AND DRUGS ACT, ETC.

REPORT OF THE PUBLIC ANALYST FOR THE OF UPON THE ARTICLES ANALYSED BY HIM DURING THE QUARTER ENDED THE

Analyses.

Article.	Number examined.				Number adulterated or otherwise giving rise to irregularity.			
	Formal.	Informal.	Private.	Total.	Formal.	Informal.	Private.	Total.
Total								

Comments.

Adulterated Samples, etc.

Serial Number.	Article.	Whether Formal, Informal or Private.	Nature of adulteration or irregularity.	Observations.

(Signed)

Date

Ministry of Health,
Whitehall, London, S.W.1.

S. R. & O., 1940, No. 633.

FOOD AND DRUGS

THE PUBLIC HEALTH (PRESERVATIVES &C. IN FOOD) AMENDMENT REGULATIONS, 1940,* DATED APRIL 30TH, 1940, MADE BY THE MINISTER OF HEALTH UNDER THE FOOD AND DRUGS ACT, 1938.

The Minister of Health in exercise of the powers conferred upon him by the Food and Drugs Act, 1938, and of every other power enabling him in that behalf makes the following regulations :—

1.—(1) These regulations may be cited as the Public Health (Preservatives &c. in Food) Amendment Regulations, 1940, and these regulations and the Public Health (Preservatives &c. in Food) Regulations, 1925 to 1927, shall be construed together and may be cited together as the Public Health (Preservatives &c. in Food) Regulations, 1925 to 1940.

(2) These regulations shall come into operation on the date hereof.

2. The Public Health (Preservatives &c. in Food) Regulations, 1925, as amended (*a*) shall be further amended as follows :

(1) The following additional proviso shall be inserted at the end of Article 4 (1 and at the end of Article 11 (1) :—

" (iv) The provisions of this Article shall not apply—

(*a*) so as to prohibit the presence in bacon, ham and cooked pickled meat of any added sodium or potassium nitrite.

(*b*) so as to prohibit the presence in any article of food of sodium or potassium nitrite introduced in the preparation of such article by the use of any bacon, ham or cooked pickled meat containing sodium or potassium nitrite."

(2) The following paragraph shall be inserted after Article 4 (3) :—

" (4) No person shall manufacture for sale or sell any cooked pickled meat intended for human consumption, other than bacon and ham, which contains sodium or potassium nitrite in proportions exceeding two hundred parts per million calculated as sodium nitrite."

(3) The following paragraph shall be inserted after Article 11 (2) :—

" (3) No person shall import into England or Wales any cooked pickled meat intended for sale for human consumption, other than bacon and ham, which contains sodium or potassium nitrite in proportions exceeding two hundred parts per million calculated as sodium nitrite."

Given under the Official Seal of the Minister of Health this thirtieth day of April, nineteen hundred and forty.

(L.S.)

J. N. BECKETT,
Assistant Secretary,
Ministry of Health.

* These regulations supersede the provisional regulations dated October 20th, 1939.

(*a*) See the Regulations of 1925, printed, *ante*, p. 2816, as amended by the Regulations of 1926 and 1927.

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